

CITY COUNCIL MEETING
July 25, 2022

MAYOR & COUNCIL

Daniel M. Keller, Mayor
Todd Thomas, Council
Terry Larson, Council
Chris Larsen, Council

STAFF

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

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

Councilmember Todd Thomas attended the meeting via phone.
Councilmember Brent Dodge was excused from meeting.

Mayor &
Council
Community
Message

Mayor Dan Keller explained that the deadline for soccer sign-ups was set for July 25, 2022. This is a legal holiday for Preston City employees, and caused confusion and concern for the parents of kids who want to sign up for soccer. He advised that the deadline has been extended to August 2, 2022, to help alleviate the concern, and give the parents time to sign the kids up to play.

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 (July 11, 2022)
- B. Bills (July 25, 2022)
- C. Treasurer's Monthly / Quarterly Report (June 30, 2022)

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to approve all items within the Consent Calendar which include the Council Minutes of July 11, 2022, Bills through July 25, 2022, and the Treasurer's Monthly/Quarterly Report dated June 30, 2022. This received unanimous approval.

Subdivision
Bond
Refund
AMR5
D.Beckstead

Public Works Director John Balls stated that Dixon Beckstead is requesting that his Subdivision Bond be refunded. Public Works Director John Balls has inspected the work done, and a compaction test was done. The asphalt looks good. It was his recommendation that the Subdivision Bond be released.

It was moved by Councilmember Chris Larsen and seconded by Councilmember Terry Larson to release the Subdivision Bond in its entirety, after Mr. Beckstead has posted a cash bond for the required 10%. This received unanimous approval.

Request
Donation
Preston
Amateur
Golf
Tournament

Bob Kent came before the Council seeking a One Thousand Dollar (\$1,000) donation to the Preston Amateur Golf Tournament.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson to approve a One Thousand Dollar (\$1,000) donation to the Preston Amateur Golf Tournament. This received unanimous approval.

Public
Hearing
Amend
PMC 17.36

After giving guidelines for holding a public hearing, Mayor Dan Keller called for the public hearing for the purpose of giving consideration of an Ordinance to amend Preston Municipal Code 17.36, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on the 25th day of July, 2022, at the hour of 5:00 P.M., or as soon thereafter as this matter may be heard, at City Hall located at 70 West Oneida St., Preston, Idaho, before the City of Preston Council and Mayor to consider an amendment to the City of Preston Zoning Ordinance, which is codified in Preston Municipal Code 17.36 - PARKING, as follows:

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AN ORDINANCE OF THE CITY OF PRESTON, IDAHO, AMENDING PRESTON MUNICIPAL CODE AS FOLLOWS: 17.36 - PARKING,

17.36.010 ENLARGEMENT OR INCREASE OF USE TO REMOVE EXCEPTIONS BEING GRANTED BY THE PLANNING AND ZONING COMMISSION; AND ALLOWING AN EXEMPTION FOR EXISTING BUILDINGS IN THE DOWNTOWN ZONE.

17.36.050 ROUNDING UP OF FRACTIONAL NUMBERS REMOVING EXAMPLE.

17.36.100 REQUIRED PARKING SPACES TO ADD NEW OR EXPANDING BUILDING SHALL PRODUCE PARKING LOAD FOR THEIR BUILDING TO ALSO INCLUDE EMPLOYEE PARKING.

17.36.120 STATE STREET PARKING 1ST SOUTH TO 1ST NORTH BUYOUT OPTION REMOVING THE BUYOUT OPTION IN ITS ENTIRETY; AND RENUMBERING 17.36.120 TO REQUIRED LOADING ZONES.

17.36.130 REQUIRED LOADING ZONES RENUMBERING CHAPTER TO FINES FOR VIOLATIONS; AND REMOVING 17.36.140.

A copy of the proposed ordinance is on file with the city clerk at the above address and copies of the same may be obtained from that office from and after July 6, 2022.

All persons present at the public hearing will be given the opportunity to be heard. Written comments and objections may be submitted to the City Clerk at the above address prior to the public hearing, and the same shall be considered by the Commission in its deliberations.

Linda Acock, City Clerk

Publish: July 6, 2022 in The Preston Citizen

Community Development Specialist Shawn Oliverson addressed the proposed amendment to Preston Municipal Code 17.36, Parking, as it exempts the businesses in the downtown zone from having to acquire additional parking. Any new, or expanding business will be required to provide the required parking spaces. With the exemption, the buyout option is no longer pertinent, and will be removed from the code.

