

CITY COUNCIL MEETING
August 24, 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
Dan McCammon, Police Chief
Lyle Fuller, City Attorney

OTHERS PRESENT:

Robert Swainston, Colter Hollingshead, Jim Mullen, James Jensen, Doug Ransom, Becky Matthews, Mark Matthews, Brandon Timothy

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 (August 10, 2020)
- B. Bills (August 24, 2020)
- C. Swale Bond Refund (Jessica Jones 104 N 4th E \$1,900.00)

It was moved by Councilmember Larson and seconded by Councilmember Thomas to approve all items on the Consent Calendar, which include Council Minutes of August 10, 2020, Bills through August 24, 2020, and a swale bond refund for Jessica Jones at 104 North 4th East in the amount of one thousand nine hundred dollars (\$1900). This received unanimous approval.

Public
Hearing
Intent
To Sell
City
Property
Rodeo
Grounds

After giving procedure guidelines for public hearings, Mayor Keller called for the public hearing for the purpose of intent to sell city owned property to Franklin County, as follows:

Notice of Public Hearing
Intent to Sell City Property

NOTICE IS HEREBY GIVEN that on Monday, the 24th day of August, 2020, at 5:00 PM. 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 sell City owned property, specifically the Rodeo Grounds, as provided in Idaho Code 50-1402-, 50-1403.

At the Preston City Council meeting of July 13, 2020, Mayor Keller made Declaration of Intent to Sell City Property. Said declaration is summarized as follows:

The City declares its intention to sell the City-owned rodeo grounds to Franklin County, Idaho for a purchase price of one hundred twenty five thousand dollars (\$125,000.00). Per Idaho code, if the City Council determines it to be in the best interest of the City, the City Council may convey property to another governmental entity with or without monetary consideration, (Idaho Code §50-1403(4)). Because the intended sale is to another governmental entity, the property will not be put up for auction and no minimum bid value is declared.

Information 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 began the public hearing by advising that on July 13, 2020, the city council declared their intent to sell the city's portion of the rodeo grounds to Franklin County for an amount of one hundred twenty-five thousand dollars (\$125,000). The sale does not

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include the ball diamonds, grassy field, the park on the east side of the street, nor the new restrooms.

There being no one in attendance to offer testimony, in favor, in opposition or neutral, Mayor Keller asked if written testimony had been received in the City Clerk's office. Clerk Acock stated that there were no written comments, in favor, opposition, or neutral.

It was moved by Councilmember Wadsworth and seconded by Councilmember Thomas to close the public hearing, and open the meeting to discussion amongst the council. 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 approval.

Real Estate Purchase & Sale Agreement Rodeo Grounds	Attorney Fuller introduced the Real Estate Purchase and Sale Agreement between the City of Preston and Franklin County. He advised that the agreement states that the title will be conveyed by warranty deed. He recommended that the wording in the agreement be changed, to convey the property by Quit Claim Deed.
	Robert Swainston, Franklin County Commissioner, agreed that the deed should be a Quit Claim Deed instead of a Warranty Deed.

It was moved by Councilmember Wadsworth and seconded by Councilmember Thomas to approve the Real Estate Purchase and Sale Agreement between the City of Preston and Franklin County for the sale of the rodeo grounds, in the amount of one hundred twenty-five thousand dollars (\$125,000) with the change in the agreement that Preston City will convey title by Quit Claim Deed, and to authorize Mayor Keller to sign the same. This received unanimous approval.

Agreement For Professional Services Keller Associates	Colter Hollingshead, Keller Associates, presented the Agreement Between Owner and Engineer for Professional Services, for engineering services to complete the predesign, design, bidding, resident project representative, and closeout professional services for the Preston Wastewater Improvement project. Mr. Hollingshead advised that this contract agreement will go into effect after the judicial confirmation hearing, if the hearing proves favorable for Preston City.
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Attorney Fuller advised that he has reviewed the agreement and everything looks to be in order.

It was moved by Councilmember Thomas and seconded by Councilmember Dodge to accept the Agreement Between Owner and Engineer for Professional Services, and to authorize Mayor Keller to sign said agreement. This received unanimous approval.

Appeal Vicious Dog Declaration B Timothy 135 W 4 th S	Brandon Timothy, 135 West 4 th South, filed an appeal to City Council, appealing the police department's determination that his dog named Zoey is vicious. On August 11, 2020, Zoey slipped her harness, and rushed Eleanor Talbot's dogs. On August 12, 2020, Chief McCammon wrote to Mr. Timothy stating that, after reading reports and statements, he would uphold Officer Gailey's determination that the dog is vicious and needs to be removed from Preston City limits.
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Mr. Timothy testified that the dog, Zoey, was a friendly dog, that it was good with kids, and that he is willing to fence the yard to keep the dog at his residence.

Eleanor Talbot testified that the dog had ahold of her dog's neck, and would not let go. Mr. Timothy had to pry his dog's jaws off her dog.

Becky Matthews testified that she has also been charged by the dogs, when she has been walking in the neighborhood.

Mr. Timothy rebutted that Mrs. Matthews was charged by his father's ex-girlfriend's dogs, not his.

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After reviewing testimony, and discussion amongst the Council, it was moved by Councilmember Thomas and seconded by Councilmember Dodge to uphold Chief McCammon's decision to deem the dog vicious and have it removed from Preston City limits. 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.

Resignation Of P&Z Member Jeff Pope has been serving on the Planning and Zoning Board since February 2020. His health has caused need for him to resign from the Board.

Mayor Keller offered thanks to Mr. Pope for his service to Preston City.

Appoint P&Z Member It was moved by Councilmember Larson and seconded by Councilmember Wadsworth to appoint Justin Carter to the Planning and Zoning Board, to complete the term vacated by Jeff Pope. Mr. Carter's term will be effective August 26, 2020 through February 11, 2023. This received unanimous approval.

Request To Waive Building Permit Fees School The Preston School District is preparing to construct bleachers at the Preston High School football field. They have submitted a letter to city council, asking that the city waive our portion of the building permit fees for the bleachers.

Because the building permit has not been presented, nor approved, it was moved by Councilmember Thomas to deny the request to waive building permit fees for the Preston School District for bleachers in the football field. Motion died for lack of a second.

After further discussion, it was moved by Councilmember Larson and seconded by Councilmember Dodge, when the building permit from the Preston School District for bleachers in the football field is applied for and approved, Preston City shall waive the city's portion of the building permit fee. This received unanimous approval.

Petition For Infra-structure City council is in receipt of an e-mail asking that the council look into upgrading the infrastructure of the roads and sidewalks along 1st North, from 2nd West to 4th West, and along 4th West.

2nd West To 4th West & 4th West The Planning and Zoning Board is in the process of reviewing and making recommendation for a planned unit development in this area, and it was determined to give this matter consideration in the future, after the Planning and Zoning Board completes the final plan for the planned unit development, and makes their recommendation to city council.

Council & Dept. Head Designation Reports Economic Development Specialist/Assistant Planner Oliverson, Engineer Simpson, Councilmember Thomas, Copouncilmember Wadsworth, and Councilmember Dodge gave brief updates on their assigned designations.

Adjourn Meeting was adjourned at 6:41 P.M. by Mayor Keller.

Linda Acock, Clerk

Daniel M. Keller, Mayor