

**CITY COUNCIL MEETING**  
**February 13, 2017**

---

---

MAYOR & COUNCIL

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

STAFF

Linda Acock, City Clerk  
Kelly Mickelsen, City Treasurer  
Tyler Olson, City Attorney  
Mark T. Owens, City Engineer

OTHERS PRESENT:

Chuck Chesney, Patty Chesney, Myrna Ruffell, Robert Ruffell, Bill Salerno, Clayton Gefre, Scott Palmer, Kathy Ray, Michael Crane, Steve Clark, Tyrell Simpson, Nathan Ward, Chris Groll

Council Meeting was called to order at 5:00 P.M. by Council President, Todd 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. Bills (February 13, 2017)
- C. Treasurer's Monthly Report (January 31, 2017)

It was moved by Councilmember Larson and seconded by Councilmember Wadsworth to accept the bills of February 13, 2017. The vote received unanimous approval.

It was moved by Councilmember Wall and seconded by Councilmember Larson to accept the Treasurer's Monthly Report dated January 31, 2017. The vote received unanimous approval.

Business  
Licenses

The following business licenses were presented:

Joseph N. Santos	655 South 4 <sup>th</sup> East Ste 106	(Epic Engineering, PC)
Jasmine Erickson	645 North State	(Back In Balance)

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

Set Public  
Hearing  
16.04  
16.08  
16.28  
16.22

It was moved by Councilmember Wall and seconded by Councilmember Larson to set a public hearing for the amendment of Chapters 16.04, 16.08, 16.28 and creating a new Chapter 16.22 relating to sidewalks and subdivisions. This received unanimous approval.

Appoint  
Recreation  
Board  
Member

Council President Thomas introduced Alicia Robertson as a member on the Recreation Board, to finish Coy Pratt's term to December 20, 2018. Coy Pratt has asked to be released from the Recreation Board.

It was moved by Council President Thomas and seconded by Councilmember Wall to approve Alicia Robertson as Recreation Board member, to complete Coy Pratt's term to December 20, 2018. This received unanimous approval.

Fire  
Hydrant  
Flags

Myrna Ruffell, speaking on behalf of the Lion's Club, offered flags for fire hydrants, as a donation from the Lion's Club to the City Of Preston. The flags will be placed on the fire hydrants, to assist in finding the hydrants in deep snow.

The council thanked Mrs. Ruffell and the Lion's Club for the generous donation, and offered the assistance of the public works department in placing the flags on the hydrants.

Public  
Hearing  
Area Of  
City Impact

Council President Thomas called for the following public hearing for the purpose of giving consideration to the adoption of an Area of City Impact Ordinance.

NOTICE OF PUBLIC HEARING

The City Council of the City of Preston will conduct a hearing on Monday, February 13, 2017, at 5:15 p.m., at Preston City Hall, 70 West Oneida, Preston, Idaho, to consider the adoption of an Area of

*CITY COUNCIL MEETING  
February 13, 2017*

---

City Impact ordinance for the City of Preston within the unincorporated area of Franklin County, Idaho, pursuant to Idaho Code 67-6526.

An initial joint hearing was held September 7, 2016, before the Planning and Zoning Commissions of Franklin County and the City of Preston. On December 28, 2016, the Preston City Planning and Zoning Commission recommended that the Preston City Council consider the ordinance with changes summarized as follows:

The purpose of this ordinance is to establish an Area of City Impact for the City of Preston within the unincorporated area of Franklin County. The ordinance shall ensure that development in the Area of City Impact has no unreasonably adverse impact on the City's municipal water supply; ensure that development in the Area of City Impact has no unreasonably adverse impact on or unduly increases the potential for flooding, contamination of groundwater, surface water, fish and wildlife habitat, and protects spring sources, wellhead and watershed protection areas; ensure that development in the Area of City Impact has no unreasonably adverse impact on land use areas within the City or County; ensure that development in the Area of City Impact has no unreasonably adverse impact on residents of the City or the County by generating demands for new and improved publicly-funded facilities in the Area of City Impact; ensure that development in the Area of City Impact has no unreasonably adverse impact by increasing traffic routed through the City, thereby unduly impacting residents' enjoyment of their homes, or creating safety hazards, or necessitating major street improvements at public expense; ~~maintain a buffer area between agricultural activities and urban development~~; take into full consideration trade areas of the City, geographic factors, and areas that can reasonably be expected to be annexed in to the City in the future; ensure the rights of County residents to make reasonable use of their property; all items are for comment only whether it pertains to the City or the County.

