

**CITY COUNCIL MEETING**  
**February 8, 2021**

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MAYOR & COUNCIL

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

STAFF

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

OTHERS PRESENT:

Robert Swainston, Ralph West, Susan West, Nick Smith, Scott Palmer,  
Blain Dietrich, Linda B. Johnson, Jim Mullen

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

At the onset of the meeting, Mayor Keller asked Councilmember Dodge to give a brief community message.

Councilmember Dodge stated that we have met many challenges over the past year, but that Preston City citizens are strong, resilient, hard-working people that have faced those challenges head on.

He is happy to work with Economic Development Specialist/Assistant Planner Oliverson and the businesses in Preston City.

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 (January 25, 2021)
- B. Bills (February 8, 2021)

Mayor Keller brought it to the attention of the Council that there was an error in the voting on the matter of the final plat for the 4<sup>th</sup> South and State Minor Subdivision. Councilmember Dodge abstained, but the Minutes reflect that he voted in the affirmative. Clerk Acock advised that the original Minutes will be corrected before they are printed and signed.

It was moved by Councilmember Thomas and seconded by Councilmember Larson to approve all items on the Consent Calendar, which include the corrected Council Minutes of January 25, 2021, and Bills through February 8, 2021. This received unanimous approval.

Public  
Hearing  
Rezoning  
Application  
Chad Salmon

After giving guidelines for holding a public hearing, Mayor Keller called for the public hearing for the purpose of giving consideration to the application for Rezoning, as follows:

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on February 8, 2021, before the City of Preston Mayor and City Council at the hour of 5:05 P.M., or as soon thereafter as this matter may be heard, at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Chad Salmon, at approximately 350 North 1<sup>st</sup> East, Preston Idaho for the rezoning of certain property located in the City of Preston, Idaho, from its present classifications of Residential A-1, Residential B, and Transitional Zoning, to a classification of Residential B. More specifically, the applicant desires that the entire property be zoned under one classification of Residential B. A copy of the legal description of the property requested to be rezoned is attached hereto as Exhibit A and Exhibit B.

All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said rezoning may be submitted to the City Clerk at the above stated address, and the same will be considered if received prior to said public hearing.

Dated this 14<sup>th</sup> day of January, 2021.

s/ Linda Acock, City Clerk

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**EXHIBIT A**  
**LEGAL DESCRIPTION**

A parcel of land located in Section 23, Township 15 South, Range 39 East, Boise Meridian, Preston City, Franklin County, Idaho and further described as follows:  
Beginning at the West quarter corner of said Section 23 from which the Northwest corner of Section 23 bears North 00° 10' 21" West 2656.80 feet;  
Thence South 89° 47' 18" East 280.50 feet along the centerline of 400 North Street to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 4735" set on the southwest corner of that parcel of land conveyed to Kimber J. and Beverly H. Christensen as recorded under instrument number 194325 in the official records of Franklin County, the True Point of Beginning;  
Thence South 89° 47' 18" East 429.00 feet along said centerline to a 5/8" rebar with cap set on the southeast corner of said parcel;  
Thence North 298.67 feet along the east line of said parcel to a 5/8" rebar with cap set at the Northwest corner of the Ron Keller property as recorded under Instrument Number 216265 in the official records of Franklin County;  
Thence South 89° 43' 01" East 16.50 feet along the north line of said parcel to a 5/8" rebar with cap;  
Thence North 7.33 feet along the east line of the said Kimber Christensen parcel to a 5/8" rebar with cap;  
Thence East 8.02 feet to a 5/8" rebar with cap set on the east right of way line of 100 East Street as designated in the Planning and Zoning Meeting records dated March 3, 1976 and being the west line of that parcel owned by Garden View, LLC as recorded under Instrument Number 197965 in said records of Franklin County;  
Thence North 00° 10' 34" West 369.47 feet along said right of way line to a 5/8" rebar with cap set on the north line of that parcel of land conveyed to Kimber J. Christensen as recorded under instrument number 186359 in said records of Franklin County;  
Thence North 89° 40' 10" West 257.86 feet along said north line to a 5/8" rebar with cap;  
Thence South 37° 00' 00" West 326.35 feet to a 5/8" rebar with cap set on the east bank of a canal;  
Thence South 16° 23' 44" West 22.38 feet along said east bank to a 5/8" rebar with cap;  
Thence South 00° 38' 41" East 42.57 feet along said east bank to a 5/8" rebar with cap;  
Thence South 03° 00' 01" East 41.82 feet along said east bank to a 5/8" rebar with cap;  
Thence South 00° 44' 02" East 94.38 feet along said east bank to a 5/8" rebar with cap;  
Thence South 00° 44' 27" West 48.45 feet along said east bank to a 5/8" rebar with cap set on the north line of that parcel of land conveyed to Boyd & Blanche Pitcher as recorded under instrument number 139211 in the official records of Franklin County;  
Thence East 4.94 feet along said north line to a 5/8" rebar with cap;  
Thence South 166.04 feet along the east line of said deed and its extension to the True Point of Beginning.

