

CITY COUNCIL MEETING
June 8, 2020

MAYOR & COUNCIL

Daniel M. Keller, Mayor
Todd Thomas, Council
Terry D. Larson, 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:

Robert Swainston, Bruce Hodges, Thomas Schmidt, Caitlin Schmidt,
Scott Palmer, Brett Beckstead, Lavon Beckstead, Lynn Garner, Kurt
Iverson, Hailey Hervey, Scott Beckstead, Kris Beckstead, Jim Mullen

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 (May 11, 2020)
- B. Bills (June 8, 2020)
- C. Treasurer's Monthly Report (May 31, 2020)
- D. Swale Bond Refunds for:

Shad Moser	92 North 4 th East	\$1779.50
Shad Moser	128 North 4 th East	\$1700.00
Shad Moser	170 North 4 th East	\$2430.25
Shad Moser	375 East 1 st North	\$1812.50
Matt Gleed	269 East 1100 North	\$4225.00
Kyle Heusser	186 North 4 th East	\$4112.50

It was moved by Councilmember Dodge and seconded by Councilmember Thomasto approve all items on the Consent Calendar, which include Council Minutes of May 11, 2020, Bills through June 8, 2020, Treasurer's Monthly Report dated May 31, 2020 and Swale Bond Refunds for Shad Moser, 92 North 4th East in the amount of \$1779.50, 128 North 4th East in the amount of \$1700.00, 170 North 4th East in the amount of \$2430.25, 375 East 1st North in the amount \$1812.50, Matt Gleed in the amount of \$4225.00 and Kyle Heusser 186 North 4th East in the amount of \$4112.50. This received unanimous approval.

Public
Hearing
Judicial

Mayor Keller called for the following public hearing for the purpose of giving consideration for the filing of a Petition for Judicial Confirmation, to incur an indebtedness as an "ordinary and necessary expense", as follows:

City of Preston

Notice of Hearing to Consider The Filing Of
A Petition For Judicial Confirmation

NOTICE IS HEREBY GIVEN that on Monday, the 8th day of June, 2020, at 5:00 P.M. or as soon thereafter as the matter may be heard, at Preston City Hall, 70 West Oneida Street, Preston, Idaho, the City Council of the City of Preston ("the City") will conduct a public hearing to consider the filing of a petition for judicial confirmation under the Idaho Judicial Confirmation Law, Title 7, Chapter 13, Idaho Code. The proposed project is to make improvements to the City's wastewater treatment and collection systems, and may involve seeking grants from one or more sources in addition to incurring indebtedness.

The proposed petition would seek judicial confirmation of the power of the City to incur an indebtedness as an "ordinary and necessary expense" of the City authorized by the general laws of the State of Idaho, within the meaning of Article 8, Section 3 of the Idaho Constitution, in a principal amount of approximately \$34,000,000, for public wastewater system improvements and to pledge the City's wastewater system revenues for the payment of such indebtedness for a term of years.

*CITY COUNCIL MEETING
June 8, 2020*

The hearing will include a discussion of the proposed judicial confirmation, scope of work, budget, schedule, benefits of the project, possible grants that may be obtained to help defray the expenses of the project, and the location of the project.

Information relating to the proposed petition and project is available at Preston City Hall during normal business hours of the City. Interested persons are encouraged to attend the public hearing and to present comments. Comments may also be submitted in writing prior to and at the hearing.

CITY OF PRESTON
Linda Acock, City Clerk

Mayor Keller summarized the public hearing procedures, and reasoning for judicial confirmation, to move forward with improvements to the city's wastewater treatment and collection system.

Jim Mullen, of Keller and Associates, explained that the Environmental Protection Agency (EPA) has granted Preston City a permit to discharge treated wastewater into the Worm Creek from the sewer treatment plant, with a stringent compliance schedule. The current treatment system is undersized and aged and lacks redundancy and cannot meet the requirements mandated by the EPA permit. The main mandate is very low phosphorus limits. Keller and Associates completed a facility planning study. In the evaluation, to meet mandated requirements and growth needs, the headworks facilities, the oxidization ditches, clarifiers, and infiltration system to reduce the phosphorus, need improvement.

