

CITY COUNCIL MEETING
February 11, 2019

MAYOR & COUNCIL

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

STAFF

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

OTHERS PRESENT:

Vance Broadhead, Chuck Chesney, Scott Palmer, Brian Taylor, Jan Taylor, Colleen Jensen, Robert Swainston, Bridgett Broadhead, Mary Ann Cox, Jeff Waddoups, Heidi Waddoups, Zach Nielson, Jeremy Edwards, Theresa Atkinson, Leann Peterson, Tony Hollingsworth, Linda Nielson, Brenda Moosman, Tim Moosman

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 14, 2019 & January 28, 2019)
- B. Bills (February 11, 2019)
- C. Treasurer's Monthly Report (January 31, 2019)

Councilmember Larson brought it to Council's attention that there was an error in the January 28, 2019 Minutes, regarding the vote for selling Cub River Water Stock. He stated that his was a Nay vote. Clerk Acock was advised to correct the voting in the January 28, 2019 City Council Minutes. After the correction is made, it was moved by Councilmember Larson and seconded by Councilmember Wadsworth to approve the items on the Consent Calendar, which included the Council Minutes of January 14, 2019 and January 28, 2019, the Bills through February 11, 2019 and the Treasurer's Monthly Report for January 31, 2019. The vote was as follows:

The vote was as follows:

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

Motion passed by majority vote.

Council-
Member
Wall

Councilmember Wall joined the meeting via telephone conference at 5:16 p.m.

Public
Hearing
Amend
Chapter 17
Preston
Municipal
Code

Mayor Beckstead called for the following public hearing for the purpose of giving consideration to the amendment of 17.08, 17.10, 17.12, 17.14, 17.16, 17.18 and 17.20 of the Preston Municipal Code, Zoning, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on the 11th day of February, 2019, at the hour of 5:00 P.M., or as soon thereafter as this matter may be heard, at City Hall located at 70 West Oneida St., Preston, Idaho, before the City of Preston Council and Mayor to consider a proposed ordinance amending Chapters 17.08, 17.10, 17.12, 17.14, 17.16, 17.18, 17.20, as follows:

17.08.030 - AREA AND HEIGHT REQUIREMENTS, RESIDENTIAL A-1 ZONE, AMEND 45% OF ALLOWED LOT COVERAGE TO INCLUDE ASPHALT, CEMENT OR DRIVEWAYS AND INCREASE MAXIMUM HEIGHT OF DWELLING TO THIRTY-FIVE (35) FEET.
17.08.060 ACCESSORY USES, RESIDENTIAL A-1 ZONE, AMENDING ALLOWED LOT COVERAGE, HEIGHT OF ACCESSORY BUILDINGS, ACCESSORY BUILDING SETBACKS, REMOVING REQUIREMENT OF LAND SURVEY FOR MOVEABLE ACCESSORY BUILDING, AND EXCLUDING KITCHENS IN ACCESSORY BUILDINGS. 17.10.030 - AREA AND HEIGHT REQUIREMENTS, RESIDENTIAL A-2 ZONE, AMEND 45% OF ALLOWED LOT

