

**CITY COUNCIL MEETING**  
**November 25, 2019**

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MAYOR & COUNCIL

Mark Beckstead  
Todd Thomas  
Terry D. Larson  
Bradley J. Wall  
Allyson Wadsworth

STAFF

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

OTHERS PRESENT:

Chuck Chesney, Robert Swainston, Pat Nealy, Paul Judd, LeRoy Johnson, Brent Dodge, Harrison Barton, David Gryar, Ashlee Fellows, Betty Fellows, Carter Knudsen, Jay Grunig, Mandy Grunig, Wes Wood, Adrienne Alvey, Steve Coleman, Cuyler Stoker, Christine Larson, Berni Winn, Penny Wright, Will Sharp, Tuyen Nguyen

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

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 28, 2019)
- B. Bills (November 25, 2019)
- C. Treasurer's Monthly Report (October 31, 2019)

It was moved by Councilmember Larson and seconded by Councilmember Wadsworth to approve all items on the Consent Calendar, which include Council Minutes of October 28, 2019, Bills through November 25, 2019, and the Treasurer's Monthly Report dated October 31, 2019. This received unanimous approval.

Hire New  
Police  
Officer  
Tyler  
Wilson

Police Chief McCammon presented Tyler Wilson with recommendation that City Council hire him as an officer in the police department. He will be replacing outgoing officer Jordan T. Nelson.

It was moved by Councilmember Wall and seconded by Councilmember Thomas to approve the hiring of Tyler Wilson, contingent upon successfully passing the background investigation and voice stress analysis, effective December 2, 2019 starting at an annual wage of \$39,500, with a \$1,000 increase upon receiving his P.O.S.T. certification. This received unanimous approval.

Swear In  
Officer  
T. Nguyen

Mayor Beckstead welcomed all family and friends who had come to support Officer Nguyen and thanked the police department and sheriff's office for their team work.

Police Chief McCammon administered the Police Officer's Oath to Officer Tuyen Q. Nguyen.

Public  
Hearing  
17.27  
Cut Permit

After giving guidelines for a public hearing, Mayor Beckstead called for the public hearing to consider a proposed ordinance establishing Encroachment/Cut Permit and Fees, and establishing Chapter 17.27 of the Preston Municipal Code, as follows:

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on the 25th day of November, 2019, 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 Mayor and City Council of The City of Preston to consider a proposed ordinance establishing Encroachment/Cut Permit and Fees, and Establishing Chapter 17.27 of the Preston Municipal Code, as follows:

AN ORDINANCE OF THE CITY OF PRESTON, IDAHO, ESTABLISHING THE ENCROACHMENT/CUT PERMIT ORDINANCE OF THE PRESTON MUNICIPAL CODE AS FOLLOWS: ESTABLISH CHAPTER 17.27 - ENCROACHMENT/CUT PERMIT CRITERIA, STANDARDS, AND REQUIREMENTS; 17.27.010 - PURPOSE, ESTABLISH CRITERIA, STANDARDS AND REQUIREMENTS TO ENSURE THAT WHEN ROADS ARE CUT, THEY ARE REPAIRED SUFFICIENTLY BY THE INDIVIDUAL CUTTING THEM SO THE CITY

