

**CITY COUNCIL MEETING
September 24, 2012**

MAYOR & COUNCIL

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
Val Sparrow, Police Chief
Wendy Merrill, Clerk

OTHERS PRESENT:

Robert Merrill, Steve Aust, Kris Beckstead, Robin Berrett, Kay Coburn, Fred Knowlton, Michael Lower, Heidi Nye, Ken Ramsey, Cheryl Ramsey, Kelly Schofield, Ron Smellie, Douglas Webb, Scott Workman

Council Meeting was called to order at 4:30 P.M. by Mayor Hendrickson.

Roll Call of Councilmembers showed the following members present:
Hubbard, Larson, Kunz, Thomas.

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 (September 4, 2012)
B. Treasurer's Monthly Report (August 31, 2012)
C. Bills (September 24, 2012)

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

Public Hearing To Vacate A Portion Of 7th East Mayor Hendrickson called for the following public hearing for the purpose of giving consideration to the application of Douglas S. Webb to vacate a portion of 7th East Street.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Mayor and City Council of the City of Preston, Idaho, on the 24th day of September, 2012, at the hour of 5:00 P.M., at the Preston City Hall located at 70 West Oneida Street, Preston, Idaho, for the purpose of giving consideration to the application of Douglas S. Webb to vacate a street within the city limits, to-wit:

7th East Street on that portion of property owned by the applicant which property is described in Exhibit "A" attached hereto and made a part of this Notice of Public Hearing.

Written comments or objections concerning the proposed street abandonment may be submitted to the City Clerk, 70 West Oneida Street, Preston, Idaho, 83263.

All persons present at the public hearing desiring to be heard on the proposed abandonment shall be given the opportunity to be heard.

s/Jerry C. Larsen, Preston City Clerk

Publish In Preston Citizen: September 12, 2012 & September 19, 2012
In Preston Citizen

EXHIBIT "A"

A parcel of land located in the Southeast quarter of Section 23, Township 15 South, Range 39 East, Boise Meridian, Preston City, Franklin County, Idaho and further described as follows:

Beginning at the Southeast corner of said Section 23, from which the South quarter corner of said Section 23 bears North 89°54'58" West 2664.39 feet;
Thence North 89°54'58" West 622.87 feet along the south line of said Section 23 to the True Point of Beginning;
Thence North 89°54'58" West 189.00 feet along said south line;
Thence North 00°05'32" West 49.50 feet to found rebar with cap labeled, PLS 13173 set on the north right of way line of East Oneida Street;

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Thence North 00°05'32" West 108.28 feet to a 5/8" rebar with cap;
 Thence South 89°55'43" East 54.90 feet to a found rebar with cap
 labeled, Pete Peterson;
 Thence North 00°04'33" East 34.16 feet to a found rebar with cap
 labeled, LS 9163;
 Thence North 00°05'56" West 514.36 feet to a found rebar with cap
 labeled, PLS 9163;
 Thence South 89°45'55" East 366.40 feet to a found rebar with cap
 labeled, PLS 13173;
 Thence South 00°05'56" East 368.34 feet to a found rebar with cap
 labeled, PLS 13173, set on the north line of that parcel of land
 owned by Douglas S. and Sandra V. Webb and Clydell and Pamela Bowen
 as recorded under instrument number 209583 in the official records
 of Franklin County;
 Thence North 89°53'31" West 25.00 feet along said north line to the
 northwest corner of said parcel;
 Thence South 00°05'56" East 145.21 feet along the west line of said
 parcel to a found rebar with cap labeled, PLS 4735;
 Thence North 89°53'31" West 207.40 feet to a found rebar with cap
 labeled, PLS 13173;
 Thence South 00°05'32" East 142.40 feet to a found rebar with cap
 labeled, PLS 13173 set on said north right of way line;
 Thence South 00°05'32" East 49.50 feet to the True Point of
 Beginning.

Containing 5.03 acres of land.

Subject to a right of way for East Oneida Street located in the
 Southeast quarter of Section 23, Township 15 South, Range 39 East,
 Boise Meridian, Preston City, Franklin County, Idaho and further
 described as follows:

Beginning at the Southeast corner of said Section 23, from
 which the South quarter corner of said Section 23 bears North
 89°54'58" West 2664.39 feet;
 Thence North 89°54'58" West 622.87 feet along the south line of said
 Section 23 to the True Point of Beginning;
 Thence North 89°54'58" West 189.00 feet along said south line;
 Thence North 00°05'32" West 49.50 feet to a 5/8" rebar with cap
 labeled, "A.A. Hudson, PLS 13173" set on the north right of way line
 of East Oneida Street;
 Thence South 89°54'58" East 189.00 feet along said right of way line
 to a 5/8" rebar with cap;
 Thence South 00°05'32" East 49.50 feet to the True Point of
 Beginning.

Containing 0.2 acres of land.

Together with a right of way in common with others as described
 under instrument number 191991 in the official records of Franklin
 County.

Also together with and subject to a right of way over an existing
 roadway along the east side of the above described parcel and
 further described under instrument number 191991 in the official
 records of Franklin County.

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

Douglas Webb requested abandoning a portion of 7th East North off of
 Oneida Street to create a lot for a single family home. He
 explained that abandoning 7th East would also eliminate a dangerous
 intersection since it is halfway down a hollow with a high bluff on
 the east side.