The geographic Area of City Impact and watershed and wellhead protection area is the area designated on the attached map and more particularly described as follows, provided that the area described imposes no land use restrictions except as specified in other sections of the proposed ordinance:

1) The unincorporated area generally described as the area lying three-quarters of a mile North of 800 North Street (1400 North), three-quarters of a mile West of 800 West Street (1400 West) following along the meander line of the Bear River at points of intersection between 1400 North to 1400 South, three-quarters of a mile South of 800 South Street (1400 South), and three-quarters of a mile East of 800 East Street (1400 East).

2) The unincorporated area extending thirty-five (35) feet beyond the centerline of any street or road situated on the boundary of the Area of City Impact.

3) Fifty (50) feet on each side of the City's water main line(s) from Bergquist Springs to the City's water storage tanks, and from the storage tanks to the City.

4) The Watershed Protection Area and all of the land within 3000 feet of Bergquist Springs.

5) The Watershed Protection Area and all the land within 1500 feet of the spring below Glendale Reservoir described in the July 11, 1959 Agreement and Addendum Agreement, dated December 11, 2000, between Preston Eastside Water Company, Preston-Whitney Irrigation Company and the City.

The ordinance provides that the Comprehensive Plan of Franklin County and subsequent amendments thereto shall apply to the Area of City Impact, except for any federal lands located in the Area of City Impact. All other ordinances of Franklin County and subsequent amendments relating to zoning, subdivision, and development shall apply to the Area of City Impact, unless otherwise stated in the ordinance, and except for any federal lands located in the Area of City Impact. Both City and County shall amend their Comprehensive Plans to be consistent with the ordinance, if required. Any federal lands located in the Area of City Impact are for reference only and are governed by special use permit between the United States Forest Service and the City.