Mayor Keller asked if the buyout option has been utilized, if the city has any monies from the buyout option. Community Development Specialist Shawn Oliverson stated that there has only been one time that the option was given, but that particular business did not participate. There has not been any money taken towards the buyout.

Councilmember Terry Larson asked if the two-hour maximum parking code has been removed. Community Development Specialist Shawn Oliverson advised that the two-hour parking is addressed in the on-street section of the code. This public hearing is regarding the off-street parking section of the code.

Councilmember Chris Larsen commented that the goal is to fill the downtown area with business. The current ordinance is potentially preventing that from happening. This amendment fixes some of those issues.

Mayor Dan Keller asked for public testimony in favor of amendment to the parking code.

Rusty Smith commented that this amendment to the parking ordinance is headed in the right direction, and asked how to get the other sections amended. He stated that the way the current ordinance is written, the city is violating their own ordinance, pertaining to parking, by allowing the rodeo and carnival to come to Preston City. Mr. Smith asked the council to research Preston Municipal Code 17.08.090 referring to residents being able to park on their lawn, in their yard, etc.

Mayor Dan Keller invited Mr. Smith to get onto the planning and zoning agenda and discuss an amendment with the commission, and if he wanted

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to file a nuisance complaint, to go into the clerk's office and City Clerk Linda Acock would help him with that.

There being no further public comments in favor of the amendment, Mayor Dan Keller asked if written comment had been received. Clerk Linda Acock stated that no written comment in favor of the amendment has been received in the clerk's office.

Mayor Dan Keller then invited anyone in attendance with neutral comments to come forward. There being none, Mayor Dan Keller asked if written neutral comment has been received. Clerk Linda Acock stated that no neutral written comments have been received in the clerk's office.

Mayor Dan Keller asked for testimony from anyone against the proposed ordinance. There being none, he asked for written testimony opposing the proposed amendment to the ordinance. Clerk Linda Acock stated that no written testimony had been received in the clerk's office.

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

Ordinance
2022-9
Amend PMC
17.36
Parking

Councilmember Terry Larson introduced Ordinance 2022-9, amending Title 17, Chapter 36, Parking.

It was moved by Councilmember Terry Larson and seconded by Councilmember Todd 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 Todd Thomas	<u>Aye</u>
Councilmember Terry Larson	<u>Aye</u>
Councilmember Chris Larsen	<u>Aye</u>

Motion passed by unanimous approval.

Ordinance 2022-9 was read once in summary by City Clerk Linda Acock.

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to approve Ordinance 2022-9. The vote was as follows:

Councilmember Todd Thomas	<u>Aye</u>
Councilmember Terry Larson	<u>Aye</u>
Councilmember Chris Larsen	<u>Aye</u>

Motion passed by unanimous approval.

Public
Hearing
Amend
Major
Street
Plan
Remove
3rd East
B. Roberts

Mayor Dan Keller called for a public hearing to give consideration to the request for an ordinance amendment to Preston Municipal Code 17.02.080, major street plan, map 2.2.2, by Brandon Roberts, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on July 25, 2022, before the City of Preston Council and Mayor at the hour of 5:00 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 Brandon Roberts at approximately 3rd North & 4th West, for an amendment to Preston Municipal Code 17.02.080 Major Street Plan, to remove that section of 3rd North between 4th West and 250 West. Specifically, the applicant desires to remove 3rd North Street between 4th West and 250 West from the Major Street Plan, Figure 2.2.2. A copy of the Application for the amendment is on file with the

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City Clerk at the above stated address, and may be reviewed upon request to the City Clerk.

Legal Description of said property:

