

CITY COUNCIL MEETING
November 17, 2014

MAYOR & COUNCIL

F. Lee Hendrickson
Saundra Hubbard
Neal Larson
Travis Kunz

STAFF

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

OTHERS PRESENT:

Robert Merrill, Tarren Bunderson, Jackson Burnett, Melissa Gibbs, Bret Hansen, Jordan Hansen, Sid Jensen, John Kezele, Marshall Magee, Brett Naylor, Joel Palmer, Lois Palmer, Mark Palmer, Nate Palmer, Anthony Rawlings, Tayden Rawlings, Kathy Ray, Cami Sanders, Angela Smith, H.K. Smith, Miles Stuart, Bronson Tatton, Michael Wallentine, Christy Ward, Garrett Ward

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. Councilmember Thomas was absent from meeting.

Item Added To Agenda Mayor Hendrickson asked that an Executive Session to discuss personnel as allowed by Idaho Code 67-2345(1)(b), and to discuss acquiring an interest in real property which is not owned by a public agency as allowed by Idaho Code 67-2345(1)(c), be added to the agenda.

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 (October 27, 2014)
B. Bills (November 17, 2014)

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

Bond Refunds It was moved by Councilmember Hubbard and seconded by Councilmember Larson to refund the improvement bonds in the amount of \$1,050.00, for improvements completed at 781 McIntosh Circle, \$1,100.00 for improvements completed at 648 South 8th East, and \$964.00 for improvements completed at 672 Granny Smith Circle, to Daniel Higley of Higley Homes. This received unanimous approval.

Culvert In Front Of 960 N. State Joel, Lois and Nate Palmer requested a variance from the ordinance requiring curb, gutter, sidewalk and street improvements as per Chapter 17.28 of the Preston City Municipal Code, specifically as to Sections 17.28.065 A and B. Joel Palmer submitted a written proposal stating that until the City has addressed and solved the natural drainage problems occurring on the northeast end of Preston they should not be required to make the improvements on the property located at 960 North State. Mr. Palmer proposed instead that a building permit be issued with the provision that when further development in the area takes place they will install the required improvements. City Engineer Kimball reminded them that according to the ordinances of the City, the roadway improvements need to be constructed before a building permit can be issued. City Attorney Nelson stated it is incumbent upon the Palmers to comply with the ordinances of the City and install the required improvements before a building permit can be issued so that, in addition to many other considerations, the house doesn't have flooding issues. After Council discussion, the Palmers were directed to comply with the ordinance and construct all required improvements prior to obtaining a building permit.

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H.K. Smith Request For Variance H.K. Smith sought the Council's support on applying for a variance from the ordinance requiring curb, gutter, sidewalk and street improvements to construct a home at approximately 1400 West 1100 North, and abandoning 1100 North so he wouldn't be required to build the street, since the costs associated with building the street would create an undue hardship for him. After Council discussion, Mr. Smith was advised to follow the ordinance and construct all required improvements or make application stating why this would be an undue hardship for him.

Uses Allowed At 315 West 8th North Tony Rawlings, of Northstar Dairy Service, was considering acquiring property located at 315 West 800 North, zoned Business C2, which does not allow farm equipment or heavy equipment sales. Since his business involves selling dairy equipment and supplies and performing service repairs on the farm, he stated he does not think his business should be classified a heavy equipment business, and he requested either a variance or a zone change. City Engineer Kimball addressed roadway and infrastructure improvements required as a condition of development, citing Preston Municipal Code, sections 17.28.065 and 16.28, wherein it states that all improvements required in a subdivision such as roadway, water, sewer, storm drainage, etc. would have to be installed. Kathy Ray, Four County Alliance Economic Director, stated there may be a grant available to help Mr. Rawlings with the costs of installing 400 West Street from 800 North to the south end of the property. The road is estimated to cost approximately \$80,000 and the grant would cover \$50,000 of this, and the City would need to sponsor the grant. After Council discussion, it was determined the Council will look at updating allowed uses in Business C2 zones, and Kathy Ray was asked to relay this information to Mr. Rawlings.