Attorney Fuller advised that the next step, if council chooses to proceed with judicial confirmation, would be to pass a resolution in fourteen days. After the resolution is passed, the city will file the Petition for Judicial Confirmation with the court. This notice of filing will be posted at city hall and in the newspaper for 3 consecutive weeks. After this process, the court will set a hearing date. The hearing will be before a judge.

Mayor Keller explained that if any public entity is going to indebt the taxpayers collectively, the taxpayers must have a say in it. That is why legislature has very stringent bonding requirements. The city has been given the mandate, and the city has no other choice than to have a new, or updated, proper wastewater treatment plant by 2025. If the city does not meet this mandate, the Environmental Protection Agency and the Department of Environmental Quality can, and has done in the past, assess a penalty of up to fifty thousand dollars (\$50,000) per day.

Because of time constraints, costs, and the mandate, City Council felt that Judicial Confirmation was the best choice.

Mayor Keller assured that city staff and council will research and apply for grants and subsidies in hopes of helping fund the project. As well, he assured that this is a fee based situation. The cost of the project will have zero effect on property taxes. The sewer fee will have to be raised significantly, although an actual amount is not known at this time, but only users of the sewer system will be affected.

Councilmember Thomas stated that the council will consider those on the circuit breaker program through Franklin County, and pursue discounted fees for those property owners.

Mayor Keller asked for comments in favor of filing for Judicial Confirmation.

Bruce Hodges, Preston, Idaho, stood before the council to state that he has been a property owner since 1968, and has seen fee changes and growth over the years. He sees that the Mayor and Council are working hard to keep costs down. We now need to pay for these improvements. It needs to be done now because costs will most likely skyrocket in the next year or so.

There being no further public comment, Mayor Keller asked if any written comments had been received by the City Clerk's office.

CITY COUNCIL MEETING
June 8, 2020

Attorney Fuller stated that none had been received. Mayor Keller then asked if there was any neutral comments.

There being none, and no written comments offering neutral testimony, Mayor Keller asked if there were comments in opposition to the filing of Judicial Confirmation.

There being none, and no written comments offering opposing testimony, Mayor Keller asked for discussion amongst Council.

Jim Mullen of Keller Associations stated that four different options, that are typically used for treating wastewater, were considered during their facility study. The best option for Preston City is oxidation ditches. The cost estimate ranges from 26 million to 34 million.

Councilmember Larson explained that the future will probably include pharmaceutical restrictions, and this new technology is capable of progressing to meet those restrictions too.

Mr. Mullen agreed that the water that will be discharged into Worm Creek will be very clean water. Some pharmaceuticals cannot be filtered through the oxidation ditch, and in the future, an ozone system can be installed.

Councilmember Dodge asked for an update on monies that might be available through grants, loans, the CARES Act, etc.

Mr. Mullen stated that President Trump has initiated talk about a three trillion dollar stimulus for infrastructure improvements. Since Preston's sewer treatment plant is ranked #1 for needed improvement, there is a chance the City of Preston could receive a portion of the stimulus, if passed. The city is working on grants and loans.

There being no further discussion, it was moved by Councilmember Larson and seconded by Councilmember Dodge to close the public hearing and to authorize Attorney Fuller to create the Resolution for the Filing of a Petition for Judicial Confirmation for improvements to the City's wastewater treatment and collection systems. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Dodge	<u>Aye</u>

Motion passed by unanimous vote.

Appeal Decision To Deem Dog Vicious & Remove From Preston City Limits H. Hervey 332 W. Oneida	Hailey Hervey of 332 West Oneida, brought forth an appeal of the City of Preston Police Department's decision to deem her Siberian Husky, named Nala, as vicious, and ordered the dog removed from the Preston City limits. On May 8, 2020, the side gate to the property at 332 West Oneida was unintentionally left open. During the night, the property owner let the dog out, and the dog left the property. On May 9, 2020, Brett Beckstead of 24 North 4 th West found the dog inside his chicken coop, and twelve (12) chickens had been killed.
--	---

Mrs. Hervey stated they do feel bad that the dog left the yard, but, the dog is eight (8) years old, and has never showed signs of aggression. She would like to be able to keep the dog at their home.

