

**CITY COUNCIL MEETING**  
**April 27, 2020**

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MAYOR & COUNCIL

Daniel M. Keller, Mayor  
Todd Thomas, Council  
Terry D. Larson, Council  
Allyson Wadsworth, Council  
I. Brent Dodge, Council

STAFF

Linda Acock, City Clerk  
Kelly Mickelsen, City Treasurer  
Tyrell Simpson, City Engineer  
Shawn Oliverson, Economic Development  
John Balls, Public Works Director  
Dan McCammon, Police Chief  
Lyle Fuller, City Attorney

OTHERS PRESENT:

Alana Ostler via telephone/video

Council Meeting was called to order at 5:00 P.M. by Mayor Keller.

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 (April 13, 2020)
- B. Bills (April 27, 2020)
- C. Swale Bond Refunds for Country Club Estates - Tony Crockett
  - 591 E. Eagle Dr. \$3262.50                      593 E. Eagle Dr. \$2065.00
  - 592 E. Eagle Dr. \$2050.00                      588 E. Eagle Dr. \$1750.00
  - 586 E. Eagle Dr. \$1750.00

It was moved by Councilmember Dodge and seconded by Councilmember Thomas to approve all items on the Consent Calendar, which include Council Minutes of April 13, 2020, Bills through April 27, 2020 and Swale Bond Refunds for the Country Club Estates-Tony Crockett. This received unanimous approval.

Appeal  
Denial Of  
Building  
Permit  
R. Sharp  
815 W 4<sup>th</sup> S

On July 29, 2019, Rex Sharp applied for a building permit at 851 West 4<sup>th</sup> South. On August 1, 2019, the building permit was denied as a result of not meeting code sections 17.28.065, 16.28, 16.24 and 16.25. On February 26, 2020, Rex and Tonya Sharp appealed the denial of the building permit to the Planning and Zoning Commission. The Commission, by unanimous vote, upheld the denial of the building permit.

On March 10, 2020, Rex and Tonya Sharp appealed the Planning and Zoning's decision to the City Council.

Alona Ostler, speaking on behalf of Rex and Tonya Sharp, appeared before City Council to appeal the Planning and Zoning's decision, stating that the road to the property, although dirt and gravel, is an established road that has been used by the resident's at 885 West 4<sup>th</sup> South (Hobbs). Rex and Tonya Sharp have paid for an agricultural easement on the road, and when the building permit is granted, they will pay an additional sum that allows this easement to be a residential easement. The Sharps will gravel the road to improve the grade, but feel the requirement to asphalt is too costly for one individual to bear.

Mrs. Ostler further stated that they have discussed emergency fire protection with the County Fire Marshall, and he has indicated that the fire trucks would have to bring water to the property. The Sharps are aware of this.

Mrs. Oster further noted that this property has an existing water connection. This is a single lot, and therefore, codes 16.28, 16.24 and 16.25 that were cited in the denial should not apply, as they are subdivision codes.

Mayor Keller asked if it was implied at the sale of the property to the Sharps that this is a buildable lot?

Alona Ostler replied that Reb Frew, the seller of the property, and the Title Company did give the impression that this was a buildable lot.

After discussion, regarding fire protection, street width and grade, required improvements, it was moved by Councilmember Thomas to uphold

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the Planning and Zoning decision of March 10, 2020 to deny the building permit for Rex and Tonya Sharp at 815 West 4<sup>th</sup> South. The vote was as follows:

Councilmember Thomas     Aye  
Councilmember Larson     Aye  
Councilmember Wadsworth   Aye  
Councilmember Dodge       Aye

Motion passed by majority vote.

Property     Alona Ostler, speaking on behalf of Rex and Tonya Sharp, regarding  
Parcel     the property at 815 West 4<sup>th</sup> South, stated that this property has  
#RP04818.03    been treated as county property, and therefore should be considered  
City Limits   county property, not city property.

Attorney Fuller stated that the Sharps, their previous attorney, and himself, had met with Judge Eric Hunn on a previous matter. Although it wasn't a formal decision, Judge Hunn did indicated that his interpretation is that the property is in fact in the Preston City limits.

Council discussed that they've been paying city taxes, they pay a city water bill, current maps indicated that this property is in the city limits, and confirmed that the property is within the Preston City limits, and no further action will be taken.

Planning &   Penny Wright and Fred Titensor, Planning and Zoning Commissioners,  
Zoning     advised the Mayor and Council that the Planning and Zoning Board is  
Commission   working on the Comprehensive Plan and the Revised Zoning Map.  
Discussion

Decision     After review of the Planning and Zoning's recommendation to approve  
Variance     a variance for Jacob Golightly, to build a house on a flag lot,  
J Golightly   that is outside the core area of Preston City limits, in the  
45 E. 7<sup>th</sup> S   approved 7<sup>th</sup> South Subdivision, it was moved by Councilmember  
              Wadsworth and seconded by Councilmember Thomas to approve the  
              Variance for Jacob Golightly. This received unanimous approval.