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COVERAGE TO INCLUDE ASPHALT, CEMENT OR DRIVEWAYS AND INCREASE MAXIMUM HEIGHT OF DWELLING TO THIRTY-FIVE (35) FEET. 17.10.060 ACCESSORY USES, RESIDENTIAL A-2 ZONE, AMENDING ALLOWED LOT COVERAGE, HEIGHT OF ACCESSORY BUILDINGS, ACCESSORY BUILDING SETBACKS, REMOVING REQUIREMENT OF LAND SURVEY FOR MOVEABLE ACCESSORY BUILDING, AND EXCLUDING KITCHENS IN ACCESSORY BUILDINGS. 17.12.030 - AREA AND HEIGHT REQUIREMENTS, RESIDENTIAL B ZONE, AMEND 45% OF ALLOWED LOT COVERAGE TO INCLUDE ASPHALT, CEMENT OR DRIVEWAYS AND INCREASE MAXIMUM HEIGHT OF DWELLING TO THIRTY-FIVE (35) FEET. 17.12.060 ACCESSORY USES, RESIDENTIAL B ZONE, AMENDING ALLOWED LOT COVERAGE, HEIGHT OF ACCESSORY BUILDINGS, ACCESSORY BUILDING SETBACKS, REMOVING REQUIREMENT OF LAND SURVEY FOR MOVEABLE ACCESSORY BUILDING, AND EXCLUDING KITCHENS IN ACCESSORY BUILDINGS. 17.14.030 - AREA AND HEIGHT REQUIREMENTS, TRANSITIONAL ZONE, AMEND 45% OF ALLOWED LOT COVERAGE TO INCLUDE ASPHALT, CEMENT OR DRIVEWAYS AND INCREASE MAXIMUM HEIGHT OF DWELLING TO THIRTY-FIVE (35) FEET. 17.14.060 ACCESSORY USES, TRANSITIONAL ZONE, AMENDING ALLOWED LOT COVERAGE, HEIGHT OF ACCESSORY BUILDINGS, ACCESSORY BUILDING SETBACKS, REMOVING REQUIREMENT OF LAND SURVEY FOR MOVEABLE ACCESSORY BUILDING, AND EXCLUDING KITCHENS IN ACCESSORY BUILDINGS. 17.16.060 ACCESSORY USES, BUSINESS ZONE, AMENDING HEIGHT OF ACCESSORY BUILDINGS, AND REMOVING REQUIREMENT OF LAND SURVEY FOR MOVEABLE ACCESSORY BUILDING. 17.20.010 - CERTAIN ANIMALS PROHIBITED A-1 AND A-2 DISTRICTS, AMENDING ALLOWED PETS IN MULTI-FAMILY AND DUPLEX PROPERTIES, ALLOWING FOR UP TO FIVE (5) CHICKENS, PROHIBITING CHICKENS TO ROAM FREE UPON SURROUNDING PROPERTIES AND CAUSING OWNERS TO BE RESPONSIBLE FOR ANY DAMAGE CAUSED. 17.20.020 - CERTAIN ANIMALS PROHIBITED IN RESIDENTIAL B AND TRANSITIONAL DISTRICTS, AMENDING TO ALLOW FOR CERTAIN ANIMALS BASED UPON ACREAGE, ALLOWING CHICKENS, GOATS AND STEERS, AMENDING ALLOWED PETS IN MULTI-FAMILY AND DUPLEX PROPERTIES, PROHIBITING ROOSTERS IN ALL ZONES, CAUSING OWNERS TO BE RESPONSIBLE FOR ANY DAMAGE CAUSED.

A copy of a proposed ordinance is on file with the city clerk at the above address and copies of the same may be obtained from that office from and after January 23, 2019.

All persons present at the public hearing will be given the opportunity to be heard. Written comments and objections may be submitted to the City Clerk at the above address prior to the public hearing, and the same shall be considered by the Commission in its deliberations.

Linda Acock, City Clerk

Publish January 23, 2019

After reviewing the guidelines for holding a public hearing, Mayor Beckstead asked Economic Development Specialist/Assistant Planner, Shawn Oliverson to present the requested amendment to Chapter 17.

Economic Development Specialist/Assistant Planner Oliverson explained that there have been recurring issues with building and animals and amending the code should resolve the issues.

In Residential A-1 and A-2 Zones, the ordinance will be changed to include asphalt, cement, and/or driveways in the maximum 45% lot coverage.

In Residential A-1, A-2, B and Transitional Zones, the maximum allowed building height will be 35 feet. Along with that change, the accessory building height would be amended from the restricted 10 feet height, to allow the accessory building to be as tall, but not to exceed, the height of the residence. All setbacks for all accessory buildings, regardless of size, will be 8 foot. No kitchen or living quarters allowed in any accessory buildings, and, the amendment will remove the survey requirement for moveable buildings.

Economic Development Specialist/Assistant Planner Oliverson further explained the proposed changes to 17.20 regarding animals within the Residential A-1, A-2 and B Zones. At present time, chickens are not allowed within the zones. The amended ordinance would allow for up to five chickens, prohibit all roosters, and the owners must take all responsibility for any damage caused by said chickens.

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In Residential B and Transitional Zones, the amendment will change the number of allowed animals on the property, per acreage, allowing for 2 cows, steer, horses, etc. per acre up to 10 animals. It will allow 4 sheep or goats up to a maximum of 12. Said animals are still prohibited in Residential A-1 and A-2, with Grandfather Rights still applicable in accordance with 17.24.090.

Mayor Beckstead asked for comments in favor of the amendments to Chapter 17 of the Preston Municipal Code.

Brian Taylor, Preston City resident, spoke in favor of allowing a few more animals on acreage.

Vance Broadhead, Preston City resident, also spoke in support of allowing more animals per acreage.

There being no further comments in support of the proposed amendments, Mayor Beckstead asked for further comment, either neutral or in opposition. There being none, Mayor Beckstead asked if any written comments had been received in the City Clerk's office. Clerk Acock stated that there were no written comments.