**CITY COUNCIL MEETING**  
**February 13, 2017**

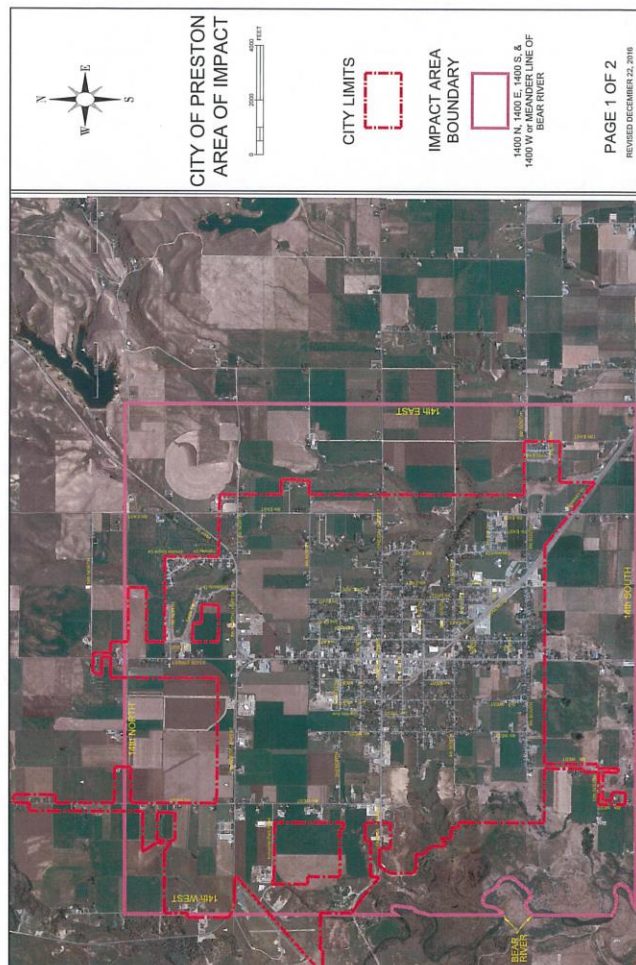
---

The ordinance provides that the County shall be responsible for the administration and enforcement of the County's ordinances where they apply within the Area of City Impact. All proposed subdivision development plats or any development or building requiring a permit under County ordinances situated within the Area of City Impact shown on the attached map shall be submitted to the City for review and comment at least fourteen (14) days before the first official decision regarding the subdivision or development is to be made by the County. All proposed subdivision development plats or any industrial occupancy requiring a permit from the City which is within one-quarter of a mile within the city limits shall be submitted to the County for review and comment at least fourteen (14) days before the first official decision regarding the subdivision or development is to be made by the City. Maintenance of public streets located in the Area of City Impact shall remain the responsibility of Franklin County and the State of Idaho, unless otherwise stipulated by written agreement between Franklin County, State of Idaho, and the City of Preston. Law Enforcement and fire services in the Area of City Impact shall remain the responsibility of Franklin County unless otherwise stipulated by written agreement between the County and/or Fire District and the City of Preston. Animal Confinement Operations (ACO's) as defined by Franklin County Ordinance No. 2002-2 within the Area of City Impact should only be allowed with vigilant review and input by both the City and County. ~~No permanent building or structure shall be placed within twenty five (25) feet of the City's water main lines.~~

The ordinance provides for review at least once every ten (10) ~~five (5)~~ years by the City and County and renegotiation at any time upon the request of either party.

Copies of the proposed ordinance and map, with changes as recommended by the Preston Planning and Zoning Commission, are on file with the City Clerk at the above address. All persons present at the public hearing will be given the opportunity to be heard. Written comments or objections may be submitted to the City Clerk at the above address.

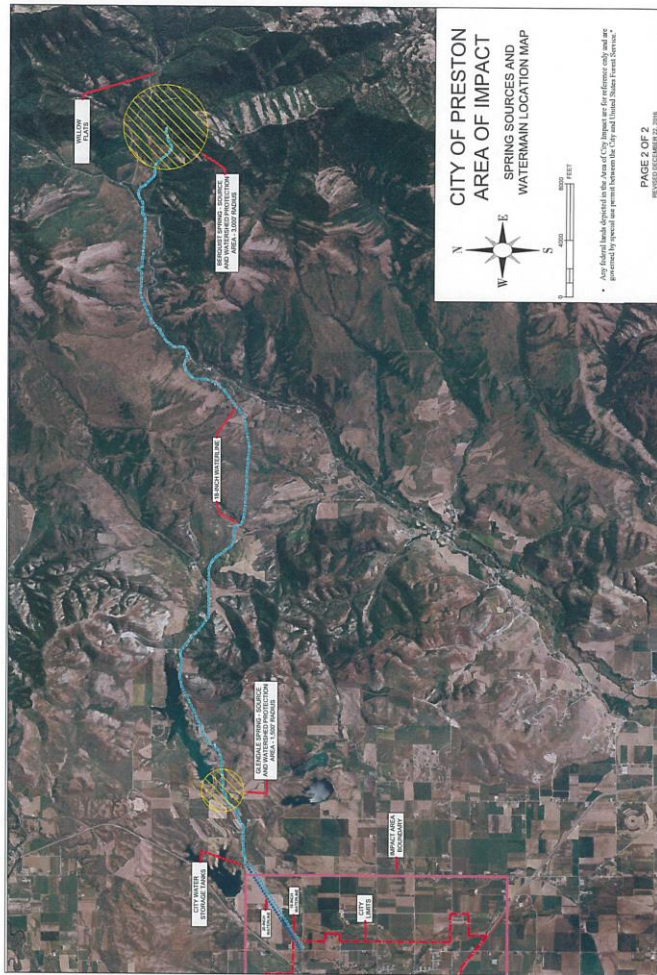
s/ Linda Acock



**CITY COUNCIL MEETING  
February 13, 2017**

---

---



Council President Thomas asked Engineer Mark Owens to give a staff report on the Area Of City Impact, and update on the decision made by Franklin County.

Engineer Mark Owens stated that Franklin County passed the Area of City Impact Ordinance on a 3-0 vote. The boundaries were set on 1400 North, 1400 South, 1400 East and 1400 West.

