

CITY COUNCIL MEETING
August 8, 2022

MAYOR & COUNCIL

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

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 25, 2022)
- B. Bills (August 8, 2022)
- C. Treasurer's Monthly Report (July 31, 2022)

It was moved by Councilmember Chris Larsen and seconded by Councilmember Terry Larson to approve the City Council Minutes of July 25, 2022. The vote was as follows:

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

Motion passed by majority vote.

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to approve items within the Consent Calendar which include the Bills through August 8, 2022, and the Treasurer's Monthly Report dated July 31, 2022. This received unanimous approval.

Summer
Recreation
Report

Joel Webb, Baseball Director, gave a brief report on the success of the summer baseball program. He thanked the Kiwanis Club, volunteers and all who have supported the program. Mr. Webb stated that there are a few challenges in running the program, such as hiring umpires, the lighting at the diamonds, and growth. He suggested that the city council consider a full-time recreation director.

Public
Hearing
Status Of
Funded
Activities
CDBG Grant
Playground
Equipment
Craner
Field

Mayor Dan Keller opened the public hearing for public testimony in consideration of the State of Idaho U.S. Department of Housing and Urban Development regarding the Community Development Block Grant in the amount of \$225,000 for playground equipment at Craner Field, as follows:

Notice of Public Hearing on the Status of Funded Activities

The City of Preston received an Idaho Community Development Block Grant in the amount of \$225,000 from the Idaho Department of Commerce. This funding is allocated to the State of Idaho from the U.S. Department of Housing and Urban Development. These funds are currently being used to install new playground equipment at Craner Field.

The hearing will include a review of project activities and accomplishments to date, a summary of all expenditures to date, a general description of remaining work and any changes made to the scope of work, budget, schedule, location or beneficiaries.

The hearing has been scheduled for August 8th, 2022 at 5 p.m. at the Preston City Offices located at 70 West Oneida, Preston, ID 83263. Project information will be available for review at Preston City Hall. Verbal and written comments will be accepted up to and at the hearing.

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Information provided at the public hearing will be available, upon request, five days prior to the hearing. Special accommodation or alternative formats for non-English speaking persons and persons with disabilities will be available, upon request, with minimum of five (5) days' notice prior to the hearing. The hearing will be held in a facility that is accessible to persons with disabilities. For more information, contact Linda Acock at 208-852-1817. This Notice can be provided in a format accessible to persons with disabilities and/or persons with limited English proficiency upon request.

Se le puede proveer esta notificación en un formato accesible para las personas discapacidades y/o personas con conocimientos limitados del inglés a pedido.

Daniel M. Keller
70 West Oneida
Preston, ID 83263

Amanda Collins reported that on July 11, 2022, they held a pre-construction conference with BCI Burke. BCI Burke was given 28 days to complete the work. That time period ended at 5:00 p.m. August 8, 2022, but the project has not been completed.

The playground is at \$195,535, administrative fees of \$22,500 and then a walking path estimate at just under \$60,000. At this time, SICOG is going through invoices to assure accuracy, then they will submit payment application. Ms. Collins advised that the city does not issue any payments on this project until we have received the community block grant deposit from the Idaho Department of Commerce.

Bill Short, of BCI Burke has submitted a Change Order for an extension of one month's time on the 28-day completion contract. Ms. Collins recommended that she meet with Mr. Short at the playground site, and talk face to face about the issues. A full month is too extensive, but it would be more beneficial to allow BCI Burke a week or so to complete the project, than the \$500 per day penalty would benefit the city.

Councilmember Todd Thomas stated that a few weeks should be enough time for the change order, and is willing to go to August 29th.

Councilmember Chris Larsen asked, if the change order isn't granted, what the penalty is.

Amanda Collins stated that the liquidated damages in the contract are \$500 per day, after the 28 days. The Change Order extends the completion date, so that BCI Burke is not penalized unless they do not finish the project by the date that is granted in the Change Order.

Mayor Dan Keller stated that he would like to see some direct communication with the contractor, and if the job is done right and looks as good as they say it will, he is in favor of granting the Change Order.

Mayor Dan Keller asked for public and written testimony in the matter of the Craner Field playground project, and change order. There being none, it was moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson to close the public hearing. This received unanimous approval.

Attorney Lyle Fuller advised that BCI Burke could be in breach of contract, and could be penalized the \$500 per day, but that it does not get the project done any sooner. It could substantially extend the length of time to get the project done.

Amanda Collins stated that BCI Burke does have a substantial amount of work complete, but there are still a few things that need to be completed. She has worked with this vendor on other projects, and this is unusual. This is an anomaly for the kind of work this vendor does.

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City Engineer Tyrell Simpson recommended that the council accept the Change Order, but not give them a full month. This is a reputable contractor, who has every intention of completing the project. He's run into some obstacles, such as COVID-19 and cement contractors, but he's not going to destroy his business by leaving the City of Preston high and dry.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Chris Larsen to accept a Change Order presented by BCI Burke, for an extension of the completion date for the Craner Field Playground Project to August 29, 2022 and authorize Mayor Dan Keller to sign the Change Order. The vote was as follows:

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

Motion passed by unanimous approval.