A PARCEL OF LAND LOCATED IN SECTION 22, TOWNSHIP 15 SOUTH, RANGE 39 EAST, BOISE MERIDIAN, PRESTON CITY, FRANKLIN COUNTY, IDAHO AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 22, FROM WHICH THE SOUTHEAST CORNER OF SECTION 22 BEARS SOUTH 00° 05' 49" EAST 2657.63 FEET;
THENCE NORTH 89° 26' 46" WEST 1908.91 FEET ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION 22 TO THE NORTHWEST CORNER OF THE PARCEL OF LAND OWNED BY FRANKLIN COUNTY, WHICH PARCEL IS DESCRIBED IN INSTRUMENT #258239 IN THE OFFICIAL RECORDS OF FRANKLIN COUNTY;
THENCE SOUTH 00° 10' 48" EAST 366.72 FEET ALONG THE WEST LINE OF THE SAID FRANKLIN COUNTY PARCEL TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 300 NORTH STREET, THE TRUE POINT OF BEGINNING;
THENCE NORTH 89° 46' 55" WEST 705.25 FEET ALONG THE SAID NORTH RIGHT OF WAY LINE OF 300 NORTH STREET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 400 WEST STREET;
THENCE SOUTH 00° 11' 36" EAST 50.00 FEET ALONG THE SAID EAST RIGHT OF WAY LINE OF 400 WEST STREET;
THENCE SOUTH 89° 46' 55" EAST 705.23 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF 300 NORTH STREET TO A POINT ON THE SAID WEST LINE OF THE FRANKLIN COUNTY PARCEL;
THENCE NORTH 00° 10' 48" WEST 50.00 FEET ALONG THE SAID WEST LINE TO THE TRUE POINT OF BEGINNING.
CONTAINING 0.8 ACRES OF LAND.

All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said amendment 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 28th day of June, 2022.

Linda Acock

Publish: July 6, 2022 in The Preston Citizen

Brandon Roberts, applicant, is asking that the council remove a section of 3rd North Street, between 4th West and approximately 250 West from the Master Street Map. He stated that he had attended the public hearing at Planning and Zoning. They had suggested that, because he didn't have a preliminary plan at that hearing, it might be helpful if he bring one to the City Council Public Hearing. Mr. Roberts presented a drafted preliminary plan for the property surrounding the 3rd North Street portion that he would like to have removed from the Preston City Major Street Map.

Mr. Roberts stated that he is developing a subdivision in phases, and leaving a large section of the acreage for open land. As well, on the west end of the road, there is a house and on the east end of the road is the Franklin County Fairgrounds.

City Engineer Tyrell Simpson presented a copy of the major street map, showing where the 3rd North street would go through Mr. Roberts' property, and explained that the Planning and Zoning Commission deliberated on this matter at their public hearing, and then voted 6 to 1 against removing the street from the major street plan.

Mayor Keller asked City Engineer Tyrell Simpson if he is against vacating the road. City Engineer Tyrell Simpson stated that he is not against it, but if the city is going to remove roads from the map, and vacate roads, there needs to be a well thought out plan as to why it will be beneficial to the city, in the future as well as the present.

Councilmember Todd Thomas agreed with City Engineer Tyrell Simpson, in that the city shouldn't vacate a road, on the simple premise that a

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developer has asked for it. We have to look at the future use and planning.

Councilmember Chris Larsen asked about the general purpose of having a street plan on the major street map, and removing it.

City Engineer Tyrell Simpson explained that the city needs a specific plan for where streets are going to be. Sometimes that needs to be adjusted and altered, but there needs to be a specific plan in place and it needs to benefit the city.

Mayor Dan Keller called for public testimony, in favor of vacating the portion of 3rd North.

Dixon Beckstead stated that the only thing to be gained from putting in this street, is a dead-end road. It makes better sense to build 2nd North which would create 2nd North all way into town, and adding to 3rd West to connect to Gamble Avenue. He is in favor of the council vacating the road.

Rusty Smith stated he is also in favor of Mr. Roberts' request that the portion of 3rd North be vacated. It sounds like there is a plan for the development.

There being no further comments in favor of removing a portion of 3rd North from the major street plan, Mayor Dan Keller asked if written comments had been received. Clerk Linda Acock stated that no written comments had been received at the clerk's office.

Mayor Dan Keller then asked for neutral comments for vacating this portion of 3rd North.

Robert Kooren stated that if Phase 2 of the preliminary plan was set, the road imaginarily goes through there, and who knows if it will ever be developed.

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

Mayor Dan Keller next asked for public comments in opposition to the vacating of this street.

Bailey Lewis stated that she does not want the street to be abolished. She stated that contrary to what has been presented, the road would not be a dead-end road. The road would allow a northwest access out of the rodeo arena for horse trailers, farm equipment and county road equipment. 4th West is not equipped to handle the traffic that adding twenty-four new homes will add. Two extra lots in a subdivision is not a good enough reason to abolish a road.

