

**CITY COUNCIL MEETING**  
**July 13, 2015**

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MAYOR & COUNCIL

F. Lee Hendrickson  
Saundra Hubbard  
Travis Kunz  
Todd Thomas  
Randy Harris

STAFF

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

OTHERS PRESENT:

Robert Merrill, Scott Workman, Linda Acock, Bailey Beckstead, John Burg, Chuck Chesney, Patty Chesney, Betty Fellows, Jed Fellows, Wayne Fellows, Clayton Gefre, Bruce Moser, Shaun Parkinson, Danielle Porter, Hobie Porter, Cody Ralphs, Larry Ralphs, Kathy Ray, Myrna Ruffell, Robert Ruffell, Del Rumsey, Jon Reeder, Tanner Sharp, Richard Swainston, Brad Wall

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, Kunz, Thomas, Harris.

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 (June 22, 2015)  
    B. Bills (July 13, 2015)

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

Mayors Appointments        Mayor Hendrickson appointed Jerry C. Larsen as City Treasurer, Deputy City Clerk and Office Manager; and Linda Acock as City Clerk and Deputy Treasurer.

It was moved by Councilmember Hubbard and seconded by Councilmember Harris to approve the appointments of Jerry C. Larsen as City Treasurer, Deputy City Clerk and Office Manager at his current annual salary; and Linda Acock as City Clerk and Deputy Treasurer at an annual salary of \$44,904.00, both effective July 16, 2015. This received unanimous approval.

Business Licenses        The following business licenses were presented:

Mike Cordova (Cordova Custom Machining, LLC)  
Clay & Alexandria Graham (Creations By Graham, LLC)  
Rachelle Cushman (Arthur Retirement Community)

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

4 County Alliance Of South-Eastern Idaho        Kathy Ray, Executive Director of the 4 County Alliance of Southeastern Idaho, followed up on her request that the City help Franklin County with their annual \$6,000 donation to the 4 County Alliance of Southeastern Idaho.

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Public  
Hearing To  
Vacate A  
Portion Of  
700 North

Mayor Hendrickson called for the following public hearing for the purpose of giving consideration to the petition of Post Hollow, LLC, Valley Agronomics, LLC, and Land Dynamics, Inc. to vacate a portion of an unimproved street, that being 700 North Street where the same is located on real property belonging to the petitioners, and which the petitioners represent is not necessary for the future development of the city.

**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 13<sup>th</sup> day of July, 2015 at the hour of 5:00 P.M. at the city hall located at 70 West Oneida St., Preston, Idaho 83263, for the purpose of giving consideration to the petition of Post Hollow, LLC, Valley Agronomics, LLC, and Land Dynamics, Inc. to vacate a portion of an unimproved street that being 700 North Street where the same is located on real property belonging to the Petitioners and which the Petitioners represent is not necessary for the future development of the city. If vacated by the city, the vacated street will be transferred by ordinance to the property owner or owners adjoining said vacated street according to statute. The portion of 700 North Street to be vacated is described as follows:

A parcel of land located in Section 21, Township 15 South, Range 39 East, Boise Meridian, Franklin County, Idaho, and further described as follows:

Commencing at the Northeast corner of said section 21; from which the North Quarter of Section 21 bears North 89°28'59" West;  
thence North 89°28'59" West 1322.22 feet along the North boundary of Section 21 to the Northwest corner of said E1/2NE1/4;  
thence South 00°05'57" West 47.02 feet along the West boundary of said E1/2NE1/4 to the South right of way line of Highway 91;  
thence South 89°19'18" East 35.00 feet along said right of way line to a 5/8" rebar and cap labeled "Allen Land Surveying, PLS9163";  
thence South 00°05'57" West 623.25 feet to the North right of way line of 700 North, the point of beginning;  
thence South 89°19'18" East 641.59 feet along said right of way line;  
thence South 00°05'57" East 60.00 feet to the South right of way line of 700 North;  
thence North 89°22'42" West 1993.41 feet along said right of way line;  
thence North 00°05'57" West 60.00 feet to the North right of way line of 700 North;  
thence South 89°19'18" East 1351.53 feet along said right of way line to the point of beginning

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.

A plat showing the approximate location of the street to be vacated is included with this notice.

s/Jerry C. Larsen, City Clerk

Publish on June 24<sup>th</sup> and July 1<sup>st</sup>, 2015

Mayor Hendrickson called for comments from those present regarding this public hearing.

There being no comments, Mayor Hendrickson closed the public hearing.

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Ord#2015-4  
Vacating A  
Portion Of  
700 North

Councilmember Hubbard introduced Ordinance #2015-4, an ordinance giving consideration to the petition of Post Hollow, LLC, Valley Agronomics, LLC, and Land Dynamics, Inc. to vacate a portion of an unimproved street that being 700 North Street where the same is located on real property belonging to the Petitioners and which the Petitioners represent is not necessary for the future development of the city.

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

City Clerk Larsen read Ordinance #2015-4 once in its entirety.

It was moved by Councilmember Thomas and seconded by Councilmember Hubbard to approve Ordinance #2015-4. The vote was as follows:

Councilmember Hubbard	Aye
Councilmember Kunz	Aye
Councilmember Thomas	Aye
Councilmember Harris	Aye

Motion passed by unanimous approval.

Appeal of  
Denied  
Building  
Robert  
Ruffell  
62 E. 2<sup>nd</sup> S.

Robert Ruffell, 62 East 2<sup>nd</sup> South, appealed the denial of his Building Permit Application for an accessory building (garage) dated June 11, 2015. The application was denied because the proposed accessory building did not meet setback requirements for a Residential A-1 zone. Therefore, Mr. Ruffell requested a variance from the setback requirements. It was moved by Councilmember Thomas and seconded by Councilmember Hubbard to have Mr. Ruffell proceed with an application for variance. This received unanimous approval.

Water Line  
1400 West  
Wayne  
Fellows

Wayne Fellows, 1196 North 1400 West, expressed concern about the water line on 1400 West due to the construction of a new home by Hyrum Kinston Smith at 1098 North 1400 West. He explained that at the time of annexation, he was told the City would loop the water line to increase pressure and to date this has not taken place. Further, he stated that the water has dirt and debris in it which builds up and clogs the water lines. City Attorney Nelson advised Mr. Fellows to submit a written statement to the Council with a detailed explanation and history of the information he was given at the time of annexation for Council review and it will be discussed at a future meeting.

Contract  
Building  
Inspection  
Services

County/City Inspector John Burg announced his retirement from Franklin County and wished to continue inspection services for the city. He plans to work from his home, and will continue to maintain his insurance and his licensing and certification with the State of Idaho. After making some minor revisions in the Professional Services Contract, it will be discussed at a future council meeting.

Contract  
With City  
Engineer

It was moved by Councilmember Thomas and seconded by Councilmember Hubbard to approve an Agreement for Professional Services Contract between the City of Preston and JUB Engineers, Inc. for city engineering services from October 1, 2015 to September 30, 2016. This received unanimous approval.

A copy of Agreement follows minutes.

Proposed  
Ordinance  
Modification  
Two-Family  
Dwellings  
On Corner  
Lots

Councilmember Hubbard stated she had been approached with a request to allow two-family dwellings on corner lots outside the core area of 4<sup>th</sup> North, 4<sup>th</sup> South, 4<sup>th</sup> West and 4<sup>th</sup> East within the Transitional Zone. After discussion, it was moved by Councilmember Hubbard and seconded by Councilmember Thomas to send a proposed ordinance modification to Planning and Zoning. This received unanimous approval.