Brett Beckstead stated that he is seriously concerned about the dog killing more chickens, and never wants to see the dog in his yard again.

Councilmember Dodge asked Hailey Hervey how the surrounding neighbors feel about having the dog back in the City limits, and living at their house, and, if the Hervey's have made restitution. Mrs. Hervey stated that the surrounding neighbors really like the dog as she's a very friendly dog, and that they have made restitution.

Councilmember Thomas asked Hailey Hervey to explain the fencing at 332 West Oneida. Mrs. Hervey stated that it is a completely fenced yard. Unfortunately, the gate was left open that night and the dog left the yard.

CITY COUNCIL MEETING
June 8, 2020

Mayor Keller asked if the dog was chained when outside. Mrs. Hervey stated that when they had two dogs, they were both chained whenever they were outside. After losing the older dog, Nala has shown no signs of wanting to leave the yard.

Councilmember Larson asked Hailey Hervey if the fencing is adequate to contain a Siberian Husky and if the Hervey's would be willing to put a spring hinge on the gate. Mrs. Hervey stated that it is an adequate fence, that they will be more attentive, to assure the dog stays within their yard, and that they are open to putting a spring hinge on the gate.

Councilmember Larson asked Brett Beckstead if there were issues with the dog coming back to live in the neighborhood. Mr. Beckstead stated that he never wants to see the dead chickens all over his yard again, and that the dog could never be in his yard.

It was moved by Councilmember Brent Dodge to allow Hailey Hervey to bring the dog back into the city limits, to live at 332 West Oneida, on a six (6) month probationary period with no further incidents. The dog must be chained up when outside the house, a spring hinge is to be installed on the gate, full restitution to Brett Beckstead and any impound fees must be paid, and at least six (6) of the surrounding neighbors must sign to okay the dog back in the neighborhood. Code enforcement officer, Jed Fellows will follow up to assure the conditions have been met. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Larson	<u>Nay</u>
Councilmember Dodge	<u>Aye</u>

Motion passed by majority vote.

Development Agreement Engineer Simpson presented a Development Agreement for North Junction Subdivision, phase II, at 625 North State, and recommended approval of the agreement. The agreement is to provide 13 shares of Consolidated Irrigation to the lots included in phase II of the subdivision, and then an additional 15 shares when phase III is developed.

It was moved by Councilmember Thomas and seconded by Councilmember Dodge to approve the Development Agreement, as presented. This received unanimous approval.

Final Plat Engineer Simpson presented the final plat for North Junction Commercial Subdivision, Phase II at 625 North State, and recommended approval of the final plat.

It was moved by Councilmember Thomas and seconded by Councilmember Dodge to approve the Final Plat for North Junction Commercial Subdivision, Phase II (PIP, LLC). This received unanimous approval.

Final Decision Variance Schmidt Thomas and Caitlin Schmidt appeared before the Planning and Zoning Commission on May 27, 2020 for an Application for Variance Public Hearing.

636 E 145 S At the hearing, the Planning and Zoning Commission made recommendation to City Council that the Variance be approved with the following conditions:

- Install fire hydrant at the end of the cul-de-sac.
- Alter the turn around to meet fire code.
- Install a mailbox in conjunction with the neighbors.
- Snow is to be pushed to the side of the road, not into the cul-de-sac.
- The private road will be widened to 18 feet with a 1 foot buffer on each side, to the end of the Schmidt's property only.

Thomas Schmidt stated that the condition to widen the street, that was built by Scott Beckstead and is not a public street, would defeat the purpose of safety for the children in the subdivision, specifically those living in the cul-de-sac. He asked that the Council consider this and remove the condition of widening the street. He also stated that extending the road two feet would

CITY COUNCIL MEETING
June 8, 2020

require that vegetation be removed in Cameron Whitehead's (650 East 145 South) and Steven Fuller's (624 East 145 South) yard.

