

CITY COUNCIL MEETING
August 26, 2013

MAYOR & COUNCIL

F. Lee Hendrickson
Saundra Hubbard
Neal Larson
Travis Kunz
Todd Thomas

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, Shannon Nielsen, Jan McCarthy, Melanie McCarthy, Cedar Hodges, Bailey Beckstead, Donald Kofoed, Ben Ramsey, Cheryl Ramsey, Steve Kimpton, Kris Waddoups, Lyle Porter

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, Thomas.

Item Added To Agenda Mayor Hendrickson asked that the following item be added to the agenda: FEMA Assistance Grant, added because the City received information on the grant this afternoon and there is a short time frame to apply. It was moved by Councilmember Hubbard and seconded by Councilmember Larson to add the FEMA Assistance Grant to the agenda. This received unanimous approval.

Public Hearing Beckstead McCarthy Rezone Mayor Hendrickson called for the following public hearing for the purpose of giving consideration to the application of Scott Beckstead of Beckstead Real Estate Co., and Jan McCarthy, to rezone properties located at 250 East 4th North and 310 North 2nd East from their present classification of Residential A-1 to Residential B.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on August 26, 2013, before the Mayor and City Council of the City of Preston at the hour of 4:30 PM at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Scott Beckstead, Beckstead Real Estate Co., 32 West Oneida St., Preston, Idaho, and Jan McCarthy, 310 North 2nd East St., Preston, Idaho, for the rezoning of certain property located in the City of Preston, Idaho, from its present classification of Residential A-1 District to a classification of Residential B District. A copy of the legal description of the property to be rezoned is attached hereto together with a copy of a map showing the location of the property in proximity to adjoining streets.

All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said rezoning may be submitted to the City Clerk at the above stated address, and the same will be considered if received prior to said public hearing.

Dated this 1st day of August, 2013

s/Jerry C. Larsen, City Clerk
Publish In Preston Citizen: August 7, 2013

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

Ben Ramsey, 390 North 2nd East, stated his opposition to the proposed zone change.

Bailey Beckstead, of Beckstead Real Estate, explained there are no plans to build additional apartments in The Pines apartment complex, located at 250 East 4th North, stating that Beckstead Real Estate is simply seeking to rezone the property Residential B because its current classification is located in both Residential A-1 and Residential B zones. He further stated that Jan McCarthy, 310 North 2nd East, is also seeking a change to Residential B to finish construction of two apartment units above the existing home's garage.

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Jan McCarthy, 310 North 2nd East, stated no changes will be made to the outside structure of the home and ample parking is available for the home and two apartments.

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

Ord#2013-3 Councilmember Larson introduced Ordinance #2013-3, an ordinance
Beckstead amending the zoning map of the City to provide for reclassification
McCarthy of a parcel of property from its present classification of
Rezoned Residential A-1 to Residential B.

It was moved by Councilmember Larson 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. The vote was as follows:

Councilmember Hubbard	Nay
Councilmember Larson	Aye
Councilmember Kunz	Aye
Councilmember Thomas	Aye

Motion passed by majority vote.

City Clerk Larsen read Ordinance #2013-3 once in its entirety.

It was moved by Councilmember Larson and seconded by Councilmember Kunz to approve the same as presented. The vote was as follows:

Councilmember Hubbard	Nay
Councilmember Larson	Aye
Councilmember Kunz	Aye
Councilmember Thomas	Aye

Motion passed by majority vote.

Public Mayor Hendrickson called for anyone present to discuss the Fiscal
Hearing Year 2014 Budget.

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

Ord#2013-2 Councilmember Thomas introduced Ordinance #2013-2, City of Preston
Annual Annual Appropriation Ordinance.

Approp. It was moved by Councilmember Thomas and seconded by Councilmember
Ordinance Hubbard 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 #2013-2 once in its entirety.

It was moved by Councilmember Hubbard and seconded by Councilmember Thomas to approve the same as presented. The vote was as follows:

Councilmember Hubbard	Aye
Councilmember Larson	Nay
Councilmember Kunz	Aye
Councilmember Thomas	Aye

Motion passed by majority vote.

It was moved by Councilmember Thomas and seconded by Councilmember Hubbard to approve the Resolution Regulating Salaries and Benefits for fiscal year 2014. The vote was as follows:

Councilmember Hubbard	Aye
Councilmember Larson	Nay
Councilmember Kunz	Aye
Councilmember Thomas	Aye

Motion passed by majority vote.

