

CITY COUNCIL MEETING
January 28, 2019

MAYOR & COUNCIL

Mark Beckstead
Todd D. Thomas
Terry D. Larson
Bradley J. Wall
Allyson Wadsworth (VIA phone)

STAFF

Linda Acock, City Clerk
Kelly Mickelsen, City Treasurer
Tyrell Simpson, City Engineer
Shawn Oliverson, Economic Development
John Balls, Public Works Director
Tyler Olson, City Attorney

OTHERS PRESENT:

Scott Palmer, Robert Swainston, Brian Jensen, Vance Broadhead, Tony Hollingsworth, Sandra Hubbard, Alexis Beckstead, John M. Brough, Bruce Spackman, Kent Moser, Kathy Moser, Jan Seamons, John Cannon, Don Baldwin, Tyson Alder, Wilford Green, Barrie Campbell

Council Meeting was called to order at 5:00 P.M. by Mayor Mark 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. Council Minutes (January 10, 2019)
- B. Bills (January 28, 2019)
- C. SICOG Grant Administration Contract

It was moved by Councilmember Wall and seconded by Councilmember Thomas to approve the items on the Consent Calendar, which included the Council Minutes of January 10, 2019, the Bills through January 28, 2019 and signing the Grant Administration Contract for SICOG to administer the grant for the Oneida Stake Academy elevator.

The vote was as follows:

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

Motion passed by majority vote.

Council-
Member
Wadsworth

Councilmember Wadsworth joined the meeting via telephone conference at 5:10 p.m.

Public
Hearing
Surplus
Property
64 Shares
Stock In
Cub River
Irrigation
Co.

Mayor Beckstead called for the following public hearing for the purpose of giving consideration to the sale of 64 shares of stock in the Cub River Irrigation Company, as follows:

NOTICE OF INTENT TO SELL REAL PROPERTY, OF PUBLIC HEARING AND PUBLIC AUCTION

Pursuant to Idaho Code 50-1401 et seq, it is the intent of the City Council of the City of Preston to sell at public auction to the highest bidder, 64 shares of stock in Cub River Irrigation Company ("Company"), for not less than \$4,000.00 per share in minimum increments of 2 or more shares. The City has declared the property underutilized and not used for public purposes. The proposed sale is subject to final approval by the Company and said stock is subject to assessments, restrictions on transfer, and restrictions on delivery of water as provided in the bylaws of the Company. The public hearing on the proposed sale will begin at 5:00 p.m., or as soon thereafter as it may be heard, on Monday, January 28, 2018 at City Hall, 70 West Oneida St., Preston, ID. The City Council will conduct a public auction for said sale immediately after the public hearing on January 28, 2018 at 5:00 p.m. at City Hall. The subject property will be sold "as is" without warranty of any kind, by surrender and issuance of new stock certificates. Payment shall be due at the time of sale by cash or cashier's check. If after public auction any property remains unsold or if no bids are received at or above the declared minimum value and increment, the City Council has the authority to sell the property as it deems in the best interest of the City. The public is invited to attend the hearing and provide oral testimony or submit written testimony up to the time of the hearing.
Linda Acock, City Clerk

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After reviewing the guidelines for holding a public hearing, Mayor Beckstead asked Attorney Olson to present the request to sell 64 shares of stock in Cub River Irrigation Company.

Attorney Olson stated that on November 26, 2018, the City Council adopted Resolution #113, declaring the city owned property as underutilized or not used for public purposes, and declared intent to sell the property at public auction to the highest bidder following the public hearing.

The minimum value was set at \$4,000., and would be sold "as is". Payment shall be due at the time of sale by cash or cashier's check. If, after the public auction, any property remains unsold, the City Council has authority to sell the property as it deems in the best interest of the City. The intent from the sale of the Cub River shares is to purchase Consolidated Water shares.

Mayor Beckstead asked for comments in favor of the sale of 64 shares of stock in Cub River Irrigation Company. There being none, he asked for neutral comments. The being no neutral comments, Mayor Beckstead asked for any comments opposing the sale of the Cub River water stock. There being none, he asked for written comment. Clerk Acock advised that there were no written comments.

It was moved by Councilmember Larson and seconded by Councilmember Wall to close the public hearing and open the discussion amongst the council.

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.

It was moved by Councilmember Wall and seconded by Councilmember Thomas to sell 64 shares of surplus Cub River Irrigation Company water stock, at public auction per public notice, according to the Irrigation Company's bylaws. The vote was as follows:

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

Motion passed by majority vote.

Public Auction Sale of 64 Shares Cub River Irrigation Water Stock	Prior to the auction, everyone in attendance was given opportunity to sign into the Buyer Registration form to bid on the surplus shares of Cub River Irrigation water stock.
	Kent Moser, Don Baldwin and Tyson Alder signed the buyer registration.
	Kent Moser bid \$4,000. for 16 shares, for a total of \$64,000. Tyson Alder and Don Baldwin did not bid on the shares.

The auction was closed at 5:26 p.m., with Kent Moser being the only bidder, purchasing 16 shares at \$4,000. per share.