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

After Council discussion, it was moved by Councilmember Larson and
 seconded by Councilmember Thomas that a deed restriction be placed
 on this property stating that only one house will be constructed on
 this 5 acre lot, the lot can never be subdivided, nor can any pieces
 of the lot be sold in the future, and any house placed on the lot
 cannot be constructed in the right of way. The vote was as follows:

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

Due to a tie vote, Mayor Hendrickson cast the tie breaking vote.
 Mayor Hendrickson Nay

Motion was denied.

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- Business Licenses The following business licenses were presented:
- Marshall Winder (Marshall Winder)
Monica Winder (Xtreme Gymnastics)
Stephen Rallison (Strictly Ballroom)
Joe & Denise Hardy (The Barn)
Kelly Schofield (Preston Gardens, LLC)
- It was moved by Councilmember Kunz and seconded by Councilmember Hubbard to approve the above business licenses. This received unanimous approval.
- Bond Refund It was moved by Councilmember Hubbard and seconded by Councilmember Larson to refund the improvement bond in the amount of \$1518.83 to Justin & Colleen Carter, 1415 North 8th West. This received unanimous approval.
- Festival Of Lights Kris Beckstead and Ron Smellie, co-chairs of last years Festival Of Lights, requested that the City support and/or take over the Festival Of Lights. After Council discussion, this issue was taken under review.
- Use Of Archery Building Angel Tree Program Heidi Nye requested the use of the City's archery building from December 6, 2012, to December 22, 2012, for the Christmas Angel Tree program. She also asked the City to waive the fee for the use of the building. It was moved by Councilmember Thomas and seconded by Councilmember Kunz to allow the Angel Tree program to use the archery building and to waive the fee. This received unanimous approval.
- Sidewalks & Sewer Near 2nd S. & 3rd E. Michael Lower made a proposal to improve the area near 2nd South and 3rd East to make it safer by putting in a sidewalk, and requested help from the City with associated costs. After Council discussion, this issue was taken under review.
- Food Pantry Surety Bond Steve Aust, from the Preston Community Food Pantry, updated the Council on the progress of construction on the pantry and the outpouring of volunteer support received. He requested the City waive the surety bond requirement in Section 11 of the Lease Agreement, which states:
- "Surety Bond. Prior to construction of the building or other improvements upon the Premises, the Lessee shall furnish to Lessor, a performance bond or letter of credit, or cash, in a sum at least equal to the estimated cost of the building and other improvements upon the Premises as the same may be estimated by Lessor's engineer..."
- After Council discussion, it was moved by Councilmember Larson and seconded by Councilmember Hubbard to allow the Preston Community Food Pantry to post a cashiers check in the same amount as the costs of construction, as long as City Engineer Kimball agrees with this amount. The cashiers check is to be held for up to one year. If the construction is not completed within one year the cashier's check shall be forfeited to the City. This received unanimous approval.
- Coats & Coats Rezone Councilmember Hubbard declared a conflict of interest regarding the Coats & Coats rezone inquiry, and did not participate in the discussion.
- Coats & Coats, LLC, 807 West Oneida, inquired about either rezoning this property from Industrial 1 to Industrial 2 to allow blacksmith, welding and metal fabrication, or adding blacksmith, welding and metal fabrication as an allowed use in the Industrial 1 zone. City Attorney Nelson recommended the applicant make a request to change the ordinance text to allow blacksmith, welding and metal fabrication in the Industrial 1 zone. After Council discussion, City Engineer Kimball was directed to contact Coats & Coats and find out if it is their wish to rezone the property or make a request to change the ordinance text to allow blacksmith, welding and metal fabrication in the Industrial 1 zone.
- County Commission Report County Commissioner Scott Workman informed the Council bids for items stored in the County's quonset hut, located between the Franklin County Courthouse and the Franklin County Assessor's office on West Oneida, will take place September 25, 2012, at 10:00 a.m.

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Building Permit Variance Application Ken & Deanise Ramsey, 390 North 2nd East, addressed the Council regarding their Building Permit Application for the addition of a concrete slab driveway with a carport to the side of their residence. City Engineer Kimball, in his letter to the Ramsey's dated August 01, 2012, explained that carports fall under the definition of accessory buildings, and as such cannot be located in side yards, and must meet setback requirements. Further complicating the matter are recommended changes to the Preston City Code wherein the City Council will assume authority over special use permits and variances, as discussed in the September 4, 2012, Council meeting. After Council discussion, it was the opinion of the Council that the City must abide by the ordinances as they are written.

Memorial For Cody Moosman Douglas Webb inquired whether the Council had reached a decision regarding the request to place a memorial bench and flag pole in the City park as a memorial to Army Specialist Cody Moosman, who was killed in the line of duty in Afghanistan this year. He reported that the Franklin County Commission has voiced their support for the memorial. After Council discussion, it was moved by Councilmember Larson and seconded by Councilmember Thomas to allow a memorial and flag pole to be placed in the City park in honor of Army Specialist Cody Moosman. This received unanimous approval.

Executive Session It was moved by Councilmember Hubbard and seconded by Councilmember Thomas to enter Executive Session to discuss 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 6:37 P.M.

Returned from Executive Session at 7:54 P.M.

It was moved by Councilmember Thomas and seconded by Councilmember Kunz to adjourn the meeting at 7:58 P.M. This received unanimous approval.

Jerry C. Larsen, Clerk

F. Lee Hendrickson, Mayor