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It was moved by Councilmember Kunz and seconded by Councilmember Thomas to approve the County Commissioner Budget Certification for fiscal year 2014, and to authorize Mayor Hendrickson to sign the same. The vote was as follows:

Councilmember Hubbard	Aye
Councilmember Larson	Nay
Councilmember Kunz	Aye
Councilmember Thomas	Aye

Motion passed by majority vote.

Copies of the Annual Appropriation Ordinance, approved Resolution Regulating Salaries and Benefits, and County Commissioner Budget Certification for fiscal year 2014 follow minutes.

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 (August 5, 2013)
- B. Treasurer's Monthly Report (July 31, 2013)
- C. Bills (August 26, 2013)

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

Business License The following business license was presented:

Barry Finlay (Optisound Hearing, Inc.)

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

Street Right Of Way Donald Kofoed requested vacating the City's right of way at 1st West and 3rd North, or moving it to the west of the existing home at 92 West 3rd North. City Attorney Nelson advised Mr. Kofoed to file a written petition to vacate the right of way with the City Clerk's office, after which this matter will be set for Public Hearing before the Planning and Zoning Commission.

Bear River Drug Task Force Police Chief Geddes requested authorization from the Council to join with other law enforcement agencies in Southeast Idaho as part of the Bear River Drug Task Force, enabling Preston City and other law enforcement agencies to assist one another in drug related matters. He explained that the task force fund reimburses the law enforcement agencies involved, thereby easing the impact of comp time hours accrued by his police officers. It was moved by Councilmember Larson and seconded by Councilmember Thomas to allow Police Chief Geddes to sign the memorandum to join the Bear River Drug Task Force. This received unanimous approval.

Irrigation Easement Lyle Porter, of the Consolidated Irrigation Company, requested an easement from the City to locate a portion of its irrigation pipeline on property near Glendale that is owned by the City. City Attorney Nelson advised the Council he had drafted an Easement Agreement for their review and this matter will be placed on the next meeting agenda.

FEMA Assistance Grant City Clerk Larsen explained that Rick Faucet, of Whisper Mountain Professional Services, had contacted him to report there are still FEMA Grants available this year for Flood Mitigation purposes. It was moved by Councilmember Thomas and seconded by Councilmember Hubbard to authorize Whisper Mountain Professional Services to prepare an application for a FEMA Grant. This received unanimous approval.

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Executive Session It was moved by Councilmember Thomas and seconded by Councilmember Larson to enter Executive Session to consider and advise legal representatives in pending litigation or where there is a general public awareness of probable Litigation as allowed by Idaho Code 67-2345(1)(f). The vote was as follows:

Councilmember Hubbard	Aye
Councilmember Larson	Aye
Councilmember Kunz	Aye
Councilmember Thomas	Aye

Motion passed by unanimous vote.

Entered Executive Session at 6:05 P.M.

Returned from Executive Session at 6:25 P.M.

It was moved by Councilmember Hubbard and seconded by Councilmember Thomas to authorize Mayor Hendrickson to sign an agreement between City Of Preston and Franklin County to have the Franklin County Prosecuting Attorney provide prosecutorial services in and for the City Of Preston, beginning October 1, 2013. This received unanimous approval.

Copy of agreement follows minutes.

It was moved by Councilmember Hubbard and seconded by Councilmember Thomas to approve the disbursement of the State Insurance refund check in the amount of \$158 to the 19 full time employees, and \$79 to the 2 part-time employees. This received unanimous approval.

It was moved by Councilmember Larson and seconded by Councilmember Hubbard to award merit money, as the Employee Salary Resolution allows, to the three department supervisors in the amount of \$1000. This received unanimous approval.

It was moved by Councilmember Larson and seconded by Councilmember Hubbard to award merit money, as the Employee Salary Resolution allows, to each department in the following amounts: Clerk's Office \$950; Police Department \$2,150; Public Works Department \$2,600. Department supervisors are to distribute these amounts to their employees, based on employee evaluations and performance. Councilmember Thomas was asked to assist the Public Works Department in distributing funds to their department. This received unanimous approval.

It was moved by Councilmember Larson and seconded by Councilmember Hubbard to adjourn the meeting at 7:25 P.M. This received unanimous approval.

Jerry C. Larsen, Clerk

F. Lee Hendrickson, Mayor