

CITY COUNCIL MEETING
June 12, 2017

MAYOR & COUNCIL

Mark W. Beckstead
Todd D. Thomas
Terry D. Larson
Bradley J. Wall
Allyson Wadsworth

STAFF

Linda Acock, City Clerk
Kelly Mickelsen, City Treasurer
O. John Balls, Public Works Director
Mark T. Owens, City Engineer
Ken Geddes, Police Chief
Tyler Olson, City Attorney

OTHERS PRESENT:

Chuck Chesney, Shelley Funk, Lindsay Madsen, Tiffany Hatch, Marty Hatch, Berni Winn, Sandy Allred, Eric Allred, Forrest Christensen, Nicole Thomas, Linda Hansen, Mike Funk

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. City Council Minutes (May 22, 2017)
- B. Bills (June 12, 2017)
- C. Treasurer's Monthly Report (May 30, 2017)

It was moved by Councilmember Wadsworth and seconded by Councilmember Thomas to approve the Council Minutes of May 22, 2017, as presented. The vote received unanimous approval.

It was moved by Councilmember Wall and seconded by Councilmember Larson to accept the bills of May 22, 2017. The vote received unanimous approval.

It was moved by Councilmember Larson and seconded by Councilmember Wadsworth to accept the Treasurer's Monthly Report of May 30, 2017. The vote received unanimous approval.

Public
Hearing
Rezone
Residential
A-1 To
Residential
A-2

Mayor Beckstead called for the following public hearing for the purpose of giving consideration to the application to rezone certain property from Residential A-1 to Residential A-2, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on June 12, 2017, before the City of Preston Mayor and Council at the hour of 5:00 P.M., or as soon thereafter as this matter may be heard, at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Eric and Sandy Allred, 304 Park Avenue, Preston Idaho for the rezoning of certain property located in the City of Preston, Idaho, from its present classification of Residential A-1 to a classification of Residential A-2. More specifically, Eric and Sandy Allred desires that the parcels of property that make up 304 Park Avenue be zoned Residential A-2, allowing for a multiple family dwelling. A copy of the legal description of the property requested to be rezoned is attached hereto.

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 11th day of May, 2017.

s/ Linda Acock, City Clerk

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Exhibit A

Legal Description of Property

Part of the Northeast Quarter of the Southwest Quarter of Section 26, Township 15 South, Range 39 East, Boise Meridian described as follows, comprising two tracts, (three lots):

Beginning at the North east Corner of the Southwest Quarter (Center Section Corner) of Section 26 and running South 00°05'51" East, 363.00 feet, thence South 89°55'38" West, 183.00 feet to the True Point of Beginning (said point also being the Northeast Corner of Lot 4, Block 5, Oneida park Addition); running thence South 00°05'51" East, 132.00 feet; thence South 89°55'38" West, 150.00 feet; thence North 00°05'51" East, 132.00 feet to the South Line of Park Avenue and the Northwest Corner of Lot 6; thence South 89°55'38" East, 150.00 feet along said South Line to the True point of Beginning.

After giving guidelines for holding public hearings, Mayor Beckstead opened the public hearing and asked Eric Allred to present the application for rezone.

Eric Allred presented his request to rezone 304 Park Avenue from Residential A-1 to Residential A-2. They have remodeled their home and would like to rent out a portion of the house. This is not an allowed use in Residential A-1, so they are asking to be rezoned to Residential A-2 to be in compliance with multiple family dwellings. The properties across the street are currently zoned Residential A-2. It is his belief that the zone change is in compliance with the Comprehensive Plan, and is located close to schools and local business.

Engineer Owens stated that there were concerns with storm water drainage and curb, gutter & sidewalk, addressed in Planning and Zoning, and the Allred's have agreed to resolve said issues by installing curb and gutter and building the driveway so as to retain storm water drainage.

Councilmember Thomas noted that the vote in Planning and Zoning was 3-2 in favor of recommending the zone change. He asked Engineer Owens why the vote was not unanimous and if there was reasons given for the nay votes. And, if it was considered spot zoning by going across the street to connect to a zone.

Engineer Owens explained that part of the reason for the 3-2 vote was the drainage and curb & gutter issues, as well as allowing for the house to be multi-family dwelling.

Councilmember Wall stated that the zoning is considered to go to the middle of the street, so the zones would be connected. Engineer Owens confirmed that it is contiguous.

Councilmember Larson asked if the extension of the curb and gutter would be conducive to future street improvement. Engineer Owens stated that it would be.

Clerk Acock read the following comments received from James Barnhill:

Preston City Council
70 West Oneida
Preston, Idaho 83263

June 7, 2017

Dear Preston City Council,

My name is James Barnhill. I am the son-in-law of Clair and Alzina Egbert and with them own the home at 490 S 400 E in Preston. The home just to the West of us, 304 Park Ave, is owned by Eric and Sandy Allred who are asking the City for reclassification of their zoning status so that they can have a multi-family dwelling. Eric asked me to write a letter to you expressing our feelings about it.