Public Hearing Surplus Property 5.3 Acres 2600 East 800 South	Mayor Beckstead called for the following public hearing for the purpose of giving consideration to the sale, at public auction, of 5.3 acres of property at the southeast intersection of 2600 East and 800 South, Preston, Idaho, as follows:
	NOTICE OF INTENT TO SELL REAL PROPERTY, OF PUBLIC HEARING AND PUBLIC AUCTION

Pursuant to Idaho Code 50-1401 et seq, it is the intent of the City Council of the City of Preston to sell at public auction to the highest bidder, for not less than \$52,900, real property in Franklin

County, Idaho situated southeast of the intersection at 2600 East 800 South, consisting of 5.3± acres (Parcel No. 2302.04) as specifically described below: A parcel of land located in Section 32, Township 15 South, Range 40 East, Boise Meridian, Franklin County, Idaho and

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further described as follows: Beginning at the Northwest corner of said Section 32 from which the North quarter corner of Section 32 bears North 89° 30' 05" East 2646.39 feet; Thence North 89° 30' 05" East 1471.50 feet along the north line of said Section 32 to the True Point of Beginning; Thence North 89° 30' 05" East 331.99 feet along said north line; Thence South 03° 00' 31" West 39.18 feet to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 4735" set on the southerly right of way line of 800 South Street, also being on a fence line; Thence South 03° 08' 23" West 6.90 feet along said fence line to a 5/8" rebar with cap; Thence South 17° 06' 37" West 329.82 feet along said fence line to a 5/8" rebar with cap; Thence South 11° 51' 41" West 88.13 feet along said fence line to a 5/8" rebar with cap; Thence South 03° 05' 00" East 94.22 feet along said fence line to a 5/8" rebar with cap; Thence South 08° 32' 42" East 109.63 feet along said fence line to a 5/8" rebar with cap; Thence South 09° 06' 57" East 46.97 feet along said fence line to a 5/8" rebar with cap; Thence South 11° 14' 23" West 15.66 feet along said fence line to a 5/8" rebar with cap; Thence South 26° 16' 22" West 140.69 feet along said fence line to a 5/8" rebar with cap; Thence North 69° 22' 38" West 37.02 feet along said fence line to a 5/8" rebar with cap; Thence South 19° 43' 30" West 103.15 feet along said fence line to a 5/8" rebar with cap; Thence North 88° 06' 16" West 217.44 feet to a 5/8" rebar with cap; Thence North 19° 43' 30" East 144.03 feet to a 5/8" rebar with cap; Thence North 41° 05' 22" East 100.82 feet to a 5/8" rebar with cap set at the southeast corner of that parcel of land owned by The Sessions Family Revocable Trust. as recorded under instrument number 250317 in the official records of Franklin County; Thence North 00° 29' 12" West 663.89 feet along the east line of said Sessions parcel to said south right of way line of 800 South Street; Thence North 00° 29' 12" West 36.42 feet to the True Point of Beginning. Containing 5.3 acres of land. Subject to a right of way for 800 South Street located in Section 32, Township 15 South, Range 40 East, Boise Meridian, Franklin County, Idaho and further described as follows: Beginning at the Northwest corner of said Section 32 from which the North quarter corner of Section 32 bears North 89° 30' 05" East 2646.39 feet; Thence North 89° 30' 05" East 1471.50 feet along the north line of said Section 32 to the True Point of Beginning; Thence North 89° 30' 05" East 331.99 feet along said north line; Thence South 03° 00' 31" West 39.18 feet to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 4735" set on the southerly right of way line of 800 South Street; Thence South 89° 58' 05" West 329.61 feet along said right of way line to a 5/8" rebar with cap; Thence North 00° 29' 12" West 36.42 feet to the True Point of Beginning. Containing 0.3 acres of land. Subject to an easement for a canal being approximately 47.00 feet wide along the east side of the above described parcel. Subject to all easements and rights of way of record. Excepting all shares of stock and all water rights of every nature from all sources on the above described parcel. The City has declared the property underutilized and not used for public purposes. The public hearing on the proposed sale will begin at 5:00 p.m., or as soon thereafter as it may be heard, on Monday, January 28, 2018 at City Hall, 70 West Oneida St., Preston, ID. The City Council will conduct a public auction for said sale immediately after the public hearing on January 28, 2018 at 5:00 p.m. at City Hall. The subject property will be sold "as is" without warranty of any kind, by quitclaim deed. Payment shall be due at the time of the sale by cash or cashier's check. If no bids are received at or above the minimum value of \$52,900, the City Council has the authority to sell the property as it deems in the best interest of the City. The public is invited to attend the hearing and provide oral testimony or submit written testimony up to the time of the hearing.
Linda Acock, City Clerk
11/27/18

Mayor Beckstead asked Attorney Olson to present the request to sell 5.3 acres of property at 2600 East 800 South.