Ordinance    Councilmember Thomas introduced Ordinance 2020-2, an ordinance  
2020-2       authorizing and providing for the issuance of a Water Revenue  
Authorize     Refunding Bond, Series 2020.  
& Approve  
Issuance  
Water  
Revenue  
Refunding  
Bond

It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to dispense with the rules requiring the reading of ordinances on three separate days, and ordered the ordinance to be read once in summary. The vote was as follows:

Councilmember Thomas     Aye  
Councilmember Larson     Aye  
Councilmember Wadsworth   Aye  
Councilmember Dodge       Aye

Motion passed by unanimous vote.

Ordinance 2020-2 was read once in summary by City Clerk Acock.

It was moved by Councilmember Larson and seconded by Councilmember Wadsworth to approve Ordinance 2020-2, an ordinance authorizing and providing for the issuance of a Water Revenue Refunding Bond, Series 2020, in a principal amount not to exceed two million six hundred eighty-one thousand five hundred forty-one dollars (\$2,681,541). The vote was as follows:

Councilmember Thomas     Aye  
Councilmember Larson     Aye  
Councilmember Wadsworth   Aye  
Councilmember Dodge       Aye

Motion passed by unanimous vote.

Adopt        City Engineer Simpson presented the Wastewater Facility Planning  
Findings     Study Findings by Keller and Associates.  
Within The

Wastewater    It was moved by Councilmember Larson and seconded by Councilmember  
Facility       Dodge to adopt the findings within the Wastewater Facility Planning  
Planning       Study. This received unanimous approval.  
Study

Business     It was moved by Councilmember Dodge and seconded by Councilmember

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**Licenses** Thomas to approve a business license for the following:  
Vicky Gittins 634½ South 1<sup>st</sup> East (Vicky's)  
Jim Goodsell 276 South 1<sup>st</sup> West (Goodsell Const.)  
Richard Zoellner 425 South 2<sup>nd</sup> West (Middle Fork Const.)  
This received unanimous approval.

**State Of Idaho's Top 10 Safest Cities** Police Chief McCammon presented an award from SafeWise, naming the City of Preston as the 5th safest city in the State of Idaho.  
(A copy of the award follows Minutes)

**COVID-19 Economic Shut Down Discussion** Mayor Keller explained that on May 4, 2020, Preston City operations will revert back to normal hours. The doors to the office will remain locked until window barriers are installed in the Clerk's office and the Police office. City Council meetings will once again be open to the public, although attendance will be limited to allow for 6' distancing in the council room.  
  
Our proximity to Utah creates unique concern, in that they've lifted restrictions and there's possibility of our citizens going to Utah to do business instead of staying with our local businesses. Council encouraged Preston citizens to support our local businesses.

**RV Dump Station** Mayor Keller stated that he would like the Council to consider a vault at the RV Dump Station, to allow those using the facility to pay an "on your honor" fee for use of the station. This will allow time during the summer months to study the feasibility of an automated charging station.

**AIC & Auditor Info. Allowing Pymnts For Improvement** City Treasurer Mickelsen advised the Mayor and Council that he has talked with the Auditors and AIC about The City of Preston. Allowing monthly payments for the improvements on new construction.  
He was informed that there needs to be a policy in place, outlining collateral, payment plan, interest, etc., before any offers to allow the city to do the improvements and then allow the property owner to pay the city back in monthly increments. Both AIC and the Auditors advised that this is not good practice.

**Executive Session** It was moved by Councilmember Larson and seconded by Councilmember Dodge to enter place the Rodeo Lease Discussion on the May 11, 2020 agenda, and to enter Executive Session to discuss personnel, as allowed by Idaho Code 74-206(1)(b), and Real Property, as allowed by Idaho Code 74-206(1)(c). The vote was as follows:  
  
Councilmember Thomas Aye  
Councilmember Larson Aye  
Councilmember Wadsworth Aye  
Councilmember Dodge Aye  
  
Motion passed by unanimous vote.  
  
Entered Executive Session at 7:10 P.M.  
  
Left Executive Session at 7:44 P.M.

**Hire Nicholas Hyde Full-time Police Officer** Councilmember Dodge declared a conflict of interest, and refrained from discussion and vote in this matter.  
It was moved by Councilmember Thomas and seconded by Councilmember Larson to extend an offer of full-time employment to Nicholas Hyde, effective April 15, 2020. The vote was as follows:  
  
Councilmember Thomas Aye  
Councilmember Larson Aye  
Councilmember Wadsworth Aye  
Councilmember Dodge Abstain  
Motion passed by majority vote.

**Adjourn** Meeting was adjourned at 8:05 P.M. by Mayor Keller.

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Linda Acock, Clerk

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Daniel M. Keller, Mayor