

CITY COUNCIL MEETING
May 14, 2018

MAYOR & COUNCIL

Mark W. Beckstead
Todd D. Thomas
Terry D. Larson
Bradley J. Wall
Allyson Wadsworth

STAFF

Linda Acock, City Clerk
Kelly Mickelsen, City Treasurer
Tyrell Simpson, City Engineer
Shawn Oliverson, Economic Development
Michael Peterson, Chief of Police
Tyler Olson, Attorney

OTHERS PRESENT:

Chuck Chesney, Kathy Ray, Jeff Ware, Bobbi Ware, Robert Swainston, Kellie Daniels, Tanner Daniels, Scott Palmer, Kari Giesbrecht, Cameron Rounds, Vance Broadhead, Chrystle Weeks, Kellen Alvey, Adrienne Alvey, John Brough, Husk Crowther, Luann Sparks

Council Meeting was called to order at 5:00 P.M. by Mayor Beckstead.

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. Minutes (April 16, 2018)
- B. Bills (May 14, 2018)
- C. Treasurer's Report (April 30, 2018)
- D. Agreement for Professional Services Water Line Project
- E. Special Use Permit 435 South 1st East

Minutes It was moved by Councilmember Wadsworth and seconded by Councilmember Larson to approve the City Council Minutes for April 16, 2018, as presented. This received unanimous approval.

Bills It was moved by Councilmember Wall and seconded by Councilmember Larson to approve the bills of May 14, 2018, as presented. Motion passed by unanimous approval.

Treasurer Report It was moved by Councilmember Larson and seconded by Councilmember Wall to accept the Treasurer's Report for April 30, 2018. This received unanimous approval.

Water Line Agreement Civilize It was moved by Councilmember Thomas and seconded by Councilmember Larson to enter into the Agreement between City of Preston and Civilize, PLLC for Professional Services for engineering services in connection with the project known as 2018 24"/20" Water Line, and authorize Mayor Beckstead to sign said Agreement. This received unanimous approval.

S.U.P. Giesbrecht It was moved by Councilmember Wadsworth and seconded by Councilmember Thomas to approve the Decision and Permit for the special use permit granted to Kari Giesbrecht at 435 South 1st East, for a child care center, and authorize Mayor Beckstead to sign said Permit. This received unanimous approval.

Public Hearing Vacate Portion 7th East After reviewing the guidelines for a public hearing, Mayor Beckstead called for the following public hearing for the purpose of giving consideration to vacating a portion of 7th South Street, from 6th East to 8th East, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing shall be held before the Mayor and City Council of Preston, Idaho, on the 14th day of May, 2018, at the hour of 5:00 P.M., or as soon thereafter as this matter may be heard, at the city hall located at 70 West Oneida St., Preston, Idaho 83263, for the purpose of giving consideration to the vacationing of a portion of unimproved street to include 7th South between 6th East (also known as Oakwood Drive) and 8th East. If vacated by the city, Preston City abandons our interest and the vacated street shall be transferred to the property owners.

The street commonly known as 7th South between 6th and 8th East, Preston, Idaho is more specifically described as:

Beginning at the Southeast Corner of Section 26 a Found ½" rebar located in the intersection of 8th S and 8th E thence S 0° 03' 40"

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659.2 feet to the centerline intersection of 7th S and 8th E thence N 89° 57'26" E 35 feet to the east right-of-way line of 8th E the true point of beginning of the 60 feet wide abandonment consisting of 30 feet on each side of the centerline thence N 89° 57'26" E 35 1311.62 feet to the proposed east right-of-way line of Oakwood Drive.

All persons present at the hearing will be given the opportunity to be heard. Written comments or objections may be submitted to the City Clerk at the address set forth above and will be considered by the Mayor and Council.

s/Linda Acock, City Clerk
Publish: April 18, 2018; April 25, 2018

Attorney Olson gave presentation, that Preston City has proposed to vacate a section of 7th South, between 6th East, also known as Oakwood Drive, and 8th East. The Notice of Public Hearing was published in The Preston Citizen on April 18th and April 25th, and sent by mail to the property owners within 300 feet of the property boundaries.