Industrial Park Lease B&T Hansen Enterprises Teresa Hansen, of B&T Hansen Enterprises LLC, asked the Council what needed to be done to finish up the Lease Agreement for the former Chateau Mill property, located at 1383 West Industrial Road. City Attorney Nelson stated he needed to know how many years the lease would run, at what rate, and the amount of rent to include for joint use of the easement allowing access to both B&T Hansen Enterprises and Preston Fabrication, so he could draft the Lease Agreement. City Attorney Nelson advised Chateau Mill needs to terminate their lease before a Lease Agreement can be entered into with B&T Hansen Enterprises. After Council discussion, it was moved by Councilmember Larson and seconded by Councilmember Kunz to accept a Termination of Lease from Chateau Mill and approve the Lease Agreement with B&T Hansen Enterprises, LLC. This received unanimous approval.

Request To Vacate Portion of 3rd South & 5th East Brett Naylor asked to vacate a portion of 3rd South and 5th East as they pertain to property he recently purchased for the sole purpose of building a single home adjacent to 4th South at approximately 5th East. He stated the cost of completing these streets would create an undue hardship. After Council discussion, it was moved by Councilmember Hubbard and seconded by Councilmember Kunz to have City Clerk Larsen schedule a Public Hearing before the City Council to consider vacating a portion of 3rd South and 5th East. This received unanimous approval.

DEQ - SIP Amendment Update Melissa Gibbs, Airshed Coordinator for the Department of Environmental Quality, informed the Council that the Department of Environmental Quality had to amend the Cache Valley State of Limitation Plan submitted to the Environmental Protection Agency in 2002. She explained the reason for the amendment is that shortly after the Department of Environmental Quality submitted the State Implementation Plan (SIP) to the Environmental Protection Agency, the District of Columbia Circuit Court ruled the Environmental Protection Agency improperly set the pm 2.5 standard. The amendment does not contain implementation of any new regulations. Ms. Gibbs then inquired if the Council had discussed the garbage burning issue discussed last April.

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Preliminary Plat Valley Wide Subdivision Phase I It was moved by Councilmember Larson and seconded by Councilmember Kunz to approve the preliminary plat for the Valley Wide Subdivision, Phase I, as recommended by the Planning & Zoning Commission. This received unanimous approval.

Zoning Map Proposition Bronson Tatton, representing JUB Engineers, introduced a plan to help the City staff field development questions more efficiently by evaluating and updating the zoning map to be viewed electronically, showing parcel data, park locations, flood plains, streets and zoning designations and creating user friendly utility maps showing water and sewer infrastructure. Jordan Hansen, GIS Specialist for JUB Engineers, demonstrated the online program showing the zoning map and utility mapping. Cami Sanders, Grant Specialist for JUB Engineers, explained the costs associated with the online program, and explained there is a \$50,000 grant available to map City utilities using GIS, map hazardous pipelines, develop an emergency response/evacuation plan and inform citizens of the Pipeline and Hazardous Material Safety Administration's "811 call before you dig" program if the City is interested. It was moved by Councilmember Larson and seconded by Councilmember Hubbard to approve the implementation of the online program in the amount of \$7,200. This received unanimous approval.

East Oneida Project Wetland Mitigation City Engineer Kimball updated the Council on the progress of the East Oneida Reconstruction Project in regards to the installation and maintenance of the required wetland mitigation area.

Meeting Schedule It was moved by Councilmember Larson and seconded by Councilmember Hubbard to schedule a special meeting of the City Council on Wednesday, November 19, 2014, at 6:30 P.M. This received unanimous approval.

Executive Session It was moved by Councilmember Hubbard and seconded by Councilmember Larson to enter Executive Session to discuss personnel as allowed by Idaho Code 67-2345 (1)(b), and to discuss acquiring an interest in real property not owned by a public agency as allowed by Idaho Code 67-2345 (1)(c). The vote was as follows:

Councilmember Hubbard	Aye
Councilmember Larson	Aye
Councilmember Kunz	Aye

Motion passed by unanimous vote.

Entered Executive Session at 8:01 P.M.

Returned from Executive Session at 8:56 P.M.

It was moved by Councilmember Hubbard and seconded by Councilmember Kunz to adjourn the meeting at 8:56 P.M. This received unanimous approval.

Jerry C. Larsen, Clerk

F. Lee Hendrickson, Mayor