

*CITY COUNCIL MEETING*  
*June 28, 2021*

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MAYOR & COUNCIL

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

STAFF

Linda Acock, City Clerk  
Dan McCammon, Chief of Police  
Kelly Mickelsen, Treasurer  
Shawn Oliverson, Community Development  
Tyrell Simpson, City Engineer  
Lyle Fuller, City Attorney

OTHERS PRESENT:

David Kunze, Robert Swainston, Sharon McLing, Patty Chesney, Chuck Chesney, Heather Parkinson, Robert Kooren, Howard Thomas, Doug Roper, Quinn Corbridge, Brad Wall, Lampee Owen, Bruce Spackman, Bryce Gray, Ronnie Ward, Riley Ward, Brett Ward, Robert Child, Karen Child, Steve Call, Zach Corbridge, John Brough, Dixon Beckstead, Reggie Hyde, Justin Sharp, David Allred

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

Councilmember Terry Larson was excused.

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 (June 14, 2021)
- B. Bills (June 28, 2021)

It was moved by Councilmember Wadsworth and seconded by Councilmember Dodge to approve the Council Minutes of June 14, 2021. The vote was as follows:

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

Motion passed by majority vote.

It was moved by Councilmember Wadsworth and seconded by Councilmember Dodge to approve the Bills through June 28, 2021, as presented. This received unanimous approval.

Youth  
Council  
For City

Riley Ward, 2021-2022 Distinguished Young Woman, proposed a youth city council for Preston City. This could involve the youth of Preston City in Preston's civic process and provide opportunity for the youth of Preston to acquire a knowledge and appreciation for the municipal political system.

Mayor Keller suggested that Miss Ward work with Community Development Specialist Oliverson, to bring the proposal to reality.

Public  
Hearing  
Fee &  
Rate  
Schedule

After giving guidelines for holding a public hearing, Mayor Keller called for the following public hearing, for the purpose of receiving and hearing public comments on a proposed implementation of certain fees and the proposed increases of certain fees, which fees shall be increased by more than five percent (5%) of the amount of the fee last collected, as follows:

**NOTICE OF PUBLIC HEARING FOR FEE INCREASE**

NOTICE IS HEREBY GIVEN that a public hearing shall be held before the Mayor and City Council of the City of Preston, Idaho, on the 28<sup>th</sup> day of June, 2021 at the hour of 5:05 P.M., or as soon thereafter as can be heard, at the City Hall located at 70 West Oneida Street, Preston, Idaho, for the purpose of receiving and hearing public comments on the proposed implementation of certain fees and the proposed increases of certain fees, which fees shall be increased by more than five percent (5%) of the amount of the fee last collected. The fee implementations and fee increases are due to the additional costs of administration and operation. Said increase is necessary to continue adequate maintenance, repair, and improvements.

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Information regarding these fees may be obtained from the office of the City Clerk during regular business hours.

All persons present will be given the opportunity to be heard. Written comments or objections may be submitted to the office of the City Clerk, 70 West Oneida Street, Preston, Idaho, 83263.

Dated this 27<sup>th</sup> day of May, 2021

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Linda Acock, Preston City Clerk

Publish: June 2, 2021 and June 9, 2021 in The Preston Citizen

Mayor Keller started the public hearing with a statement, providing a brief background of the city's culinary water system. Preston initially obtained the water supply via deep wells, and the citizenry had open wooden tanks installed in the attics of their houses, that held approximately 200 gallons. This was adequate until the typhoid epidemic of 1909 that took the lives of many citizens. The Board of Health immediately condemned the wells, and ordered a water system to be built. In 1912 a water source was found and negotiated. Funds were raised through bonds. The cost was \$57,000. The water source was Birch Springs. It was estimated, at the time, that the new water system would provide sustenance for a community of 5,000 to 10,000 people. At this time, there was a population of 1,274 people. The water system has provided water to the citizens of Preston for approximately 110 years. It has been improved throughout the years, but it is a singular line, and cause for concern is the need of a secondary "supplementary" culinary water source to enhance Preston City's culinary water needs. City Council has budgeted money to develop a supplementary source.

Preston City's geographical area is in a drought. And, while current water supply is adequate, the Cub River Irrigation Company has reduced the water supply to Preston City, and as a community, we should work to preserve our culinary water supply.

Engineer Simpson explained that Preston City has water rights with Bergquist Springs, Ranger Springs and Birch Springs. The point of diversion is Bergquist Springs. In the wintertime, Preston City has additional water rights. In spring/summer, our water rights become fewer. Cub River Irrigation does allow Preston City to have additional water, beyond our water rights, when it is water is abundant. If there isn't extra water, they will cut our water allotment to what our water rights allow. They have already done this, for this year.

Because of low snow pack, the aquifer that's under the ground was low, and late filling this spring.

Engineer Simpson explained changes to the resolution, as follows. Dog chipping and surrender of animals is being added. Building permit application fees, building permit appeal application fees, and the downtown parking funds are being added. There is proposed increases of annexation applications, development agreements, rezone application, special use and variance applications, and water and sewer connection fees. The water allotment of 50,000 is proposed to decrease to 40,000 and the overages beyond the allotted 40,000 gallons will increase.