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While we have no interest in making our home a multi-family dwelling, we do support Eric and Sandy Allred's desire to do so. They already have the home adapted to have two families in it and have purchased part of the lot next to us so that they could qualify for the two family designation. They have been great neighbors and friends to my aging in-laws and I feel a sense of loyalty to them.

I would prefer that there not be more than two families in the home, as I believe that it would devalue the neighborhood. The area is mostly single family homes and I don't want to see a lot of multi-family units developed. However, the Allred's made a nice double unit of their home to accommodate their aging parents and now that the parents have left it seems reasonable to rent it.

Best Regards,
s/ James Barnhill
1315 S 1250 W
Syracuse, UT 84075
801-825-5056

Marty Hatch, property owner at 302 Park Avenue, stated his concern with the zone change. The effects it would have on his property and property values. This is only a good change for the Allred property, not the rest of the neighborhood. There's a likelihood of an influx of people moving in and out of the neighborhood. And, should the Allred family sell the home, there isn't a guarantee that the new owners will live onsite and take of the property the way the Allreds have.

Councilmember Larson asked why Mr. Hatch regarded this a negative impact, with existing apartment complexes across the street.

Councilmember Wall stated that the home has, "curb appeal" and didn't resemble a duplex or multi-family dwelling. Moving forward, he doesn't foresee any negative impact to the neighborhood.

Mr. Hatch stated that they did consider the apartments across the street when they purchased their home, and that apartments across the street wasn't as much of a factor as them being next door.

Councilmember Thomas and Councilmember Wadsworth asked who Mr. Hatch had checked with to determine that they could be losing property value.

Mr. Hatch explained that he works with general contractors and others in the construction business.

Nicole Thomas, property owner at 505 South 3rd East, voiced concern about property value and resale.

Councilmember Wadsworth read the following letter from Jase Cundick, Franklin County Assessor:

May 1, 2017

To Whom It May Concern:

In regards to the proposes zoning change for the property owned by Eric and Sandy Allred, commonly known by the address of 304 Park Ave in Preston, ID, this zoning change will not affect the property tax assessments of the neighboring properties. All neighboring properties will continue to be assessed according to market value as required by Idaho State Code, which is derived from actual sales from comparable properties. If there are any questions or concerns regarding the property tax implications of this proposed change please contact me at time.

Sincerely,
s/Jase Cundick
Franklin County Assessor

Ms. Thomas stated that she was also concerned that there could be additional units added because the zone allows.

Engineer Owens stated that more units could be added on, as would be allowed by the Residential A-2 zone.

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Clerk Acock read the submitted letter from Marty Hatch of 302 Park Avenue.

Mayor/council Members,

I wanted to take moment to bring your attention to the proposed rezoning of 304 Parv Avenue (Mr. Allred's property) that is to be discussed/proposed during the June 12th Council meeting.

My wife and I reside directly west of 304 at 302 Park Avenue. We are opposed to the rezoning for multiple reasons as does two other neighbors that are adjacent to 304 Park Ave. and one that is with the 300'-0.

I am concerned about our property values, salability of our properties, the influx of people etc... I feel as if we are being told that we must gamble with the investment we have put into our homes for the with slight chance it will not affect us but I feel big chance that it will. Mr. Allred has told me that it shouldn't affect our values if it continues to look like a house and not an apartment but I think it would be hard for it to continue to look like just a house if there is a parking lot on the side, multiple mail boxes, etc..and there is no guarantee that Mr. Allred will not sale the property and then we are left with who knows what. I have tried to write down the pros & cons of this rezoning and the pros side of the paper is blank and the cons is front and back.

I feel if no zoning changes are made the only ones that could be negatively affected are the tenants that have been living there for over a year. If Mr. Allred has not recouped his investment with the rent he has received then that is unfortunate be we should not be responsible for his poor decisions and willingness to say put the cart before the horse.

I urge you to vote NO to the rezoning of 304 Park Ave.

Thank you for your time and your service to our city.

Sincerely,
Marty & Tiffany Hatch

Mr. Allred expressed appreciation for the neighbors voicing their concern. He has contacted realtors and asked for opinion of the property value. He did not receive any negative feedback. The home is currently being used as a duplex. There is a possibility for a third, but they are not wanting to do any more construction at this time, so it will most likely stay a duplex.

Mayor Beckstead asked for further comment from those present. There being none, he closed the public hearing and asked for discussion amongst the council.

During discussion, it was moved by Councilmember Larson and seconded by Councilmember Thomas to reopen the public hearing to ask a question from Mr. Hatch. This received unanimous approval.