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DOES NOT HAVE TO REPAIR THEM LATER; 17.27.020A - REQUIREMENTS FOR ISSUANCE OF A PERMIT; 17.27.020A1 - A BOND IS REQUIRED FOR 1 YEAR; 17.27.020A2 - THE BOND SHALL BE PAID PRIOR TO COMMENCEMENT OF WORK AND SHALL BE CALCULATED BASED ON SQUARE FOOTAGE OF CUT; 17.27.020A3 - IF REPAIRS ARE MADE IN A SATISFACTORY WAY, HALF THE BOND WILL BE REPAID UPON APPLICANT REQUEST, IF NO REQUEST IS MADE WITHIN 6 MONTHS THAT HALF BOND IS FOREFEITED TO THE STREET FUND; 17.27.020A4 AFTER A WARRANTY PERIOD OF 1 YEAR WITH NO NECESSARY REPAIRS HAS ELAPSED, THE REMAINING HALF OF THE BOND MAY BE REFUNDED AT THE REQUEST OF THE APPLICANT, IF NO REQUEST IS MADE WITHIN 6 MONTHS THE BOND IS FORFEITED TO STREET FUND; 17.27.020A5 NONREFUNDABLE FEE TO BE PAID PRIOR TO COMMENCEMENT OF WORK; 17.27.020B - TIME REQUIREMENTS; 17.27.020B1 - REPAIR WORK TO BE COMPLETED WITHIN 30 CALENDAR DAYS OF CUT BEING MADE, IF WORK IS NOT COMPLETE THE BOND SHALL BE FOREFEITED TO CITY STREET FUND, AFTER 35 DAYS IF WORK IS NOT COMPLETE A FINE OF \$250.00 MAY BE ASSESSED EACH DAY WORK REMAINS INCOMPLETE, ANY PERSON OWING ANY SUCH FINES MAY NOT COMMENCE WORK ON ANY OTHER ROAD CUT UNTIL ALL FINES ARE PAID; 17.27.020C TIME EXTENSIONS MAY BE GRANTED AT ENGINEERS DISCRETION; 17.27.020C1 A TEMPORARY PATCH MAY BE REQUIRED IF HOT MIX IS UNAVAILABLE, IF SUCH A PATCH IS USED, IT IS THE RESPONSIBILITY OF THE PERMIT HOLDER TO MAINTAIN THE PATCH, IF THE PATCH IS NOT MAINTAINED THE BOND SHALL BE FORFEITED; 17.27.020D PERMIT HOLDER RESPONSIBILITIES; 17.27.020D1 MAINTAIN TRENCH UNTIL WORK COMPLETE AND ACCEPTED BY CITY; 17.27.020D2 PROVIDE TRAFFIC CONTROL PLAN WHICH MUST BE APPROVED BY ENGINEER; 17.27.020D3 FAILURE TO PROVIDE TRAFFIC CONTROL PLAN SHALL RESULT IN A \$250.00 PER DAY FINE AND DISQUALIFY PERMIT HOLDER FROM ANY OTHER CUTS UNTIL ALL FINES ARE PAID; 17.27.020E PUBLIC WORKS TO BE NOTIFIED 72 HOURS PRIOR TO COMMENCEMENT OF WORK; 17.27.020E1 NO WORK TO TAKE PLACE FRIDAY, WEEKENDS, OR HOLIDAYS; 17.27.020E2 WORK TO BEGIN BEFORE 3 PM AND END BEFORE 5 PM; 17.27.020E3 NO WORK TO BEGIN BEFORE 830 AM; 17.27.020F COMPACTION TEST REQUIRED; 17.27.020F1 TEST REQUIRED FOR ALL BACKFILL; 17.27.020F2 TEST TO BE VERIFIED IN WRITING BY CERTIFIED AGENCY; 17.27.020F3 TEST RESULTS TO BE VERIFIED BEFORE INSTALLATION OF HOT MIX; 17.27.020G WORK TO BE WARRANTIED FOR 1 YEAR; 17.27.020G1 CONTRACTOR SHALL GUARANTEE PATCH; 17.27.020G2 IF REPAIR WORK IS NEEDED DURING WARRANTY PERIOD CONTRACTOR SHALL MAKE REPAIRS AT OWN EXPENSE; 17.27.020H CITY MAY REQUIRE ROAD TO BE BORED; 17.27.020I PATCHES SHALL CONFORM TO CITY STANDARDS; ALLOW PUBLICATION BY SUMMARY; DISPENSE WITH READING ON THREE SEPARATE DAYS AND ESTABLISH AN EFFECTIVE DATE.

A copy of a 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 November 6th, 2019.

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 City Council in its deliberations.

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Linda Acock, City Clerk

Publish: November 6, 2019

Attorney Fuller explained that the proposed ordinance allows for a cut permit, fee, and bond guaranteeing the work done when someone cuts into the city streets, and setting standards of repair.

Engineer Simpson stated that, in the past, there were no requirements or bonds for developers and builders to pay for street repairs when they cut into the city streets. This should ensure that repairs are done properly and to city standards.

There being no comments, oral or written, it was moved by Councilmember Thomas and seconded by Councilmember Larson to close the public hearing. This received unanimous approval.