Attorney Olson stated that on November 26, 2018, the City council adopted Resolution #112, declaring the city-owned property at 2600 East 800 South as underutilized or not used for public purpose, and elected to sell the property at public auction to the highest bidder following this public hearing. The minimum value of the property was

set at \$52,900. The property will be sold, "as is" and subject to right of ways. Payment shall be due at the time of the sale by cash or cashier's check.

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Councilmember Larson also advised that the property was bought with intention of placing a well for a secondary source of water. The Bear River Basin GMA advised that there is not sufficient water to the property for a municipal well.

Mayor Beckstead asked for comments from those in attendance, in support of the sale of the 5.3 acres.

Sandra Hubbard, Preston, Idaho, stated that she was serving as a councilmember for Preston City at the time this property was purchased, and that the property was purchased to build a well. She asked if the monies received from the sale of the property would go back into the water fund. Mayor Beckstead replied that it would, and that the intent is to purchase Consolidated Water Shares.

There being no further comments, in favor, neutral, in opposition, or in writing, it was moved by Councilmember Thomas and seconded by Councilmember Larson to close the public hearing. The vote was as follows:

Council President Todd Thomas	<u>Aye</u>
Councilmember Terry Larson	<u>Aye</u>
Councilmember Brad Wall	<u>Aye</u>
Councilmember Allyson Wadsworth	<u>Aye</u>

Motion passed by unanimous vote.

Public Auction Sale of 64 Shares Cub River Irrigation Water Stock	Prior to the auction, everyone in attendance was given opportunity to sign into the Buyer Registration form to bid on the surplus 5.3 acres of city-owned property at 2600 East 800 South.
	Tony Hollingsworth, Vance Broadhead, and John Cannon signed the buyer registration.
	Tony Hollingsworth started the bid at \$52,900.

John Cannon did not give a verbal bid, but asked if a personal check could be used in place of the cash. Attorney Olson stated the winning bidder must present cash or cashier's check at this time. Tony Hollingsworth also stated that he was not aware that they could not use a personal check as cash, and would not be able to come up with cash or cashier's check this late in the evening.

Vance Broadhead did not bid.

The auction was closed at 5:44 p.m., with the property unsold. John Cannon and Tony Hollingsworth were given opportunity to present a sealed bid before the February 11, 2019 meeting, and the two bids will be opened at said meeting. The winning bidder must present cash or cashier's check for the winning bid.

Business Licenses	It was moved by Councilmember Wall and seconded by Councilmember Thomas to approve the following business licenses:
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Signature Healthcare Hospice	307 South 1 st East
Signature Healthcare Home Health	307 South 1 st East

This received unanimous approval.

Business License	It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to approve the following business license:
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Still Water Financial Solutions, Inc. 12 ½ North State

The vote was as follows:

Council President Todd Thomas	<u>Aye</u>
Councilmember Terry Larson	<u>Nay</u>
Councilmember Brad Wall	<u>Nay</u>
Councilmember Allyson Wadsworth	<u>Aye</u>

Mayor Beckstead broke the tie vote with an Aye vote.

Motion passed by unanimous vote.

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Lease Crack Sealer It was moved by Councilmember Thomas and seconded by Councilmember Larson to authorize Public Works Director, John Balls, to negotiate a five year lease, with Metroquip, for a crack sealer, for sealing cracks in the streets, before they are chipped. This received unanimous approval.

Appoint Festival Of Lights Board Councilmember Wadsworth advised that Craig Conklin, Sue Conklin and Neysa Daley have asked to be released from the Festival of Lights Board. The Conklins will volunteer their time to transition with the new Board members, but do not want to be members of the Board. She introduced Matt Nielsen, Nicole Nielsen, and Kameron Johnson as the new board members.

It was moved by Councilmember Wadsworth and seconded by Councilmember Thomasto appoint Matt Nielsen, Nicole Nielsen, and Kameron Johnson to serve on the Festival of Lights Board for a term of six years. This received unanimous approval.

Chip Seal Project Engineer Simpson presented a Probable Cost Estimate for chip sealing approximately 69 blocks throughout the City of Preston. He would like to put a proposal together, and get the project out to bid.

It was moved by Councilmember Thomas and seconded by Councilmember Wall to authorize Engineer Simpson to prepare a proposal for a chip seal project, and put the project out to bid. This received unanimous approval.

2nd East Sewer Project Engineer Simpson present a project estimate for sewer repair on 2nd East from 2nd South to 4th South. Along with repair and replacement of sewer line, there are plans to tear up and refinish the streets, fix the sewer and replace broken water lines.

It was moved by Councilmember Larson and seconded by Councilmember Thomas to authorize Engineer Simpson to prepare the 2nd East Sewer Project and put the project out to bid. This received unanimous approval.

Council Report on Assigned Designations Councilmembers gave brief updates on the various assigned designations.

Executive Session It was moved by Councilmember Thomas and seconded by Councilmember Larson 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 6:25 P.M.
Returned from Executive Session at 7:26

Adjourn Meeting was adjourned at 7:26 P.M. by Mayor Beckstead.

Linda Acock, Clerk

Mark W. Beckstead, Mayor