Engineer Simpson explained that the implementation of the building permit application fee, appeal fee, and the increase in agreements is due to city staff doing several reviews, as well as staff walking the applicants through the process and helping them get the forms and/or documents submitted.

The raise in the cost of water and sewer connections are to cover costs, maintenance and replacement, and keep up to market value.

The decrease in the allotment of water per month is a goal of conservation. As well, if the city applies for grants, the Department of Environmental Quality closely monitors the allowed water, and user rates.

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Councilmember Dodge asked Engineer Simpson to expand on the market value.

Engineer Simpson explained that all surrounding communities charge substantially more for their water and sewer connections. The norm for our area is \$10,000. We are only increasing from \$2,500 to \$5,000. Most surrounding communities allow for 10,000 gallons per month, while Preston City is still allowing up to 40,000 gallons. We are staying well below the market value.

Mayor Keller asked for supportive comments from those in attendance. There being none, he asked if written testimony had been received in the City Clerk's office. Clerk Acock stated that there were no supportive written comments.

Mayor Keller asked for neutral comments from those in attendance.

Brad Wall, Preston, stated that he recognizes the need for action. Raising the fees for the water and sewer connections is prudent, and that those who use extra water should be the ones that pay extra. He stated that this is serious increase, and there should be factual data backing the amounts for the increase.

Howard Thomas, Preston, stated that he is concerned about the equity for the base amounts, for all citizens of Preston. He understands the need for the supplemental water source and he wants assurance that the money earned from the overage fees will be spent for infrastructure and he wants the council to be accountable.

Dixon Beckstead, Preston, stated that something does need to be done. This matter has been kicked down the street for too long. He asked the council to use the additional income from the overages wisely.

Heather Parkinson, Preston, stated that she was on the water committee that recommended the supplementary water system. This may not be the best plan, but something is being done, and it's a step in the right direction. Water conservation is necessary.

Robert Kooren, Preston, stated that he sees three problems. Use, growth, and emergency.

Chuck Chesney, Preston, stated that he came to Preston from California twenty years ago. He remembers water being rationed in California. We can't go on using and wasting water.

David Allred, Preston, stated that he is confused as to what the vision is. He agrees that conservation is important, but doesn't understand why the city continues to allow multi-family, and large development.

Brad Wall, Preston, addressed the mayor's comment about the 1912 estimate that there would be enough water to provide a population of 10,000 people. But, back then, you didn't take elaborate baths or showers, they didn't do lush landscaped yards. If those were taken out of the equation, there would be enough water supply for a population of 10,000.

There being no further comments, Mayor Keller asked if any neutral comments had been received in the City Clerk's office. Clerk Acock stated that no written neutral comments had been received.

Mayor Keller asked for comments from those in attendance, in opposition of the proposed increases and implementation of fees.

Quinn Corbridge, Preston, asked if the Council had considered going to the odd/even address watering days, instead of dropping the allowed monthly gallons by 10,000. He also suggested a moratorium on building. He asked if, after the drought is over, will the council raise the allowed monthly gallons back to 50,000.

Mayor Keller stated that the odd/even day watering system didn't conserve water, and in some instances residents open hose watered their lawn and used more. He responded that he doesn't have a problem with raising the monthly gallons back to 50,000, but he doesn't foresee this happening.

Lampee Owen, Glendale, stated that Glendale doesn't allow any new water connections, and that Preston City should consider doing the same.

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Reggie Hyde, Preston, feels that the city is giving a break to the landlords of multi-family dwellings by only charging half the rate for additional units. He is a single man, he doesn't use much water, and feels that he shouldn't be charged as much as a large family.

John Brough, Preston, stated that he understands dropping the monthly allotment, but doesn't see what raising the rates has to do with water conservation.

Zach Corbridge, Preston, asked if there was a provision in the resolution that the reduction of monthly gallons is for this year only? He asked if the council had considered a flat rate for the water instead of the base rate.

There being no further public comments, Mayor Keller asked if the City Clerk's office had received any written comments in opposition to the proposed resolution.

Clerk Acock stated that there was one written comment, received from Robert Kooren.

Clerk Acock read the statement from Robert Kooren into the record.  
(A copy of the Statement follows Minutes)

Attorney Fuller addressed Mr. Corbridge's suggestion for a moratorium by stating that building moratoriums must be approached carefully as a governmental agency as it may infringe on property rights, and property owners do have rights to develop upon their property. There are certain steps and procedures a local government has to go through to impose a moratorium, and most of the time the reasons given don't meet the procedure.

Mayor Keller asked Attorney Fuller to comment on impact fees.

Attorney Fuller explained that impact fees, in general, need to be reasonably related to the governmental purpose for imposing the fee. Otherwise, it is just a fourth amendment taking under the constitution.