Councilmember Thomas asked why there was a clause not allowing cutting on Fridays. Engineer Simpson stated that one reason there's no cutting on Fridays, weekends, or holidays is the difficulty for the contractors to get necessary parts on those days.

Councilmember Wall asked if the city would be held to the same standards, should it wind up being the city crew doing the cutting of

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a city street. Public Works Director Balls stated that the ordinance would make the public meet the standards that the public works crew already has.

Councilmember Wadsworth asked if this wasn't a matter that has already been discussed and addressed. Engineer Simpson replied that this has been set in the Resolution, and that cut permits have been issued. This is taking the next step in making it an ordinance of The City of Preston. Councilmember Thomas stated that codifying an ordinance would give the ordinance enforceable strength. Attorney Fuller agreed, stating that it creates a misdemeanor charge if not followed.

Ordinance  
2019-7  
Encroach /  
Cut Permit

Councilmember Thomas introduced Ordinance 2019-7 relating to establishment of an Encroachment/Cut Permit Fee and Bond for the cutting of city streets.

It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth 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 Thomas	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Wall	<u>Aye</u>
Councilmember Wadsworth	<u>Aye</u>

Motion passed by unanimous approval.

Ordinance was read once in summary by City Clerk Acock.

It was moved by Councilmember Thomas and seconded by Councilmember Wall to approve Ordinance 2019-7, and ordinance establishing an encroachment/cut permit, fee, and bond. The vote was as follows:

Councilmember Thomas	Aye
Councilmember Larson	Aye
Councilmember Wall	Aye
Councilmember Wadsworth	Aye

Motion passed by unanimous approval.

Public  
Hearing  
17.29  
Establish  
Sidewalk  
Fund

Mayor Beckstead called for the public hearing to consider the establishment of an ordinance creating a Sidewalk Fund, as follows:

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on the 25th day of November, 2019, at the hour of 5:05 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 Mayor and City Council of The City of Preston to consider a proposed ordinance establishing a City Sidewalk Fund, and Establishing Chapter 17.29 of the Preston Municipal Code, as follows:

AN ORDINANCE OF THE CITY OF PRESTON, IDAHO, ESTABLISHING THE CITY SIDEWALK FUND ORDINANCE OF THE PRESTON MUNICIPAL CODE AS FOLLOWS: ESTABLISH CHAPTER 17.29, CITY SIDEWALK FUND; 17.29.010 - PURPOSE, ESTABLISH PURPOSE AND INTENT OF FUND; 17.29.020 - ESTABLISHMENT OF SIDEWALK FUND; 17.29.020A - DONATIONS TO THE FUND MAY BE MADE IN LIEU OF REQUIRING CERTAIN IMPROVEMENTS; 17.29.020B - IF BUILDING BUILT WITHIN THE AREA OF 4TH NORTH, 4TH EAST, 6TH SOUTH, AND 4TH WEST, ROAD, CURB AND GUTTER, RIBBON CURB AND OTHER IMPROVEMENTS ARE REQUIRED TO BE INSTALLED; 17.29.020C - IF BUILDING BUILT OUTSIDE THE AREA OF 4TH NORTH, 4TH EAST, 6TH SOUTH, AND 4TH WEST OWNER HAS 2 OPTIONS; 17.29.020C1, INSTALL ROAD, CURB AND GUTTER, RIBBON CURB AND OTHER IMPROVEMENTS; 17.29.020C2 CONTRIBUTE 65% OF THE VALUE OF SUCH IMPROVEMENTS TO THE CITY SIDEWALK FUND IN LIEU OF INSTALLATION OF SIDEWALK, CURB AND GUTTER, AND/OR RIBBON CURB; 17.29.020D ALL CONTRIBUTIONS ARE SET ASIDE TO INSTALL SIMILAR IMPROVEMENTS IN PRESTON CITY AT THE DISCRETION OF THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR; 17.29.020D1 CONTRIBUTIONS ARE NON-REFUNDABLE; 17.29.030 - ELIGIBILITY REQUIREMENTS AND CRITERIA, ESTABLISH REQUIREMENTS FOR PROJECTS; 17.29.030A - FUNDS MAY BE USED TO INSTALL NEW OR REPAIR SIDEWALK AS NECESSARY BY THE CITY; 17.29.030B - ESTABLISHMENT OF THE 50% MATCH PROGRAM; 17.29.030B1 -

