

CITY COUNCIL MEETING
September 25, 2017

MAYOR & COUNCIL

Todd D. Thomas
Bradley J. Wall
Terry Larson
Allyson Wadsworth

STAFF

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

OTHERS PRESENT:

Chuck Chesney, Robert Swainston, Berni Winn, John Brough, Suzanne Ward, David Ward, Kellen Alvey, Adrienne Alvey, Scott Palmer, Scott Beckstead, Bailey Beckstead, James Jensen, Steven Bennett, Nicolle Bennett, Jessie Hampton, Mary Hampton, Bryon Martin, Cody Ralphs, Larry Ralphs, Bryan Shuman, Shannon Shuman, Marcia Kunz, Louis Hampton, Dan McCammon, Michael Anderson, David Kunz, Lance Harrison, Mel Ball

Council Meeting was called to order at 5:00 P.M. by Council President 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. Minutes (August 28, 2017)
- B. Bills (September 25, 2017)
- C. Treasurer's Monthly Report (August 31, 2017)

It was moved by Councilmember Wall and seconded by Councilmember Wadsworth to approve the City Council Minutes of August 28, 2017, as presented. This received unanimous approval.

It was moved by Councilmember Wadsworth and seconded by Councilmember Larson to accept the bills for September 25, 2017, as presented. This received unanimous approval.

It was moved by Councilmember Wadsworth and seconded by Councilmember Wall to accept the Treasurer's Monthly Report for August 31, 2017. This received unanimous approval.

Public
Hearing
Vacate
3rd North
B. Martin

Council President Thomas called for the following public hearing for the purpose of giving consideration to the application for street vacation, a portion of 3rd North Street, as requested by Bryon Martin.

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 25th day of September, 2017, 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 83263, for the purpose of giving consideration to the request of Bryon Martin to vacate a portion of unimproved street to include 3rd North between 2nd and 3rd East, where the same is located on real property belonging to, or having legal interest, Bryon Martin, for the purpose of allowing development on said real property and which the applicant represents are not necessary for the future development of the city. If vacated by the city, the vacated streets will be transferred to the property owners adjoining said vacated streets. The property is described as follows:

Street commonly known as 3rd North between 2nd and 3rd East, Preston, Idaho.

Believed to be more specifically described as:

Commencing at a point 137 rods North and 28 rods West from the Southeast corner of the Southwest Quarter of Section 23, Range 39 East of the Boise Meridian, and running thence West 40 rods, thence

*CITY COUNCIL MEETING
September 25, 2017*

South 84 feet, thence East 40 rods, thence North 84 feet to the place 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.

s/Linda Acock, City Clerk

Publish: September 6, 2017; September 13, 2017

The applicant, Bryon Martin, asked that the council consider vacating the portion of 3rd North that would go between 2nd and 3rd East. It would be beneficial to his project, the city, as well as surrounding properties.

City Engineer Owens stated that the Land Use Planning Committee is in the process of reviewing the master street plan, and agree that this street should be eliminated. He recommended vacating this portion of 3rd North.

Suzanne Ward of 265 North 3rd East stated that she had signed a petition to have this easement removed back when the Vista Apartments were built, and encouraged the council to vacate the street.

Cody Ralphs, developer of the Blue Sage Planned Unit Development, stated that he is also in favor of this portion of 3rd North being vacated.

John Brough stated that this is an odd numbered street, and the city has set precedence in allowing odd numbered streets to be abandoned, so there should be any problem with vacating this portion of 3rd North.

There being no further testimony, Council President Thomas asked if the clerk's office had received written testimony to be considered. There being no written testimony, Council President Thomas closed the public hearing.

Ordinance 2017-15 Councilmember Wall introduced Ordinance 2017-15, an ordinance vacating a portion of 300 North between 200 East and 300 East and declaring the street to revert to the landowner.

It was moved by Councilmember Wall and seconded by Councilmember Wadsworth to dispense with the rule requiring the reading of ordinances on three separate days, and ordered Ordinance 2017-15 be read once in summary. This received unanimous approval.