Councilmember Larson asked Mr. Hatch if he had any interest at all in having his property zoned Residential A-2. Mr. Hatch stated that he did not have any interest whatsoever.

Lindsay Madsen, 580 Cedar Circle, spoke in favor of the rezone. The Allreds have met the conditions required in requesting a rezone and they should be allowed to use their property for the highest and best use possible.

It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to re-close the public hearing. This received unanimous approval.

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After further discussion, it was moved by Councilmember Wall and seconded by Councilmember Larson to accept the application for rezone, by Eric and Sandy Allred of 304 Park Avenue, subject to the conditions of storm water drainage and curb & gutter, as set forth by the Planning and Zoning Commission. The vote was as follows:

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

Motion passed by majority vote.

Ord#2017-9 It was moved by Councilmember Thomas and seconded by Councilmember
Rezone Wall to introduce Ordinance #2017-9, an ordinance amending the
From zoning of certain property from Residential A-1to Residential A-2.
Residential and to dispense with the rules requiring the reading of ordinances
A-1 To on three separate days, and ordered Ordinance 2017-9 to be read once
Residential in summary. The vote was as follows:

A-2	Councilmember Thomas	<u>Aye</u>
Allred	Councilmember Larson	<u>Aye</u>
	Councilmember Wall	<u>Aye</u>
	Councilmember Wadsworth	<u>Aye</u>

Motion passed by unanimous vote.

City Clerk Acock read Ordinance #2017-9 once in summary.

It was moved by Councilmember Wall and seconded by Councilmember Wadsworth to approve Ordinance 2017-9. The vote was as follows:

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

Mayor Beckstead cast the tie breaking vote, with an Aye vote.

Motion passed by majority vote.

Business It was moved by Councilmember Larson and seconded by Councilmember
Licenses Thomas to approve the following business licenses.

Jenny Gregersen	205 South State	(Jenny's Cuisine)
Dixie Hunsaker	7 East Oneida	(Fit at the Gym)
Patrick & Cindy Zook	54 West 4 th South	(The Fun Shop)
Daniel Chow	3060 W. California Ave	(Willdan Energy)
	Salt Lake City UT	

This received unanimous approval.

It was moved by Councilmember Larson and seconded by Councilmember Thomas to table a decision on a business license for Brian Owen 2470 South 500 West Perry, Utah, to determine the necessity of a food handler's permit. This received unanimous approval.

It was also determined that it is not necessary for Scott and Lindsay Madsen to obtain a second business license, to operate a shaved ice business under the same tax identification.

Variance It was moved by Councilmember Thomas and seconded by Councilmember
420 Pioneer Larson to accept the Planning and Zoning Commission's recommendation
T. Merrill and approve a variance request for a 12'x 32' accessory building at
420 Pioneer Circle. The vote was as follows:

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

Mayor Beckstead cast the tie breaking vote, with an Aye vote.

Motion passed by majority vote.

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Agreement It was moved by Councilmember Wall and seconded by Councilmember
Barker Larson to enter into an agreement with the Law Firm of Barker,
Rosholt Rosholt & Simpson for water rights issues, and permit Mayor Beckstead
& Simpson to sign said agreement.

Water Rights This received unanimous approval.

Preston The Preston Paradise Shaved Ice shack has been set up at the City
Paradice Park, during ball games, and has asked for the opportunity to stay
Ice Shack in the park for the remainder of summer.

After discussion, it was moved by Councilmember Larson and seconded
by Councilmember Thomas to allow private entities to sell concessions
in the Preston City Park, so long as they meet all requirements,
health and business wise.

The vote was as follows:

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

Mayor Beckstead cast the tie breaking vote, with an Aye vote.

Motion passed by majority vote.

Final The Trinity Planned Unit Development presented an amended Final
Plat Plat for their second set of units to be developed. Questar Gas had
Trinity requested the final plat be amended to change the wording on the
P.U.D. common area. They determined while changing the wording on the plat,
to also change the upstairs of the units to have three bedrooms
instead of two. It doesn't change any of the footings or size of the
units.

It was moved by Councilmember Thomas and seconded by Councilmember
Wadsworth to approve the Final Plat for Trinity Planned Unit
Development, and authorize Mayor Beckstead to sign said final plat.
This received unanimous approval.

Executive It was moved by Councilmember Thomas and seconded by Councilmember
Session Wall to enter Executive Session to discuss personnel as allowed by
Idaho Code 74-206(b). 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.

Entered Executive Session at 7:18 P.M.

Returned from Executive Session at 7:50 P.M.

Budget A Budget Workshop was held to discuss the fiscal year 2017-2018
Workshop Budget.

Adjourn Meeting was adjourned at 8:18 P.M. by Mayor Mark Beckstead.

Linda Acock, Clerk

Mark W. Beckstead, Mayor