

CITY COUNCIL MEETING
May 13, 2013

MAYOR & COUNCIL

F. Lee Hendrickson
Saundra Hubbard
Neal Larson
Travis Kunz
Todd Thomas

STAFF

Jerry Larsen, Clerk/Treasurer
John Balls, Public Works Director
Darek Kimball, City Engineer
Clyde Nelson, City Attorney
Ken Geddes, Police Chief
Wendy Merrill, Clerk

OTHERS PRESENT:

Robert Merrill, Scott Workman, Chuck Chesney, Chuck Shoemaker, Lillian Shoemaker, Sheridee Earl, Sid Jensen, Shawn Parkinson, Rick Hill, Linda Hansen

Council Meeting was called to order at 4:30 P.M. by Mayor Hendrickson.

Roll
Call

Roll Call of Councilmembers showed the following members present:
Hubbard, Larson, Kunz, Thomas.

Consent
Calendar

The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar in order that it be discussed in greater detail. Explanatory information is included in the City Council's agenda packet regarding these items.

- A. Council Minutes (April 22, 2013)
- B. Treasurer's Monthly Report (April 30, 2013)
- C. Bills (May 13, 2013)

It was moved by Councilmember Hubbard and seconded by Councilmember Thomas to approve the items listed on the consent calendar. This received unanimous approval.

Business
Licenses

The following business licenses were presented:

Casey Judd (Judd Meetings & Events, LLC)
Donald Davis (International Sales, Inc.)

It was moved by Councilmember Hubbard and seconded by Councilmember Larson to approve the above business licenses. This received unanimous approval.

Street
Repair
Projects
2013

City Clerk Larsen opened bids received for the street chipping and sealing projects:

PROJECT TITLE: Street Chip Sealing and Paving Projects

Separate sealed BIDS for the Street Chip Sealing and Paving Projects will be received by Preston City, at 70 W Oneida, Preston, ID 83263, until 4:00 p.m. local time on May 13, 2013, and then at said office publicly opened and read aloud at 5:00 p.m.

The work involves chip sealing, crack sealing and paving of selected roads. Roads to be chip sealed will first have the cracks sealed by the contractor. The contractor will also fog coat the chips after placement. Roads to be paved will be pulverized and repaved by the contractor. It is the intent of these documents to describe the work required to complete this project in sufficient detail to secure comparable bids. All parts or work not specifically mentioned which are necessary in order to provide a complete installation shall be included in the bid and shall conform to all Local, State and Federal requirements. The project is to be completed by October 15, 2013.

The Project Manual, Drawing and Exhibits may be obtained at the following locations:

- City Clerk's Office, City of Preston, 70 West Oneida St., Preston, Idaho 83263
- J-U-B Engineers, Inc., 1047 South 100 West Suite 180, Logan Utah 84321

A Pre-Bid Conference and walkthrough for the project will not be held. However, prospective contractors are strongly encouraged to visit the site(s).

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In determining the lowest responsive bid, the Owner will consider all acceptable bids on a basis consistent with the bid package. The Owner will also consider whether the bidder is a responsible bidder.

Before a contract will be awarded for work contemplated herein, the Owner will conduct such investigation as is necessary to determine the performance record and ability of the apparent low bidder to perform the size and type of work specified under this Contract. Upon request, the bidder shall submit such information as deemed necessary by the Owner to evaluate the bidder's qualifications.

All bids must be signed and accompanied by evidence of authority to sign. The bid shall include a certified check, bank check or bid bond in the amount of 5% of the amount of the bid proposal. Said bid security shall be forfeited to Preston City Corporation as liquidated damages should the successful bidder fail to enter into contract in accordance with their proposal as specified in the instructions to Bidders.

Pursuant to Idaho Code, a contractor must have the appropriate State of Idaho Public Works Contractor License at or prior to the award of the contract. Davis Bacon Wage Rates will not be applicable to this project.

Preston City Corporation reserves the right to reject any or all proposals, waive any nonmaterial irregularities in the bids received, and to accept the proposal deemed most advantageous to the best interest of Preston City Corporation.

Dated: April 15, 2013 Jerry C. Larsen, Preston City Clerk

Published in the Preston Citizen: April 24, 2013; May 01, 2013

All bids were formally opened and read aloud by City Clerk Larsen. Bids were as follows:

Consolidated Paving & Concrete, Inc.

Bid for Preston City Street Chip Sealing & Paving Projects 2013: **\$157,426.00**

LeGrand Johnson Construction Co.

Bid for Preston City Street Chip Sealing & Paving Projects 2013: **\$155,256.00**

Staker Parson Co.

Bid for Preston City Street Chip Sealing & Paving Projects 2013: **\$139,824.00**

It was moved by Councilmember Thomas and seconded by Councilmember Larson to award the bid for the chip and seal projects for 2013 to Staker Parson Company in the amount of **\$139,824.00**, contingent upon review by City Attorney Nelson, City Engineer Kimball and City Clerk Larsen. This received unanimous approval.

