

CITY COUNCIL MEETING
September 13, 2021

MAYOR & COUNCIL

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

STAFF

Linda Acock, City Clerk
Dan McCammon, Chief
Shawn Oliverson, Community Development
Tyrell Simpson, City Engineer
John Balls, Public Works Director
Lyle Fuller, City Attorney

OTHERS PRESENT:

Robert Swainston, Dixon Beckstead, Berni Winn, Chris Larsen, Fred Titensor, Marin Miller

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

At the onset of the meeting, Mayor Keller commented on the incredible weekend of service, commemorating the 20th anniversary of the September 11th terrorist attacks.

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 23, 2021)
- B. Bills (September 13, 2021)
- C. Treasurer's Monthly Report (August 31, 2021)
- D. Cut Permit Bond Refund Craig Golightly 50 N 2nd W (50%) \$225.00
- E. Swale Bond Refund Dixon Beckstead 860 N Brookside Dr \$1,250.00

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 23, 2021, Bills through September 13, 2021, Fifty percent of the cut permit bond to Craig Golightly at 50 North 2nd West, in the amount of \$225.00 and a swale bond refund to Dixon Beckstead at 860 Brookside Drive, in the amount of \$1,250.00. This received unanimous approval.

Development
Agreement
AMR5 Minor

It was moved by Councilmember Larson and seconded by Councilmember Thomas to approve the Development Agreement for the AMR5 Minor Subdivison. 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.

Drinking
Water
Planning
App.
And
Resolution
#138

Engineer Simpson presented the Drinking Water Planning Grant Application and Resolution 138 authorizing the mayor to sign the application and documents for the grant, received from Keller Grant Associates. The grant is a 50% match grant.

Councilmember Dodge asked Engineer Simpson if he was comfortable with the scope of work that is presented with the grant. Engineer Simpson went over the scope of work, and stated that he is confident with the scope of work within the plan.

Councilmember Thomas asked if there is any in-kind service that the city would qualify for. Engineer Simpson stated that there's no opportunity in this grant for in-kind service, as it is a cash match grant.

It was moved by Councilmember Dodge and seconded by Councilmember Thomas to proceed with the application for the water planning grant and to approve Resolution 138 authorizing Mayor Keller to sign applications, grants agreements, and other documents relating to the drinking water planning grant. This received unanimous approval.

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

- Christopher Hogan 940 N 1250 W Centerville UT
(Hogan & Associates Construction, Inc.)
- Ammon & Jared Hatch 1012 W 800 N Ste 1 Preston ID
(Hatch Flooring)
- Jovany Silva & Gabriel Herrer 401 S Hwy 91 Preston ID
(Silvaback Detailing LLC)

Motion passed by unanimous vote.

CAPSA Program Marin Miller, of CAPSA, gave an update and progress report for the CAPSA program in Cache Valley.

Special Use Permit J. Steele Joshua Steele has requested a Special Use Permit to construct additional storage units at 375 West Oneida. Planning and Zoning recommended a zone change, but there is issue with spot zoning.

It was moved by Councilmember Dodge and seconded by Councilmember to approve the Special Use Permit for Joshua Steele at 375 West Oneida, to build additional storage units on the property. This received unanimous approval.

Minor Subdivision Moritorium Attorney Fuller stated that he has reviewed Idaho Law requirements for a moratorium on the minor subdivision ordinance. Idaho Code 67-6523 indicates that if the governing board find that an imminent peril to the public health, safety or welfare requires the adoption of a moratorium upon a selective class of permits, then the governing board shall state those reasons in writing. The moratorium can be up to one hundred eighty-two (182) days. Those who have already applied for a minor subdivision could continue the process, and proceed as normal.

Community Development Planner Oliverson suggested the council consider repealing the minor subdivision ordinance, as since the inception of the minor subdivision ordinance, there have been three amendments. By repealing the ordinance, any development for the time being will revert to the current subdivision ordinance.

Councilmember Thomas stated that if the council chooses to repeal the ordinance, it will require public hearings and will be a lengthier process than that of a moritorium.

Attorney Fuller explained the process of repealing the ordinance in that it would require the same procedure as creating an ordinance. It would go to Planning and Zoning, then to City Council, back to Planning and Zoning for a public hearing and recommendation, and then, because it is a land use ordinance, another public hearing before the City Council.

Councilmember Larson stated that he agrees that the Planning and Zoning Board needs to look at the ordinance and fix the ambiguity of the ordinance.

Mayor Keller stated that one issue with the minor subdivision ordinance that should be addressed is the fact that the Planning and Zoning never sees the preliminary nor final plat. They are the gate keepers for the city, and should have review and input for these minor subdivisions.

Engineer Simpson stated that the ordinance does need to be reviewed and repaired. He's not convinced that a moratorium is necessary.

Councilmember Thomas stated that a ninety day moratorium should be plenty of time, and that a hundred eighty-two day moratorium is too long.

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It was moved by Councilmember Dodge and seconded by Councilmember Thomas to implement a ninety (90) day moratorium for minor subdivisions, effective immediately, instruct legal counsel to prepare the resolution to present at the next city council meeting, to send the ordinance to the Planning and Zoning Commission for review, stating water shortage, traffic, and an ambiguous ordinance as reason causing imminent peril to the public health, safety or welfare.

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.

Planning & Zoning Update Planning and Zoning Commission Chairman, Fred Titensor, gave a brief update on the progress of the Planning and Zoning Commission. They are currently reviewing and making changes to the zoning code and zoning map. Mr. Titensor stated that the Commission will revise the minor subdivision ordinance and give recommendation to the council before the sixty day moratorium is done. He further stated that the revisions to the zoning ordinance and map, and the minor subdivision ordinance are both very important issues, and asked that council set any necessary hearings for these two issues separately.

Council & Dept. Head Report On Assigned Designation Chief McCammon, Public Works Director Balls, Community Development Specialist Oliverson, Engineer Simpson, Clerk Acock, Councilmember Thomas and Councilmember Dodge all reported on their assigned designations.

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

Motion passed by unanimous vote.

Enter Executive Session: 6:33 P.M.
Exit Executive Session: 7:04 P.M.

Adjourn Meeting was adjourned at 7:04 P.M. by Mayor Keller.

Linda Acock, Clerk

Daniel M. Keller, Mayor