Engineer Owens reaffirmed that the impact ordinance is a good planning tool for the future of Preston City. The City and County have worked together to put this ordinance in place

Attorney Tyler Olson advised that the Area of City Impact is a required ordinance, and all cities in Idaho are required to have a city impact. The city is serious about planning for the future, and this ordinance is required for the city to move forward.

Steve Clark stood before the council to request that city council deny the ordinance as, in his opinion, the ordinance is vague and poorly constructed. (Mr. Clark's written testimony follows minutes)

There being no further comments, Council President Thomas closed the public hearing, and opened discussion amongst the City Council.

Councilmember Larson stated that he does not agree that the ordinance is poorly constructed. It is not the intention of the city nor the county to take rights away from anyone. They have worked up an agreement that is amicable with both Preston City and Franklin County.

Councilmember Wadsworth stated that a lot of time has gone into the making of this ordinance. She understands the concern of retaining private land for posterity, does not feel this ordinance conflicts in a person's right to do so.

**CITY COUNCIL MEETING**  
**February 13, 2017**

---

Council President Thomas stated he has two concerns with the passing of this ordinance. One being that once the ordinance is passed, it will not be given the full attention needed in future decisions. His second concern was the boundaries set at 1400 streets.

Councilmember Wall stated a key feature of the ordinance is that county ordinances are still going to be the same. This ordinance allows Preston City to comment on growth and changes within the impact area. It will also open up communication with Preston City and Franklin County on the growth and changes made along the boundaries of Preston City.

Ord#2017-2 Council President Thomas introduced Ordinance #2017-2, an ordinance  
Area Of creating an Area of City Impact between Preston City and Franklin  
City Impact County.

It was moved by Council President Thomas and seconded by Councilmember Larson to dispense with the rules requiring the reading of ordinances on three separate days, and ordered the ordinance to be read once in summary. This received unanimous approval.

City Clerk Acock read Ordinance #2017-2 once in summary.

It was moved by Councilmember Larson and seconded by Councilmember Wadsworth the approve Ordinance 2017-2. The vote was as follows:

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

Motion passed by majority approval.

Hotel Feasibility Study Kathy Ray of CASA came before the council to request participation in a feasibility study to review and determine the feasibility of a hotel in Preston City. She explained that there is an \$8000. Match grant available for the study. Preston City would contribute \$4000. toward to the study, and individual investors would donate the remaining \$4000.

A hotel chain, Cobblestone Hotel, is interested in putting a hotel in Preston City, but would like to see the feasibility study first.

It was moved by Councilmember Wall and seconded by Council President Thomas to allocate \$4000. from Economic Development towards the feasibility study for a hotel in Preston City. Motion passed by majority vote.

Close Out Fiber Optic Gem Grant Kathy Ray of CASA presented the Request for Reimbursement for the Idaho Department of Commerce Idaho Gem Grant, the fiber optics grant.

It was moved by Councilman Wall and seconded by Council President Thomas to authorize Mayor Beckstead to sign the Request for Reimbursement from the Idaho Department of Commerce Idaho Gem Grant. Motion passed by unanimous vote.

Right Of Way Maintenance Chris Groll presented a petition, asking Preston City to help in the maintenance of the alley, behind the businesses between Oneida Street and 1<sup>st</sup> North. (Petition follows minutes)

After discussion, it was determined that Mr. Groll should find ownership of the different parcels within the alley, and Engineer Mark Owens can help him with cost estimates.

Discuss Flood Plain Road Conditions & Repair Councilmember Larson explained that he asked Public Works Director, John Balls to address the recent flooding within Preston City, and ways to alleviate the flooding.

John Balls explained that there are various places within the city that are flooding with this year's snow and runoff. He is of the opinion that Preston City has spent enough on studies, we have a full-time engineer on staff, and the crew members are knowledgeable with the flooding. The crew is ready to implement remedies.

*CITY COUNCIL MEETING*  
*February 13, 2017*

---

---

Adjourn Meeting was adjourned at 7:00 P.M. by Council President Thomas.

\_\_\_\_\_  
Linda Acock, Clerk

\_\_\_\_\_  
Todd Thomas, Council President