Mayor Beckstead called for testimony in favor of granting the vacation of the portion of 7th South. There being none, he asked for any written comment. Clerk Acock advised there were no written comments received in the clerk's office. Mayor Beckstead then asked for neutral comments or testimony. Adrienne Alvey, a property owner within 300 feet of the property boundary, stated that she had questions she'd like addressed by the Council.

Ms. Alvey asked why it was the city that is proposing the street vacation, and if council voted against vacating the street, would it force Scott Beckstead to tear up the water lines he has laid inside his proposed subdivision.

Mayor Beckstead explained that, if the Council denies the proposed vacation, it could very well force Scott Beckstead to realign water lines within his subdivision. He further explained that the city did approve a preliminary plat for a subdivision for Scott Beckstead, a single family lot for Shane Selley, and a minor 2 lot subdivision for Dennis Sessions along the south side of the 7th South Street. The determination is that the city doesn't need to have a road, just to have a road. With less roads, there's less maintenance and less upkeep.

Councilmember Larson stated that the vacation of 7th South has been considered by the Comprehensive Planning Committee before either of the subdivisions were presented.

Councilmember Wall stated that the city's master street plan was adopted in 1905. There have been street vacations and abandonments throughout the years.

LuAnn Sparks asked if abandoning the street would cause more traffic congestion.

Mayor Beckstead stated that the city intends to have Oakwood Drive developed through to 8th South, and that will divert the school traffic and alleviate congestion.

There being no further comments, Mayor Beckstead asked for any testimony to be offered in opposition to the matter of vacating 7th South. There being none, it was moved by Councilmember Larson and seconded by Councilmember Wall to close the public hearing. This received unanimous approval.

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Ordinance 2018-5
Vacate
7th South

Councilmember Wall introduced the Ordinance relating to vacating a portion of 7th South, between 6th East and 8th East.

It was moved by Councilmember Wall and seconded by Councilmember Thomas to dispense with the rules requiring the reading of ordinances on three separate days, and ordered the ordinance to be read once in summary. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Wall	<u>Aye</u>
Councilmember Wadsworth	<u>Aye</u>

Motion passed by unanimous vote.

Clerk Acock read the ordinance once in summary.

It was moved by Councilmember Larson and seconded by Councilmember Thomas to adopt an ordinance vacating a portion of 7th South Street, between 6th and 8th East, and assign the ordinance number 2018-5. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Wall	<u>Aye</u>
Councilmember Wadsworth	<u>Aye</u>

Motion passed by unanimous vote.

Decision
Variance
J. & B.
Ware
357 East
Oneida

On April 25, 2018 Planning and Zoning held a public hearing, where Jeff Ware presented a request for a variance to the height requirements of Preston Municipal Code 17.08.030(C), which requires buildings be no higher than twenty-five feet from existing grade to highest peak. Mr. Ware's building permit was granted for a thirty-one foot dwelling at 357 East Oneida.

At said hearing, after receiving public testimony, the Planning and Zoning Commission motioned to recommend approval of the Variance Request to City Council.

Attorney Olson presented a staff report indicating the Planning and Zoning's recommendation.

Upon recommendation by the Planning and Zoning Board, it was moved by Councilmember Wadsworth and seconded by Councilmember Thomas to approve the Variance for a dwelling height of thirty-one foot (31') at 357 East Oneida. This received unanimous approval.

Development
Agreement
Arbor View
Subdivision

Attorney Olson presented a Development Agreement between the City of Preston and Arbor View Subdivision LLC, the owner of record for the Arbor View Subdivision being created in the area of 4th East between Call Avenue and 2nd North. Said Agreement covers permitted development, required improvements, surety for improvements, incorporating a homeowner's association, and allowance for \$40,000 in lieu of open space upon the development.