**EXHIBIT B**  
**LEGAL DESCRIPTION**

A parcel of land located in Section 23, Township 15 South, Range 39 East, Boise Meridian, Franklin County, Idaho and further described as follows:  
Beginning at the West Quarter corner of said Section 23 from which the Northwest corner of said Section 23 bears North 00° 23' 29" West 2656.96 feet; thence South 89° 59' 33" East 858.44 feet along the center line of 400 North Street to a 5/8 inch rebar with cap labelled "A.A. HUDSON, PLS 4735" set on a North-South fence line, the TRUE POINT OF BEGINNING; thence North 00° 27' 38" West 298.65 feet along said fence line to a 5/8 inch rebar with cap set at a fence corner; thence North 89° 59' 40" West 123.33 feet along said fence line to a 5/8 inch rebar with cap set on the East right of way line of 100 East Street as designated in the Planning & Zoning Meeting records dated March 3, 1976, said right of way line being 25 feet from the centerline of said Street; thence North 00° 23' 29" West 376.81 feet

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along said right of way line to a point on the South line of that parcel of land owned by Bart M. & Joyce Pitcher as recorded under Instrument No. 178388 in the official records of Franklin County; thence South 89° 53' 33" East 585.74 feet (West by record) along said property line to a 5/8 inch rebar with cap set at the Southeast corner of said property; thence North 00°23' 29" West 847.50 feet along the East line of said property and its projection to a 5/8 inch rebar with cap set on the Northerly bank of the Preston-Whitney Canal; thence along said canal bank through the following courses; thence North 48° 08' 30" East 80.97 feet to a 5/8 inch rebar with cap; thence North 53° 57' 39" East 130.71 feet to a 5/8 inch rebar with cap; thence North 56° 20' 30" East 98.42 feet to a 5/8 inch rebar with cap; thence North 52° 15' 54" East 96.05 feet to a 5/8 inch rebar with cap; thence leaving said canal bank and running South 00° 17' 24" East 427.07 feet along a fence line to a 5/8 inch rebar with cap; thence South 89° 47' 48" West 194.49 feet along a fence line to a 5/8 inch rebar with cap set at a fence corner; thence South 00° 15' 03" East 1324.22 feet along said fence line to a 5/8 inch rebar with cap; thence South 89° 59' 33" West 131.50 feet to a 5/8 inch rebar with cap; thence South 00° 10' 53" East 14.05 feet to a 5/8 inch rebar with cap set at the intersection of a North-South fence line and said centerline of 400 North Street; thence North 89° 59' 33" West 457.54 feet to the TRUE POINT OF BEGINNING.

Nick Smith, speaking on behalf of the developer, stated that there are two parcels of property included in the application for a rezone. Together, the two parcels have three different zones going through them. Currently they include Transitional, Residential A and Residential B. They are applying for a zone change to have the entire properties zoned Residential B.