Brackin Winn stated that he is against vacating the street because it will relieve traffic congestion at the rodeo grounds and allow for more parking.

There being no further comments in opposition, Mayor Dan Keller asked if written comments had been received. Clerk Linda Acock stated that no written comments had been received at the clerk's office.

Mayor Dan Keller stated that he had received a phone call from Commissioner Robert Swainston stating that the county commissioners did have a written statement to present at the meeting, but since July 25th is traditionally a holiday for The City of Preston, he understood that the offices were closed. Mayor Dan Keller asked if, under these circumstances, the council could take written testimony after closing the public hearing.

Attorney Lyle Fuller advised that it would be the mayor's discretion to keep the record of the public hearing open one additional day, if anyone would like to submit written comments.

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Brandon Roberts was given opportunity to rebut the oral testimony given. He commented that the county doesn't want to build their portion of 3rd West, so the road would end at the fair grounds. The traffic that would use that street would be rodeo people, and that's only three days a year. He is aware that he will have to improve 4th West, by widening the street, installing the sewer line, enlarging the water line, and sidewalk. It will be beneficial to all those living along 4th West.

Councilmember Terry Larson asked about the major street plan, showing 3rd West also going through the property. He asked if the applicant was only requesting that 3rd North be vacated, and not 3rd West.

Mr. Roberts stated that his surveyor thought that 3rd West was already vacated.

City Engineer Tyrell Simpson advised that 3rd West has not been vacated, and that it has always shown on the major street plan.

Councilmember Terry Larson stated that he would like to verify the status of 3rd West, and research other things before making a decision.

Councilmember Chris Larsen asked why Mr. Roberts isn't taking the opportunity to develop the entire property into houses.

Mr. Roberts stated that the initial intent was to leave it open for parking, or parks, or community use.

Councilmember Chris Larsen stated that it is important for the city to grow, but that it is important that our resources are used prudently and in a smart way and not cause repercussion.

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to close the public hearing. This received unanimous approval.

It was moved by Councilmember Terry Larson and seconded by Councilmember Todd Thomas to table the decision on the request to remove a portion of 3rd North, to the August 8, 2022 council meeting, to allow the entire council to be present, get further clarification on 3rd West, and to research this matter further. The record shall be kept open to accept written public comments until July 27, 2022. This received unanimous approval.

Business Licenses It was moved by Councilmember Chris Larsen and seconded by Councilmember Terry Larson to approve a business license to the following:

Trisha Montes & Kristi Jorgensen	790 W Oneida	Tattles Bar & Grill
Corina Cunningham	2834 S 2800 E Franklin	Teriyaki Tacos
Joshua Golightly	730 S 1 st E	Perfection Auto Detail

This received unanimous approval.

Wastewater Treatment Plant City Engineer Tyrell Simpson gave the council a schedule of upcoming events for the wastewater treatment plant improvement project.

Improvement The advertisement for bids should be published in The Preston Citizen on July 27th and August 3rd. A pre-bid meeting is scheduled for August 18th at 2:00 p.m. The bid opening is scheduled for September 8th at 2:00 p.m. And then, city council can approve the bids at their September 12th meeting. Mr. Simpson also informed the council that three companies have shown interest in bidding the project.

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Approve Preliminary Budget FY 2023 It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to approve the Preliminary Budget for fiscal year 2023, and instructed Treasurer Kelly Mickelsen to publish the tentative budget in The Preston Citizen for the public hearing to be held on August 22, 2022. This received unanimous approval.

Request For Ordinance To Amend PMC 8.06.040 Robert Kooren came before council to request that they consider an ordinance to amend 8.06.040 Preston Municipal Code as it relates to the abatement of a nuisance by Preston City.

Mr. Kooren is requesting to have wording added that should the city be required to abate a property for a second time in the same calendar year, the city shall have the option to apply vegetation control to said property after abatement.

No action was taken on this matter. It will be placed on a future agenda for discussion.

III-A Board Of Trustees Alternate Councilmember Todd Thomas explained that he was elected to the Board of Trustees at III-A in June. They like to have an alternative from the city to stand in, in case Councilmember Todd Thomas is unable to attend meetings, etc.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson to appoint Councilmember Chris Larsen as the alternative member to the III-A Board of Trustees. This received unanimous approval.

Adjourn Meeting was adjourned at 6:32 P.M. by Mayor Dan Keller.

Linda Acock, Clerk

Daniel M. Keller, Mayor