Clerk Acock read Ordinance 2017-15 once in summary.

It was moved by Councilmember Wadsworth and seconded by Councilmember Larson to approve Ordinance 22017-15, an ordinance vacating a portion of 300 North between 200 East and 300 East and declaring the street to revert to the landowner. The vote was as follows:

Councilmember Thomas	Aye
Councilmember Larson	Aye
Councilmember Wall	Aye
Councilmember Wadsworth	Aye

Motion passed by unanimous vote.

Preliminary Plat Countryside Subdivision The council discussed concerns that need to be addressed in the preliminary plat for Countryside Subdivision with the open space requirement, should an offer of property on North State Street, in lieu of open space within the subdivision be agreed upon, and double frontage lots.

CITY COUNCIL MEETING
September 25, 2017

It was moved by Councilmember Wall and seconded by Councilmember Thomas, upon the recommendation of the Planning and Zoning Commission, to approve the preliminary plat for Countryside Subdivision contingent upon addressing the open space requirement, requiring a privacy fence along the back yards of phase II, and a development agreement. The vote was as follows:

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

Due to a 2-2 tie vote, with impasse, this matter shall be placed on the October 9, 2017 agenda for further review and vote.

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

Tyler Dietrich	2477 South 800 West	(D's Tree Service)
Trish Keller	287 South 4 th West	(Flutter Photography)
Jodie Lemmon	9 th West Hwy 91	(Preston Mobile Estates)
Nan Phillips	27 South State	(Magnolia Road)

It was moved by Councilmember Larson and seconded by Councilmember Thomas to approve the business license for Cory Kendrick 1700 East 1700 North (Kendrick Electric) upon the condition that business operations are for generator engine repair only. This received unanimous approval.

It was moved by Councilmember Larson and seconded by Councilmember Thomas to approve the seasonal pumpkin walk/corn maze, and to require a special use permit for Nicholas & Geraldine Crookston 666 North 8th West (Geraldine's Bake Shop) Geraldine's Bake Shop. This received unanimous approval.

Due to zoning issues, the business license for Cuyler Stoker 315 West 8th North (Storage 365, LLC) was tabled to the October 9, 2017 meeting.

Professional Services Agreement Building Inspector It was moved by Councilmember Thomas and seconded by Councilmember Wall to approve the Professional Services Agreement between the City of Preston and Franklin county for building inspection services effective October 1, 2017 through September 30, 2018, and to authorize Mayor Beckstead to sign said agreement. This received unanimous approval.

Improvement 1426 North State Steven Bennett of 1426 North State explained that in May, June, and July of 2016, his contractor had requested that the city set the grade and mark where the required improvements should be. The city failed to set the grades, he continued building his home, and was issued a certificate of occupancy. He is requesting the city grant him variance due to requiring the curb, gutter and sidewalk improvements, at this point, would create an undue hardship.

Attorney Olson will review the building permit and give a legal recommendation to City Council.

Sidewalk 3rd East 3rd-4th South Marcia Kunz, crossing guard for the Preston School District, came before the council to bring awareness to the need for sidewalk on 3rd East, between 3rd and 4th South.

Hazard Mitigation Grant City Engineer Owens explained that out of 15 applications for the Hazard Mitigation Grant, Preston City ranked 7th. FEMA will only fund the top 5. Engineer Owens and Treasurer Mickelsen will continue to pursue other grants and possibly re-apply for this Hazard Mitigation Grant next year.

Building Permit Forms Clerk Acock presented a drafted form for a Plan Submittal List, as Randy Henrie, Building Inspector, has asked that the list be included with the building permit packets. This will be reviewed before adding it to the building permit packets.

CITY COUNCIL MEETING
September 25, 2017

Council Report Assigned Designation Each councilmember gave brief updates on their various assigned designations.

Adjourn Meeting was adjourned at 7:58 P.M. by Council President Todd Thomas.

Linda Acock, Clerk

Todd D. Thomas, Council President