It was moved by Councilmember Wadsworth and seconded by Councilmember Thomas to enter into the Development Agreement between The City of Preston and Arbor View LLC, and authorize Mayor Beckstead to sign said Agreement. This received unanimous approval.

Final
Plat
Arbor View
Subdivision
Prevention

Cameron Rounds and Vance Broadhead, developers of the Arbor View Subdivision, presented their final plat.

It was moved by Councilmember Thomas and seconded by Councilmember Wall to accept the Final Plat and authorize Mayor Beckstead to sign said plat. This received unanimous approval.

Franklin
County
Commissioner
Report

Franklin County Commissioner, Robert Swainston, gave a brief report on the County's projects.

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Business Licenses It was moved by Councilmember Wadsworth and seconded by Councilmember Thomas to approve a business license for:
Jennifer Anderson 479 East 1st South (Social Skills 101 Coaching)
Caleb Gentry 4854 E Cub River Rd (Gentry Custodial Cleaning)
Jay Knight 150 N Hwy 89 Ogden (Knight Electric)
Tanner Daniels 89 W Cedar Ln Franklin (Thirst-Eze)

This received unanimous approval.

Assign P&Z Height Restrictions It was moved by Councilmember Larson and seconded by Councilmember Wadsworth to assign the Planning and Zoning Commission to research and review Preston City Codes pertaining to the height restrictions within the various codes, where some restrict dwellings to 25' and others may allow 30-35'. The Commission shall present recommended changes to the City Council. This received unanimous approval.

Police Week Proclamation Councilmember Wadsworth read a Proclamation, designating the week of May 13, 2018 - May 19, 2018 as Police Week, and further designating Proclamation May 15, 2018 as Peace Officer Memorial Day.

It was moved by Councilmember Larson and seconded by Councilmember Wall to proclaim the week of May 13, 2018 to May 19, 2018 as Police Week and to observe May 15, 2018 as Peace Officer Memorial Day and to authorize Mayor Beckstead to sign said Proclamation. This received unanimous approval.

(Proclamation follows Minutes)

Release Swale Bond 358 E. Eagle Way It was moved by Councilmember Thomas and seconded by Councilmember Larson to release the swale bond from Kyle Heusser, in the amount of \$1,260.00, for grass in the swale 358 East Eagle Way. This received unanimous approval.

Funding Four Co. Alliance Kathy Ray, CASI, came before the council to request funding for the Four County Alliance program in the amount of \$2,000.

It was moved by Councilmember Wall and seconded by Councilmember Wadsworth to continue the support of the Four County Alliance Program, and commit \$2,000 for the Fiscal Year 2019. This received unanimous approval.

Review License & Fee Schedule Mayor Beckstead presented a drafted resolution for the License and Fee Schedule.
After review and discussion, it was moved by Councilmember Larson and seconded by Councilmember Wall to set the License and Fee Schedule Resolution for public hearing on June 11, 2018. This received unanimous approval.

Purchase Consolidated Water Shares City Treasurer Mickelsen has been approached, to see if Preston City Consolidated is interested in purchasing 120 shares of Consolidated Water.

After discussion, it was determined that City Treasurer Mickelsen should get a firm price for the shares and if the price can be worked into the 2019 Fiscal Year budget, before a determination as to whether the city can purchase the shares.

Council Report Assigned Designation Council members gave brief updates on their various assigned designations.

Executive Session It was moved by Councilmember Wadsworth and seconded by Councilmember Wall to enter Executive Session to discuss possible litigation as allowed by Idaho Code 74-206(f). The vote was as follows:

Councilmember Thomas Aye
Councilmember Larson Aye
Councilmember Wall Aye
Councilmember Wadsworth Aye

Motion passed by unanimous vote.

Entered Executive Session at 6:55 P.M.

Returned from Executive Session at 7:24 P.M.

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Adjourn Meeting was adjourned at 7:24 P.M. by Mayor Beckstead.

Linda Acock, Clerk

Mark W. Beckstead, Mayor