It was moved by Councilmember Larson and seconded by Councilmember Wadsworth to close the public hearing, and open 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.

Councilmember Larson stated that adding a maximum of allowed animals to the amendment is good.

Mayor Beckstead added that the minimum acreage requirement is also good. He then asked about drains in accessory buildings, stating that, with the amendment, they wouldn't be allowed, but are common and useful.

Economic Development Specialist/Assistant Planner Oliverson explained that they would be disallowed, to discourage grease, etc. from being drained into the sewers.

Ordinance 2019-1 Councilmember Thomas introduced Ordinance #2019-1, an ordinance amending Title 17, Sections 17.08, 17.10, 17.12, 17.14, 17.16, 17.18, and 17.20, buildings and animals.

It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to dispense with the rules requiring the reading of ordinances on three separate days, and ordered the ordinance to be read once in summary. This received unanimous approval.

City Clerk Acock read Ordinance #2019-1 once in summary.

It was moved by Councilmember Larson and seconded by Councilmember Thomas to approve Ordinance #2019-1. 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.

Franklin Co. Commissioner Robert Swainston stated that the Franklin County Commission Report Commissioners had toured the hospital addition, and suggested that anyone who gets the opportunity to do so should tour the addition.

Business Licenses The following business licenses were presented:

Jared Coburn	32 North State	Coburn Law PLLC
Brenda Gifford	596 Fairway Place	Simple Kneads Bakery

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

Open Clerk Acock opened the following bids for the property located at
Bids the southeast intersection of 2600 East and 800 South.
Surplus of city-owned property at 2600 East 800 South.
Property
2600 East C.A. Farms LLC (John Cannon) \$61,586.00
800 South Tony Hollingsworth \$56,305.00

It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to accept the bid of \$61,586.00 received from C.A. Farms LLC (John Cannon) and to authorize Mayor Beckstead to sign the Quit Claim Deed. This received unanimous approval

Sale Of It was moved by Councilmember Larson and seconded by Councilmember
Surplus Thomas to authorize the sale of the remaining 48 shares of surplus
Cub River Cub River Water stock at a minimum of \$4,000. Treasurer Mickelsen
Water Stock will proceed with the sale of said stock, and authorize Mayor
Beckstead to sign forms and certificates as necessary. This received
unanimous approval.

Propose Engineer Simpson proposed the creation of a curb, gutter and sidewalk
Sidewalk fund, in lieu of the deferral agreements. He explained that a
Fund builder on residential property, outside of the 4th street corridors,
could voluntarily propose funds instead of installing the curb,
gutter and sidewalk. These funds could be used to repair existing
sidewalk, or install necessary sidewalk throughout the city.

Attorney Olson stated that he wants to review this matter to assure it is not considered an impact fee.

Council asked that the Planning and Zoning Board review the proposal and research its plausibility.

Police Police Chief Mike Peterson has tendered his resignation, effective
Chief effective March 1, 2019.
M. Peterson
Resignation The Mayor and City Council accepted Chief Peterson's resignation and
thanked him for his service to The City of Preston.

Mayor Beckstead proposed the advancement of Sergeant Dan McCammon to that of Police Chief.

It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to advance Sergeant Dan McCammon to Police Chief of the City of Preston, effective March 1, 2019. This received unanimous approval.

Staff Staff members gave brief updates on the various assigned
Report on designations.
Assigned
Designations

Discuss Mary Ann Cox, on behalf of the HOA of the Orchard Estates
Usage Subdivision, came before the Council to ask that they consider
Limits & those within subdivisions who are paying for secondary water
Water and don't use 25,000 gallons per month. They would like the rates
Rates to be raised minimally, and the allowed monthly gallons reduced.

Ms. Cox stated that they do pay for the secondary water that they use on their lawns and feel they would be subsidizing the large water users by paying the larger rate when rates are raised.

She thanked the council for holding the town hall meetings and the information given.

Discuss The council thanked Ms. Cox and those in attendance for their
Water Rates interest and for voicing their opinion and information.

Council further discussed the increase in water rates, looking at the option of a minimal increase in rates and significant cut in allowed gallons per month, the option of raising the rates \$25.00 per month

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now and another \$25.00 in 18 months, or raising the rates the full \$50.00 now and reserving monies for the three needed projects.

This matter will be placed on the February 25, 2019 city council agenda for further discussion.

Adjourn Meeting was adjourned at 6:44 P.M. by Mayor Beckstead.

Linda Acock, Clerk

Mark W. Beckstead, Mayor