

CITY COUNCIL MEETING
July 27, 2020

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:

Robert Swainston, Brad Gailey, April Gailey, Michael Funk, Bailey Beckstead, Marc Gee, Bruce Lowry, Nate Long, Jim Mullen, Quinn Corbridge, Sarah Smith

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

At the onset of the meeting, Councilmember Larson declared that he is an employee of the Preston School District. After further discussion, it was determined that Councilmember Larson's employment with the Preston School District did not create a conflict of interest in the agenda matter of a storm water agreement with the school district.

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 (July 13, 2020)
- B. Bills (July 27, 2020)
- C. Swale Bond Refund
(Shad Moser 116 N. 4th E. \$1304.75 & 175 E. 1100 N. \$1625.00)

It was moved by Councilmember Larson and seconded by Councilmember Wadsworth to approve all items on the Consent Calendar, which include Council Minutes of July 13, 2020, Bills through July 27, 2020 and two Swale Bond Refunds for Shad Moser at 116 North 4th East in the amount of \$1,304.75 and at 175 East 1100 North in the amount of \$1,625.00. This received unanimous approval.

Storm Water
Agreement
With
School Dist.

Engineer Simpson explained that there are existing storm drains located on the South side of the high school football field, next to the high school and storm drain pipes that cross through the football field from 1st South Street towards the school. This existing pipe is undersized and old.

The school district is proposing to install permanent bleachers over the City's storm drain pipe. The city has met with Engineer Simpson and Public Works Director Balls to discuss options. Engineer Simpson stated that the best alternative seems to be replacing the old pipe with 24" HDPE pipe and fittings. He has looked into the construction and costs for this project.

Mayor Keller asked if it would be the school district, or City of Preston, that would do the hiring of the contractors.

Engineer Simpson recommended that the school be responsible for hiring the contractor, so they can move forward with the project, and that the City of Preston enter into an agreement with the school district to pay fifty percent (50%) of the costs.

Marc Gee, superintendent of Preston School District explained that the school would like to work an agreement with Preston City to have the storm drain pipes replaced. He agrees to the school district paying 50% of the costs. The bleacher project is funded by the school's plant facility levy, and the school board is willing to pay the fees with the levy, and Preston City can reimburse the school.

It was moved by Councilmember Larson to approve the city paying 50% of the storm drain project with a total cap at \$50,000. Motion died for lack of a second.

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It was moved by Councilmember Larson and seconded by Councilmember Thomas to enter an agreement with the Preston School District to pay 50% of the costs to replace the existing storm drain pipe with 24" HDPE pipe, up to a total project cost of \$50,000. The reimbursement payment to the Preston School District will come due in the FY 2021-2022 budget. This received unanimous approval.

Business License It was moved by Councilmember Wadsworth and seconded by Councilmember Dodge to approve a business license for Linda Parrish, P O Box 151 in American Falls, Idaho, for Crown Homes, LLC. This received unanimous approval.

Parking Concerns Townhomes 440 & 480 West Brad Gailey came before Council to ask that they give serious thought into parking concerns at the Trinity Townhomes on 440 and 480 West. The owners, and tenants, of these homes do not have adequate parking, and many are parking on the street. Come winter time, there will be issues with overnight street parking and snow removal.

Michael Funk, developer of the Trinity Townhomes, stated that the homeowners and tenants are notified that there is two parking spaces available, and that visitor parking should be reserved for visitors.

He will advise the snow removal company that the snow should not be pushed to the south, upon neighboring property.

After discussion with council, Mr. Funk stated that he would meet with Engineer Simpson to consider any ways to increase parking in the area. Council reiterated that he is under no obligation to do so, as the development has been built to code, but appreciated his willingness to increase parking in the development.

Stop Sign Proposal Councilmember Thomas proposed placing three-way stop signs at the intersection of 4th South and 4th East, to control speed, and increase safety for the kids at the elementary school.

It was moved by Councilmember Thomas and seconded by Councilmember Dodge to install stop signs to create a three-way stop at the intersection of 4th South and 4th East, near the elementary schools. This received unanimous approval.

Festival Of Lights Building Councilmember Wadsworth stressed the importance of protecting the ornaments and supplies the city has invested in, for the Festival of Lights. The roof at the storage building is in dire need of repairs.

It was determined that monies were budgeted in the 2020 FY budget, for the repairs, and that the roof will be repaired.

