

*CITY COUNCIL MEETING*  
*November 08, 2021*

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MAYOR & COUNCIL

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

STAFF

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

Councilmember Wadsworth attended via telephone conference.

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

Mayor/  
Council  
Community  
Comment

Councilmember Thomas stated that he was grateful for the opportunity to serve Preston City for another four years, and suggested that the community evaluate the council on how effective we economically provide services and how we promote a livable quality of life.

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 (October 25, 2021)
- B. Bills (November 08, 2021)
- C. Treasurer's Monthly Report (October 31, 2021)
- D. Swale Bond Refund Dan Higley 718 South 7<sup>th</sup> East \$1,889.25

It was moved by Councilmember Larson and seconded by Councilmember Dodge to approve all items within the Consent Calendar which include the Council Minutes of October 25, 2021, Bills through November 08, 2021, the Treasurer's Monthly Report dated October 31, 2021 and the swale bond refund to Dan Higley at 718 South 7<sup>th</sup> East, in the amount of One Thousand Eight Hundred Eighty-Nine Dollars and 25 cents (\$1,889.25). This received unanimous approval.

East Oneida  
Project  
Update

Nathan Cleaver of Keller Associates and Matt Foster of LHTAC provided an update on the progress of the East Oneida Project.

Mr. Cleaver stated that the project is nearly finished. They will be seeding the curb adjacent to the roadway, within the swales. The contractor will be mowing and spraying herbicide in those areas. Any additional weeds that come up in the spring will be treated as well. It is not a lawn seeding, it is a dry-land seed mix. If adjacent land owners want to do differently, they may do so, on their own behalf. The project contract is for dry-land seed mix.

He reviewed the overall budget, and noted that the culverts in the hollows have proved challenging, and there will be increased costs to the project to lift and secure the culverts. The contractor will line the existing culvert with a cured and placed plastic pipe. The city can anticipate the city's portion of the increased project to cost to be approximately seventy-five thousand dollars (\$75,000).

Mr. Foster explained that most issues that have occurred during the project have been typical, and the project has gone well.

Compression  
Brake  
Ordinance

At the October 11<sup>th</sup> meeting, an ordinance prohibiting the use of engine brakes in the city limits was introduced to council. The decision on the ordinance was tabled for further review by the Council.

Attorney Fuller advised that the proposed air brake ordinance caught the attention of Jacobs Vehicle Systems, Inc., the company that owns the "Jake Brake" trademark, and they wrote to Attorney Fuller stating that they will, in fact, file lawsuit if the city uses the Jake brake term in this ordinance. Therefore, the ordinance, if the council chooses to pass it, will need to be altered to remove any reference to a Jake brake.

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Councilmember Thomas stated that, from his research, he would like to see the speed issue addressed before an ordinance restricting the compression brakes.

Councilmember Wadsworth stated that compression brakes are important, and is concerned about the safety issues of restricting compression brakes.

Councilmember Dodge stated that he would like to see the speed reduced, and the sight distance at the intersection improved before an ordinance is enacted.

Councilmember Larson stated that the speed needs to be addressed first. He cannot support an ordinance restricting the compression brakes.

It was moved by Councilmember Wadsworth and seconded by Councilmember Larson to deny the Ordinance restricting compression brakes. 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.

Community Foundation      It was moved by Councilmember Wadsworth and seconded by Councilmember to move forward with the creation of a Community Foundation, have Attorney Fuller do the necessary paperwork to form a 501(c)(3), and to provide one thousand dollars (\$1,000) to seed the implementation of the foundation. This received unanimous approval.

Transport-      Jeff Sorenson of Keller Associates presented the Transportation Plan  
Ation      Study to the City Council. He explained that this is a living  
Plan      document, that is beneficial to Preston City, and that it should be  
Study      reviewed and updated.

It was moved by Councilmember Larson and seconded by Councilmember Thomas to accept the Transportation Plan Study as presented to council and to authorize Mayor Keller to sign the Project Completion, Project Document Summary. This received unanimous approval.

Class-      Attorney Fuller presented the State of Idaho's settlement agreement and  
Action      sign-on form regarding the opioid lawsuit. Johnson & Johnson, Cardinal  
Opioid      Health, McKesson and MerisourceBergen are the Settling Defendants.  
Lawsuit

The State of Idaho is proposing to allocate the funds of the settlement with 40% going to the State, 40% going to participating local governments, and 20% to the participating regional public health districts.

It was moved by Councilmember Thomas and seconded by Councilmember Dodge to accept the State of Idaho's Settlement Agreement and authorize Mayor Keller to sign the Sign-On Form. 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.

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Business Licenses      It was moved by Councilmember Wadsworth and seconded by Councilmember Dodge to approve the following business licenses:

Bryce Goodin              PO Box 82 Smithfield UT      (JHBD LLC)  
Owen Tapp                315 E 1<sup>st</sup> S Preston ID      (TNT Home Innovations LLC)

This received unanimous approval.

City Beautification Ideas      Leah Thompson, Preston ID, appeared before the Council to offer ideas for improve and beautifying downtown Preston. She suggested ways to improve the planter boxes, and ways to water the plants in the boxes.

Blue Sage Planned Unit Dev. Storm Drain Agreement      Attorney Fuller stated that the city has an agreement with the Ralphs to pay the difference between 12" piping and 24" piping for the storm water drainage. Since signing the agreement, the Ralphs feel that it is too costly to install 24" pipe.

Blake Atkin, attorney for the Ralphs, stated that he would like Preston City to pay the difference in the costs to install the pipe. He has hired an engineer who has recommended 15" pipe. He does not have a written proposal, but did propose that the city allow them to install 15" pipe. There is only a price difference between the 24" inch pipe and the 15" pipe in the installation. They would not reimburse Preston City for the cost difference in the pipe the city has already paid. If the city is going to require the pipe to be 24", Mr. Atkin requested that the city pay the cost difference in the installation.

After discussion, it was moved by Councilmember Thomas and seconded by Councilmember Dodge that Preston City is going to stand by the present Storm Water Agreement and will table any further discussion on this matter until a written plan/proposal is presented. This received unanimous approval.

Variance Triio Group      The Triio Group has withdrawn their request for the Variance.

Variance Orchard On Oneida      The Planning and Zoning Commission held a public hearing to hear public testimony on a variance request by Ben Gochberg, developer of the Orchard on Oneida, to vary from the required maximum lot area covered by buildings, from 55% to 62.5%.

The Planning and Zoning Commission has recommended approval of the variance.

It was moved by Councilmember Dodge and seconded by Councilmember Wadsworth, upon recommendation of the Planning and Zoning Commission, to approve the Variance to vary from the maximum lot coverage of 55% and allow 62.5% coverage. The vote was as follows:

Councilmember Thomas      Aye  
Councilmember Larson      Aye  
Councilmember Wadsworth      Aye  
Councilmember Dodge      Aye

Council & Dept. Head Report On Assigned Designation      Councilmember Thomas, Councilmember Wadsworth, Community Development Specialist Oliverson, Chief McCammon, Engineer Simpson, Public Works Director Balls, and Treasurer Mickelsen report on their assigned designations.

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Executive Session      It was moved by Councilmember Larson and seconded by Councilmember Dodge to enter into Executive Session to discuss personnel as allowed in Idaho Code 74-206(1)(a). 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.

Entered Executive Session at 7:45 P.M.

It was moved by Councilmember Thomas and seconded by Councilmember Larson to exit Executive Session at 8:13 P.M. 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.

Adjourn                  Meeting was adjourned at 8:13 P.M. by Mayor Keller.

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Linda Acock, Clerk

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Daniel M. Keller, Mayor