Mayor Keller stated that the City of Blackfoot allows for 10,000 gallons per month. The City of Dayton, 30,000 gallons. Downey, Fairfield and Franklin allow for 10,000 gallons. Hailey doesn't have an allotment, they charge a flat rate. Heyburn allows 3,000 gallons per month, Malad is 5,000. Pocatello allows 25,000 gallons. He explained that in the list of over 50 Idaho cities, there is only one city that allows over 40,000 gallons per month.

Mayor Keller commented that last March, we had residual tremors from the earthquakes in Soda Springs. The movement from the quake caused line damage and required significant repairs. Preston City crew was able to fix the breaks and damage. In March, during that 24 hour period, our 4½ million gallon water tanks nearly emptied. We do have options where we feel like we can obtain about 500 gallons of supplementary water. The council is budgeting for the city to obtain that water source. The city engineer has done some calculations of the bear minimum our city needs for emergency water, and it is 450-500.

We need common sense continuity. We need the proper infrastructure to grow. City Council is committed to managing Preston City's resources.

This is a tough decision. There has been very good input and advise.

Councilmember Thomas stated that the decision being made is not autocratic nor mandated. Instead, it asking for conservation and preservation of our culinary water.

It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to close the public hearing and open the meeting for discussion amongst the city council. The vote was as follows:

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

Motion passed by unanimous vote.

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Mayor Keller stated that there has been excellent comment and input received.

Councilmember Dodge asked Engineer Simpson about the equality of the water usage increase.

Engineer Simpson explained that with multi-family apartments, they pay the base rate, along with an additional fee for each unit. They do not get more gallons than that of a single family residential.

Councilmember Dodge asked Treasurer Mickelsen, what the money that comes in from the water overage can be spent on.

Treasurer Mickelsen explained that any money that is collected for the water, must be applied to the water fund.

Councilmember Wadsworth commented that council does appreciate the comments and concern that were brought up at the meeting, as every voice matters, and this is not an easy decision. Sustained growth means that maintenance, upkeep, and continual improvement of infrastructure are necessary.

Councilmember Thomas stated that the incentive to conserve water is built into this resolution. He does favor the increase in connection fees, building permit application fees, and the reduction of monthly allotment from 50,000 to 40,000, but is not in favor of increasing the overage fees.

Councilmember Dodge asked if there is an estimate of how many people go over in the summer time and if many of these are elderly people.

Clerk Acock stated that approximately 50 connections will go over the 50,000 gallons, and that amount will more than double when the allotment is reduced to 40,000 gallons. As for how many elderly residents will be effected, there are too many variables to say. The yard size, watering habits, household size, etc., vary throughout the city.

Mayor Keller asked Attorney Fuller if the council could consider Councilmember Thomas's recommendation of lowering the monthly allowance, but not raising the overage rates.

Attorney Fuller, advised that, since this is a resolution, the public hearing has been held, and public input has been given, the council could entertain the suggestion.

Councilmember Dodge thanked everyone for the comments and input.

Resolution #131 License And Fee Schedule & Water and Sewer Rate Schedule

It was moved by Councilmember Dodge and seconded by Councilmember Wadsworth to approve Resolution 131, as written and presented. The vote was as follows:

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

Motion passed by majority vote.  
(A copy of the Resolution follows Minutes)

Planning & Zoning Update

Planning and Zoning Commissioner Fred Titensor gave the council a brief update on the progress of the Planning and Zoning Board.

They've recommended the passage of the remaining elements of the Comprehensive Plan. That should be coming for public hearing before the city council shortly.

This fall the commission plans to review and study the planned unit development ordinance.

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Resolution #132  
Policy For Water & Sewer Connections

Attorney Fuller presented a resolution regarding water and sewer connection policies. There needs to be written policy establishing time frame for the installation of purchased water and sewer connections, and that there is an identifiable parcel of property where the connections will be installed.

It was moved by Councilmember Thomas and seconded by Councilmember Dodge to approve Resolution 132, allowing for written policy on the purchase of water and sewer connections, that the applicant demonstrate intention to install such connections within twelve months, that there is an identifiable parcel where the connections are to be, that if the applicant fails to connect within the twelve month time frame, they may request an extension of twelve months or their money refunded, and that the city staff prepare an appropriate application for the purchase of the connections, with signatures from the engineer, the public works director, the treasurer and the mayor.

The vote was as follows:

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

Motion passed by unanimous vote.

Business License  
R. Broadhead 8<sup>th</sup> East, Preston.

It was moved by Councilmember Wadsworth and seconded by Councilmember Thomas to approve a business license for Riley Broadhead at 480 North (Create Your Oasis) This received unanimous approval.

Business License  
D. Day

It was moved by Councilmember Thomas and seconded by Councilmember Dodge to approve a business license for Douglas and Ginger Day, 10 North State, Preston, conditional upon a parking buyout agreement being reached between the Days and Preston City. (DMR Home & Apothecary) This received unanimous approval.

Adjourn Meeting was adjourned at 7:40 P.M. by Mayor Keller.

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Linda Acock, Clerk

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Daniel M. Keller, Mayor