Engineer Simpson handed out a map outlining the zoning of the two parcels. The majority of the property is already zoned Residential B. The applicants would like the entire property zoned Residential B.

Councilmember Thomas asked the total acreage of the two parcels. Engineer Simpson explained that there's approximately 20 acres.

Mayor asked, for clarification, if the purpose of the public hearing is to change the zoning of the parcels only. There's no hookups, access, right of ways, or development at this time? Engineer Simpson confirmed that the public hearing is to request that both properties be zoned Residential B.

Mayor Keller asked for comment from those in attendance, in support of the rezone.

Ralph West stated that he has concerns of growth in the neighborhood. There is already a lot of traffic with West Motor, the church, and apartments in the close vicinity. They are concerned about traffic and access. He is asking that the growth be monitored closely. He can support the zone change if the growth is done properly.

Mayor Keller asked if there were written comments in support of the request to rezone. Clerk Acock stated that there were no written comments received in the Clerk's office.

Mayor Keller asked for neutral comment. There being none, and no written neutral comment, he asked for comment in opposition to the request. There being no comment in opposition, and no written opposition, Mayor Keller invited Mr. Smith to offer rebuttal.

Mr. Smith stated that they do understand that there is need for another access to the property and they are working with other landowners for another access.

Councilmember Dodge asked if there was much difference between the Transitional Zone and the Residential B Zone. Engineer Simpson explained that the two zoning districts are similar, but there is only a small portion on the North of the two parcels that is zoned Transitional. The application is to make the entire properties one zone.

It was moved by Councilmember Wadsworth and seconded by Councilmember Thomas to close the public hearing. This received unanimous approval.

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Mayor Keller opened the meeting to discussion amongst the council.

Councilmember Thomas asked about a comment that was made in the Planning and Zoning Minutes about the city owning property on 6<sup>th</sup> East.

Engineer Simpson explained that 6<sup>th</sup> East was stated in error, and that the street mentioned is actually 6<sup>th</sup> North. Preston City does not own that easement at this time.

Councilmember Dodge suggested that Engineer Simpson take the concerns about this property's access to the newly formed Transportation Committee, and have them address this.

Councilmember Larson asked if there is any detriment to this property being zoned Residential B.

Engineer Simpson explained that it makes sense to have the entire property uniformly zoned.

It was moved by Councilmember Larson and seconded by Councilmember Dodge to approve the zone change to transition both parcels into Residential B, as requested by Chad Salmon. 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.

Mayor Keller added that there are numerous requests from potential developers who want to fill the need of insufficient housing in our community. But, the council is cognitive of the fact that city resources are limited. They will be moving forward with realistic, managed, planned growth so that existing residences are not adversely affected.

**Professional Services Agreement** Mayor Keller introduced the Third Addendum to Professional Services Agreement for Building Inspection Services between Preston City and Franklin County.

**For Building Inspector** The agreement includes changes to the scope of services, to include a quarterly written report outlining the number of building inspections, identity of the builders whose properties were inspected and those permits that have been granted an occupancy permit.

Mayor Keller asked if the agreement could be a two year term as opposed to the one year term. Commissioner Swainston stated that he is certain the Franklin County Commissioners would be agreeable to signing the two year agreement.

It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to approve the Third Addendum to Professional Services Agreement for Building Inspection Services, for a two year term. This received unanimous approval.

**Ordinance 2021-1 Amend Municipal Code 1.12 Election Municipal Wards** Attorney Lyle Fuller presented Ordinance 2021-1, an ordinance to amend Preston Municipal Code 1.12, eliminating Municipal Wards and Boundaries of Wards, adding conduct of elections and election qualifications. He explained that this is cleaning up an antiquated ordinance, and that cities within the State of Idaho haven't run elections in this manner for many years.

Councilmember Larson introduced Ordinance 2021-1, eliminating Municipal Wards and Boundaries of Wards, and adding election conduct and qualifications.