Storm Water Issues Building Permits Engineer Simpson presented a staff report explaining, that in 2018, he was instructed not to issue building permits for lots 17-20 of the Country Club Estates #4, due to flooding. A building permit has been filed, and Engineer Simpson is seeking Council's guidance on whether there is a ban on building permits for those lots, or if the building permit application can be approved.

Mayor Keller asked Attorney Fuller if the Mayor or City Council had rights to declare that, because this is a flood area, absolutely no building permits could be approved.

Attorney Fuller advised that he researched, and could not find an agreement between City of Preston, Ireland Bank, or the Preston Golf Course for improvements or piping of storm water runoff. He was not sure of any legal grounds the city has, if the final plat has been plated and approved.

Councilmember Dodge asked for clarification to the Comprehensive Plan and storm water runoff standards, including on-site retention.

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Attorney Fuller explained that the Comprehensive Plan informs how decisions are made on land use within the city, so that can be part of a building permit application process. One of the difficulties is that the ultimate homeowner, down the line, may not be aware of the potential for flooding, and so there should be some sort of recorded documentation disclosing the potential for flooding.

Bruce Lowry, President of Ireland Bank, gave a brief history of the discussions between Preston City, the golf course, and Ireland Bank, which started in the spring of 2017. The city engineer at that time was Mark Owens. They had come up with a conceptual plan and at that time, Mr. Owens was applying for a grant with the Federal Government. The city did not qualify for the grant, and discussions ceased. The bank's legal counsel advised the bank to not make any changes to the original plat.

The bank has provided disclosures for potential flooding.

Nathan Long, legal counsel for Ireland Bank, advised that this building permit is for a lot within an approved subdivision, on a recorded plat.

It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to allow the processing of the building permit with special attention given to advising the developer of the potential flooding issues. This received unanimous approval.

Draft
Scope Of
Work
Keller
Assoc.

Engineer Simpson presented the Draft Scope of Work for Professional Services for Pilot Testing and Judicial Confirmation between The City of Preston and Keller Associates for the Waste Water Treatment Plant.

The scope of work is for pilot testing the tertiary treatment technologies at the wastewater treatment plant, and moving forward with the judicial confirmation process to secure funding for the improvements project.

It was moved by Councilmember Thomas and seconded by Councilmember Dodge to approve the Draft Scope of Work for Professional Services for Pilot Testing and Judicial Confirmation. This received unanimous approval.

State Ins.
Refund

It was moved by Councilmember Thomas and seconded by Councilmember Larson to approve the disbursement of the State Insurance's refund check of \$2,328, in the amount of \$104 to 19 full-time employees, \$79 to 1 full-time/part-time employee, \$74 to one employee going full-time from part-time, \$86 to 1 employee joining the force in October 2019, \$26 to 1 employee joining the force in July 2020, and \$53 to 1 part-time employee. This received unanimous approval.

Merit
Money
Awarded

It was moved by Councilmember Dodge and seconded by Councilmember Larson to award merit money to the following employees, as allowed in the Employee Salary Resolution:

Linda Acock	\$1,000.00
Becky Cox	\$300.00
Kelly Mickelsen	\$1,000.00
Shawn Oliverson	\$1,000.00
Julie Sharp	\$300.00
Tyrell Simpson	\$1,000.00
Dan McCammon	\$1,000.00
Jed Fellows	\$150.00
Brad Gailey	\$300.00
Nick Hyde	\$212.50
Paul Loveday	\$75.00
Sally Moser	\$300.00
Tuyen Nguyen	\$300.00
Scott Royer	\$300.00
Cuyler Stoker	\$300.00
Tyler Wilson	\$249.00

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John Balls	\$1,000.00
Keven Hollingsworth	\$300.00
Roger Nicholas	\$300.00
Douglas Ransom	\$300.00
Jan Seamons	\$300.00
Gordon Talbot	\$300.00
Justin Thomson	\$300.00
Scott Weeks	\$300.00

This received unanimous approval.

Exec. Session It was moved by Councilmember Wadsworth and seconded by Councilmember Larson to enter into Executive Session to discuss Possible Litigation, as allowed in Idaho Code 74-206(1)(f). The vote was as follows:

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

Motion passed by unanimous vote.

Enter Executive Session: 7:03 P.M.
Exit Executive Session: 7:28 P.M.

Adjourn Meeting was adjourned at 7:28 P.M. by Mayor Keller.

Linda Acock, Clerk

Daniel M. Keller, Mayor