

CITY COUNCIL MEETING
October 13, 2014

MAYOR & COUNCIL

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

STAFF

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

OTHERS PRESENT:

Robert Merrill, Shannon Nielsen, Scott Workman, Zon Alder, Mark Beckstead, Nathan Burnett, Jeff Call, Chuck Chesney, Patty Chesney, Lanis Duke, Vern Fielding, Bill Isham, Sid Jensen, Mark Murray, Cheryl Nielson, Stillman Palmer, Rex Pitcher, Myrna Ruffell, Robert Ruffell, Dawna Talbot, DelRa Talbot, Michele Talbot, Robert Talbot

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 (September 22, 2014)
- B. Council Minutes (September 29, 2014)
- C. Bills (October 13, 2014)

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

Industrial Park Lease Chateau Mill Lanis Duke and Vern Fielding, of Brokers Group Real Estate, on behalf of Hansen Transport, submitted a letter asking to re-negotiate three items in the terms of the Lease Agreement for the former Chateau Mill property, located at 1383 West Industrial Road. They requested changing the lease to \$1,000 per year on a 30 year term, for all acreage, renewable if the owner remains the same; replacing the east acre for more usable north acreage; and removing the clause stating all employees must be from Franklin County. The Council was unanimous in their opinion that the terms applying to other lessee's at the Industrial Park of \$500 per acre per year, increasing at a rate of 5% per year should also apply to Hansen Transport. As far as trading the east acre for more usable north acreage, the Council suggested Hansen Transport approach Preston Fabrication about leasing acreage, since Preston Fabrication holds the first option to lease the north acreage. In regards to the clause stating all employees must be from Franklin County, Councilmember Thomas pointed out the City has been flexible in the past regarding this issue. City Attorney Nelson stated the purpose of the Industrial Park is to create jobs for the residents of Franklin County. After further Council discussion, it was determined that Mayor Hendrickson and Councilmember Kunz will work with Brokers Group Real Estate on finalizing the terms of the Lease Agreement.

Variance Request Nathan Burnett 136 N.1st W. It was moved by Councilmember Larson and seconded by Councilmember Hubbard to approve, upon the Planning & Zoning Commission's recommendation, a variance for Nathan and Anna Emily Burnett, 136 North 1st West, to replace an existing garage structure and add an attached shed. This received unanimous approval.

Request for Improvement Agreement 544 E Oneida City Engineer Kimball recommended entering into an Improvement Agreement with Mark and Taia Murray, 544 East Oneida, as per Resolution #70, which allows the posting of cash bonds for construction of improvements on unimproved lots. It was moved by Councilmember Larson and seconded by Councilmember Thomas to approve the Improvement Agreement as presented. This received unanimous approval.

CITY COUNCIL MEETING
October 13, 2014

Eagle Scout Project Stillman Palmer asked the Council for assistance with his Eagle Scout Project. He would like to grade, raise, fill in the ruts and replace the bark in the Preston City Park. After Council discussion, it was moved by Councilmember Hubbard and seconded by Councilmember Thomas that the City would help Stillman with the cost of the bark, budget permitting, in an amount not to exceed \$2,000. This received unanimous approval.

Complaints Addressed Cheryl Nielson, 496 West 2nd South, lodged two complaints regarding a carport and a shed, both located at 478 West 2nd South, owned by Robert Talbot. She stated the carport encroaches on her property, and run off from the carport drains on her property, and that the shed does not adhere to City setbacks. She requested the City have Mr. Talbot remove the carport. City Attorney Nelson advised Ms. Nielson this is a civil matter between her and her neighbor, and the City does not arbitrate civil matters.

Zon Alder lodged a complaint about a shed at 62 East 2nd South, owned by Robert Ruffell, stating that the shed extension is located on an easement. During Mr. Alder's research, he became aware that the easement had been vacated, and apologized to Mr. Ruffell for the misunderstanding.

Valley Wide Co-Op Request to Abandon 10th West Sid Jensen, on behalf of Valley Wide Co-Op, came before the Council with a request to construct a bulk fertilizer storage facility at approximately 10th West on 8th North. They had previously sought to locate the facility at approximately 4th West on 8th North, which is not an allowed use in a Business C-2 zone. It was the recommendation of the Planning & Zoning Commission that Valley Wide seek property in an Industrial zone. Upon locating a parcel of property at approximately 10th West on 8th North zoned Industrial, Valley Wide approached the Council with a request to abandon 10th West, allowing them the full use of the 10 acre parcel they wish to purchase. Valley Wide then presented drawings and diagrams of their proposed facility, showing the main access off 10th West. City Engineer Kimball reported the Idaho Transportation Department has agreed to allow access to 10th West off US Highway 91, and the City will need to request a permit for construction of the access. City Attorney Nelson advised that the property, currently owned by Rex Pitcher, has been previously divided and therefore needs to be handled as a subdivision. Mr. Pitcher was directed to move forward with the subdivision process before selling the property to Valley Wide Co-Op. After Council discussion, it was decided to proceed with the subdividing of the property in phases, enabling the improvements to 10th West to also be made in phases.

Request to Waive Building Permit Fee Preston School District #201 submitted a letter requesting the City waive their portion of the building permit fee for the construction of a new maintenance building on 3rd South between 1st and 2nd East. It was moved by Councilmember Hubbard and seconded by Councilmember Thomas to waive the City portion of the building permit fee. This received unanimous approval.

Planned Unit Development Ordinance Review Councilmember Larson addressed the need to review Preston Municipal Code 16.34, dealing with Planned Unit Developments. He suggested allowing Planned Unit Developments outside the core area of 4th North, 4th South, 4th East and 4th West, and easing restrictions for Planned Unit Developments to better serve older residents desiring to live in planned communities where they don't have to worry about yard care and snow removal, since there are few properties available in the core area to accommodate such development. It was moved by Councilmember Larson and seconded by Councilmember Thomas to make a recommendation to Planning & Zoning to review Preston Municipal Code 16.34 and propose changes to the ordinance. This received unanimous approval.

CITY COUNCIL MEETING
October 13, 2014

Noise Ordinance Police Chief Geddes stated there are still some issues with the wording of the Noise Ordinance that leave loop holes in the interpretation of the ordinance. He still advocates a permit process for groups or individuals hosting loud events. Chief Geddes also stated the County/City Prosecuting Attorney is not comfortable with the wording of the ordinance as currently written. After discussion between the Council and City Attorney Nelson, it was determined the Council needs to set some restrictions for a permit that would allow a group or individual to host a loud event in the City limits, and that Police Chief Geddes continue working on this issue.

County Commission Report County Commissioner Scott Workman reported the County is still working on their Noise Ordinance, and they are also exploring ways to relax some of their building permit regulations and building ordinances.

It was moved by Councilmember Thomas and seconded by Councilmember Kunz to adjourn the meeting at 6:42 P.M. This received unanimous approval.

Jerry C. Larsen, Clerk

F. Lee Hendrickson, Mayor