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It was moved by Councilmember Larson and seconded by Councilmember Thomas 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	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Wadsworth	<u>Aye</u>
Councilmember Dodge	<u>Aye</u>

Motion passed by unanimous vote.

Ordinance 2021-1 was read once in summary by Clerk Acock.

It was moved by Councilmember Larson and seconded by Councilmember Dodge to approve Ordinance 2021-1. 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.

DEQ Agrmt. Jim Mullen, of Keller Associates, presented the State of Idaho  
WWTP Department of Environmental Quality Loan Offer, Acceptance and  
Loan Agreement for Wastewater Treatment Facility Design and Construction  
Facility documentation between The City of Preston and the Idaho Department of  
Design & Environmental Quality. The loan is to replace part of the collection  
Construction and improve the wastewater treatment system, including new headworks,  
lift station, oxidation ditches, tertiary filtration system, and UV  
disinfection system. The document lists the terms at \$25,200,000 at  
1.75% (interest of 0.75% and loan fee of 1.00%) and \$154,905 of  
principal forgiveness. Of these funds, \$22,280,000 is expected to be  
refinanced by USDA Rural Development leaving a total obligation to  
DEQ of \$2,765,095 to be repaid in biannual installments over 30  
years.

Mr. Mullen explained the way the loan works, and that it is an interim loan for the design and construction part of the project. Rural Development cannot release their money until the project is complete, so the Department of Environmental Quality offers this loan so the city can proceed.

Councilmember Thomas asked if there was any insight to what the interest rate will be when the loan is refinanced with Rural Development.

Mr. Mullen explained that the money from Rural Development, that will be used to refinance this loan, usually has a similar interest rate, but comes with grant money, so you are paying the loan with the help of grants.

Mayor Keller stated that as he read through the document, it appears that this loan could not be effective if USDA was not available.

Councilmember Dodge asked Mr. Mullen if Keller Associates would be assisting in helping The City of Preston keep with the project management terms. Mr. Mullen assured that Keller Associates would be partnering up with The City of Preston for the long haul, and they will do what they can to make the project successful.

Mayor Keller asked to discuss the wording of the document that states the interest of 0.75% and loan fee of 1.00% means that the city will be paying .75% interest and not 1.75% interest.

Mr. Mullen stated that the interest rate is 1.75%, but that that is the way the document is worded.

Treasurer Mickelsen stated that Section VIII, paragraph C explains that at the time of closing, The Department may elect to impose a loan fee not to exceed 1.00%. If the loan fee is imposed, the loan interest rate will be reduced by the amount of the loan fee.

Council also discussed the grants that the engineering firm is seeking, and that they will continue to seek further grants.

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After discussion, it was moved by Councilmember Larson and seconded by Councilmember Wadsworth to approve the State of Idaho Department of Environmental Quality Loan Offer, Acceptance and Agreement for Wastewater Treatment Facility Design and Construction Document and authorize Mayor Keller to sign said document. 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.

Reappoint Penny Wright To P&Z Commission	It was moved by Councilmember Dodge and seconded by Councilmember Thomas to re-appoint Penny Wright to a second six (6) year term with the Planning and Zoning Commission, effective February 8, 2021 through February 8, 2027. This received unanimous approval.
Industrial Park Negotiation	It was moved by Councilmember Thomas and seconded by Councilmember Larson to allow Mayor Keller to negotiate Industrial Park leases. This received unanimous approval.
Council & Dept. Head Report On Assigned Designation	Economic Development Specialist/Assistant Planner Oliverson, Chief McCammon, Public Works Director Balls, Treasurer Mickelsen, Engineer Simpson, Councilmember Thomas, and Councilmember Larson reported on their assigned designations.
P.O.S.T. Certificate	Chief McCammon presented the P.O.S.T. Intermediate Certification to Officer Tuyen Nguyen.
Adjourn	Meeting was adjourned at 6:40 P.M. by Mayor Keller.

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Linda Acock, Clerk

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Daniel M. Keller, Mayor