After reviewing the Planning and Zoning's recommendation and the testimony given at said hearing, as well as the comments received, it was moved by Councilmember Thomas and seconded by Councilmember Larson to approve the Variance for Thomas and Caitlin Schmidt at 636 East 145 South, removing the condition that they pave the road at 18 feet, with a 1 foot buffer on each side. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Dodge	<u>Nay</u>

Motion passed by majority vote.

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

Kristopher Hatch	216 South 2 nd East, Preston, ID	Hatch Tech
Justin Bott	398 Edgehill Cir, Providence, UT	Proline Plastering
Jarin Martinez	1144 North 230 West, Logan, UT	Jarin's Window
Becky Harris	591 Eagle Dr, Preston ID	Becky Harris Hair

This received unanimous approval.

Discuss Open Space Countryside Subdiv. Phase II Scott Beckstead, developer of the Countryside Subdivision, came before council to discuss the required open space for phase II of the development. Two options provided were, 1) Cash payment or 2) Exchange of land.

Mr. Beckstead stated that going by the same valuation used in a previous subdivision cash payment, he is willing to do cash payment of forty-nine thousand dollars (\$49,000). As for the land exchange, he has previously offered the green area on 28 South State without parking. He is now willing to offer twenty feet (20') back of the green area to allow for parking as part of the land exchange offer.

This matter was tabled and placed under Unfinished Business on the Council Agenda, for City Council to give further consideration.

Discuss Cost & Availability Of Larger Sewer Conn. Economic Development Specialist/Assistant Planner Oliverson explained that there's a possibility of future commercial construction needing a larger than four (4") inch sewer line. He said that he would like to address this, and get the costs on the books before the situation arises.

Public Works Director Balls stated that the costs of the manhole would also need to be considered.

This matter was tabled and placed under Unfinished Business on the Council Agenda, to allow the engineer and public works to come up with a fair cost for a six inch (6") and an eight inch (8") sewer connection.

Rodeo Parade Discussion Kurt Iverson, Rodeo Parade Chairman, explained that the rodeo parade will be denied access to State Street because of the Governor's Covid-19 Order, so the parade committee has elected to re-route the parade this year, omitting State Street.

The proposed parade route starts at the intersection of 3rd North and 1st East, runs South along 1st East for 6 blocks, to 3rd South. The parade route will turn and go a block East to the intersection of 3rd South and 2nd East. Then the parade route will run north for 5 blocks, ending at 2nd East and 2nd North.

Council discussed the proposed parade route, stating concern over the Oneida Street construction detour route being within the proposed parade route. Council asked Engineer Simpson to contact the project supervisor at Keller Associates to see if, for the 3 evenings during the parade, the detour signs can be down.

It was moved by Councilmember Larson and seconded by Councilmember Thomas to approve the proposed parade route for That Famous Preston Night Rodeo parades, July 2020. This received unanimous approval.

CITY COUNCIL MEETING
June 8, 2020

Exec. Session It was moved by Councilmember Larson and seconded by Councilmember Dodge to enter into Executive Session to discuss Acquiring an interest in real property, as allowed in Idaho Code 74-206(1)(c) and to discuss consideration of hiring a public officer, as allowed in Idaho Code 74-206(1)(a). The vote was as follows:

Councilmember Thomas Aye
Councilmember Larson Aye
Councilmember Dodge Aye

Motion passed by unanimous vote.

Enter Executive Session: 7:00 p.m.
Exit Executive Session: 7:59 p.m.

Hire Police Officer It was moved by Councilmember Larson and seconded by Councilmember Thomas to authorize Chief McCammon to extend an offer of employment to one of the four (4) candidates for the police officer position. This received unanimous approval.

Property Acquisition It was moved by Councilmember Dodge and seconded by Councilmember Thomas to instruct Attorney Fuller to negotiate the purchase of real property within the City of Preston. This received unanimous approval.

Adjourn Meeting was adjourned at 8:03 P.M. by Mayor Keller.

Linda Acock, Clerk

Daniel M. Keller, Mayor