Valley Wide
Cooperative
Feed Mill

Sid Jensen, Project Manager for Valley Agronomics and Valley Wide Co-op, addressed the Council regarding plans to rebuild the Valley Wide Co-op grain mill, 264 South State, recently destroyed by fire. He stated that Valley Agronomics is in the process of making a decision about where to build a new grain mill, and wanted to know how the Council felt about their relocating in their prior location in Preston. The Council voiced their hope that the grain mill would rebuild in Preston at its former location. Mr. Jensen inquired about the process for moving forward and was advised by City Attorney Nelson to make application for a building permit. Mr. Jensen then addressed building permit fees. Since there are Federal guidelines for inspection of tanks and the City Inspector is not qualified to perform these inspections, Valley Agronomics was wondering if the City Inspector would base his fee on the valuation of the entire project, or only for what he is qualified to inspect. City Engineer Kimball assured him that the City Inspector's fees are based on the valuation of the portion he is qualified to inspect. Mr. Jensen then asked if the City offers any incentives to attract businesses to locate here, to which City Attorney Nelson responded that the Idaho State Constitution does not allow this. After Council discussion, Mr. Jensen was informed the Council would get back in touch with Valley Agronomics regarding this issue.

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Water Drainage At Green- Pointe Estates	Linda Hansen, Chuck Shoemaker and Sheridee Earl were present to address flooding in the Greenpointe Estates Subdivision. Linda Hansen addressed issues of mosquitoes and danger posed to children by stagnant water collecting in the open retention pond behind the house at 811 North Brookside Drive. Chuck Shoemaker discussed "attractive nuisances", a legal term holding landowners liable for injuries to children who trespass on private property due to something on that property they can't resist. Sheridee Earl, who resides at 811 North Brookside Drive, explained that the retention pond behind her home has caused settling damages to her home and kept her from landscaping her back yard. All three sought advice from the Council on the best way to remedy the situation. During Council discussion, it was noted that the final plat of Greenpointe Estates shows the backs of 811 North Brookside Drive and 831 North Brookside Drive as retention ponds, and the building permit issued to the Earls at 811 North Brookside clearly states that the back of the lot is a retention pond. The Council determined further review is needed to find an appropriate solution.
Street Repair Costs	Public Works Director Balls addressed the Council regarding contractors and private individuals repairing broken sewer lines and failing to repair streets to City specifications. He suggested requiring the contractor or private individual to post a bond to cover the City's costs should it become necessary for the City to repair the damage. After Council discussion, it was moved by Councilmember Larson and seconded by Councilmember Hubbard to require a cash bond from the contractor or individual with the City for the repair of fill and asphalt, the amount to be determined by City Engineer Kimball and Public Works Director Balls, and that repairs should be done between June 1 st to October 31 st of each year. This received unanimous approval.
Kelley Dentistry Water/Sewer Connection	City Engineer Kimball, on behalf of Byron and Darron Kelley, presented a diagram of the water and sewer connections needed for their new office structure off 4 th East and Highway 91. After Council discussion regarding the sizes and number of connections, it was moved by Councilmember Thomas and seconded by Councilmember Larson to set the water/sewer connections fees in accordance with Resolution #29, specifically four 1" water connections at \$3,000, and four 4" sewer connections at \$2,100, for a total of \$20,400. This received unanimous approval.
Abandoned Vehicles	Police Chief Geddes addressed the Council regarding a complaint received from a resident about an abandoned junk car. He outlined a plan to inform the public of the City Ordinance prohibiting junk cars via newspaper articles, and suggested offering an incentive whereby the Police Department would remove these vehicles for residents unable to remove them on their own. He further suggested notifying violators by letter of their options and urging compliance with the Ordinance, after which the Police Department will determine which vehicles need to be removed using the Ordinance as a guide. The Council concurred with Chief Geddes and further determined that instead of Section 8.02.060 of the Preston Municipal Code reading "if ten (10) days elapse after removing a vehicle and giving notice as authorized, during which the vehicle has not been claimed and the City's costs paid, the City shall cause the vehicle to be appraised. If the vehicle is appraised at seventy-five dollars (\$75.00) or less, the director of traffic shall execute an affidavit so attesting...He may then summarily dispose of the vehicle...if the vehicle is appraised in excess of seventy-five dollars (\$75.00), the director shall give notice of public sale...", that the wording be amended to read less than or in excess of three hundred dollars (\$300.00), and directed City Attorney Nelson to draft an amendment to the Ordinance to that effect.
County Commission Report	County Commissioner Scott Workman updated the Council on the 7 acres of land Franklin County purchased adjacent to the Fair Grounds and reported that the County was able to purchase one share of water. He also outlined a plan wherein the City and the County could trade some of the roads in need of repair in order to facilitate those repairs.

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Executive Session It was moved by Councilmember Larson and seconded by Councilmember Hubbard to enter Executive Session to discuss personnel as allowed by Idaho Code 67-2345(1)(b). The vote was as follows:

Councilmember Hubbard	Aye
Councilmember Larson	Aye
Councilmember Kunz	Aye
Councilmember Thomas	Aye

Motion passed by unanimous vote.

Entered Executive Session at 6:50 P.M.

Returned from Executive Session at 7:40 P.M.

It was moved by Councilmember Thomas and seconded by Councilmember Hubbard to adjourn the meeting at 7:40 P.M. This received unanimous approval.

Jerry C. Larsen, Clerk

F. Lee Hendrickson, Mayor