Award Bid	City Engineer Tyrell Simpson stated that bids for the 3 rd West
3 rd West	Reconstruction Project were opened at 1:00 p.m., and reviewed.
Street	
Reconst.	The bids went as follows:
Project	LeGrand Johnson \$103,303.00
Project	Staker Parson \$ 94,445.50
	Justin Facer Excavation \$142,173.24

The project will cover removal and replacement of the base and asphalt on 3rd West, from 1st South to 2nd South.

It was moved by Councilmember Terry Larson and seconded by Councilmember Todd Thomas to award the bid for the 3rd West Street Reconstruction Project to Staker/Parson in the amount of Ninety-Four Thousand Four Hundred Forty-Five Dollars and Fifty Cents (\$94,445.50). The vote was as follows:

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

Motion passed by unanimous approval.

Decision	On July 25, 2022, City Council held a public hearing to consider
On Request	a request by Brandon Roberts that a portion of 3 rd North, from 4 th
To Amend	West to approximately 2 nd West, be removed from the Major Street Plan.
PMC	
17.02.080	The public hearing was closed, but council allowed for written comments
Major	through July 27, 2022. Written comment was received in the Clerk's
Street Plan	office. (Copies of written comments follow minutes.)

After discussion, it was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen, based upon testimony received and the recommendation of the Planning and Zoning Commission, to deny the request made by Brandon Roberts to remove a portion of 3rd West from the Major Street Plan, Figure 2.2.2 of the Preston Municipal Code 17.02.080. The vote was as follows:

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

Motion passed by unanimous approval.

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Request For Ordinance To Amend PMC 8.06.040

It was moved by Councilmember Todd Thomas and seconded by Councilmember Chris Larsen to turn this matter over to Community Development Specialist Shawn Oliverson to review and make recommendation to the city council. This received unanimous approval.

Business License

It was moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson to approve a business license for Dulce Patino-Lewis at 78 South State, SweetLux Aesthetics. This received unanimous approval.

School Crossing Inter-Sections

Councilmember Terry Larson, Councilmember Brent Dodge, Mayor Dan Keller, Officer Cuyler Stoker, and Chief McCammon met with School Crossing Guard Marcia Kunz, and School Superintendent Lance Harrison to discuss the crosswalks at the intersection of 3rd East and 4th South.

A few options to improve the safety at that intersection would be to install some additional lighted beacon strobe signs, additional signage for school crossing, and paint the crosswalks.

As well as this intersection, Councilmember Terry Larson suggested that the council consider adding a crossing section at approximately 280 South 3rd East. There is already an approach by the school track, and an empty lot across the street, so it would basically be painting the crosswalk adding an approach on the east side of the road. And, the school's transportation director has also voiced concern about traffic and buses near the school bus garage where the buses enter onto 4th East. He would like the city council to entertain the idea of momentary stop lights when the buses are entering 4th South.

Marcia Kunz agreed with Councilmember Terry Larson that this will help a great deal. She stated that the issues for concern are not so much the children crossing, but the adults doing the driving. The extra presence of police patrolling the area has been helpful.

Councilmember Terry Larson admonished the drivers, near the schools especially, to put down the cell phones and be focused on the children.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Chris Larsen to proceed with the recommended flashing beacon signs, painting the crosswalk, a four way stop sign at the intersection of 2nd East and 4th South, stop lights for the bus parking lot, and invite the school district to participate in funding this project. This received unanimous approval.

Discuss Lead Pipe Issues Project

Attorney Lyle Fuller reported on the new federal unfunded mandate of eliminating drinking water pipes, throughout the city that contain lead.

By Fall of 2024, the city has to complete its inventory of lead service lines. The DEQ state revolving fund is looking into getting funding through the bipartisan infrastructure law for doing the inventory and replacement. Funding will be in the form of a loan with possible loan forgiveness for disadvantaged communities. More information is expected to come out in the Fall of 2022.

Public Works Director John Balls stated that he has had one of the public works staff begin the work on inventorying lead pipe lines.

Council Dept. Head Report On Assigned Designation

Councilmember Brent Dodge, Councilmember Chris Larsen, Councilmember Todd Thomas, Public Works Director John Balls, City Engineer Tyrell Simpson, Community Development Specialist Shawn Oliverson, and Chief Dan McCammon reported on their assigned designations.

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

Motion passed by unanimous approval.

Entered Executive Session at 6:58 P.M.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Brent Dodge to exit Executive Session at 7:34 P.M. This received unanimous approval.

Adjourn Meeting was adjourned at 7:34 P.M. by Mayor Dan Keller.

Linda Acock, Clerk

Daniel M. Keller, Mayor