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PROPERTY OWNERS MAY APPLY FOR PROGRAM; 17.29.030B2 APPLICATION MADE TO CITY ENGINEER; 17.29.030B3 THE ENGINEER OR A DESIGNEE WILL DETERMINE IF A PROJECT IS FEASIBLE; 17.29.030B4 THE ENGINEER OR DESIGNEE WILL OBTAIN A BID ON THE PROJECT; 17.29.030B5 THE PROPERTY OWNER WILL PAY HALF THE COST OF THE PROJECT; 17.29.030B6 THE ENGINEER OR DESIGNEE SHALL MANAGE CONSTRUCTION OF THE PROJECT; 17.29.030B7 PRIOR CONTRIBUTIONS TO THE FUND SHALL NOT RELIEVE THE PROPERTY OWNER OF THEIR PORTION OF ANY COST IF THEY CHOOSE TO PARTICIPATE IN THE PROGRAM.; 17.29.030C THE CITY IS NOT OBLIGATED TO PARTICIPATE IN ANY PROJECT, THE PUBLIC WORKS DIRECTOR AND CITY ENGINEER ARE EMPOWERED TO MAKE A FINAL DECISION ON WHETHER TO PARTICIPATE OR NOT; 17.29.030D FUNDS SHALL NOT BE USED TO ASSIST IN INSTALLING IMPROVEMENTS AS PART OF A SUBDIVISION; ALLOW PUBLICATION BY SUMMARY; DISPENSE WITH READING ON THREE SEPARATE DAYS AND ESTABLISH AN EFFECTIVE DATE.

A copy of a 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 November 6th, 2019.

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 City Council in its deliberations.

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Linda Acock, City Clerk

Publish: November 6, 2019

Engineer Simpson presented the proposed ordinance to establish a sidewalk fund allowing for donations to a sidewalk fund in lieu of certain improvements with new building outside of 4<sup>th</sup> North, 6<sup>th</sup> South, 4<sup>th</sup> West and 4<sup>th</sup> East. The fund will be used for sidewalk improvements programs.

Councilmember Thomas asked why the ordinance went to 6<sup>th</sup> South.

Mayor Beckstead explained that the elementary and junior high schools go beyond 4<sup>th</sup> South. It is important to have sidewalk to the schools.

There being no public comment offered, nor written comment received. Therefore, it was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to close the public hearing. This received unanimous approval.

Ordinance  
2019-8  
Sidewalk  
Fund

Councilmember Thomas introduced Ordinance 2019-8 relating to establishment of a Sidewalk Fund.

It was moved by Councilmember Thomas and seconded by Councilmember Wall 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 Thomas	Aye
Councilmember Larson	Aye
Councilmember Wall	Aye
Councilmember Wadsworth	Aye

Motion passed by unanimous approval.

Ordinance was read once in summary by City Clerk Acock.

It was moved by Councilmember Wadsworth and seconded by Councilmember Thomas to approve Ordinance 2019-8, and ordinance establishing a Sidewalk Fund and improvement program. The vote was as follows:

Councilmember Thomas	Aye
Councilmember Larson	Nay
Councilmember Wall	Aye
Councilmember Wadsworth	Aye

Motion passed by majority approval.

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Public Hearing Amend 17.28 Building Permit Mayor Beckstead called for the public hearing to consider an amendment to Preston Municipal Code 17.28 Building Permits, as follows:

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on the 25th day of November, 2019, at the hour of 5:10 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 Mayor and City Council of The City of Preston to consider a proposed ordinance amending Building Permits, Chapter 17.28 of the Preston Municipal Code, as follows:

AN ORDINANCE OF THE CITY OF PRESTON, IDAHO, AMENDING THE BUILDING PERMIT CODES, CHAPTER 17.28 OF THE PRESTON MUNICIPAL CODE AS FOLLOWS: 17.28.020 - CONTENT OF APPLICATION, INCLUDE CERTIFICATION FROM APPLICANT THAT CONTENT OF APPLICATION IS TRUE AND THAT APPLICANT HAS READ AND UNDERSTANDS APPLICATION AND PRESTON MUNICIPAL CODE RELATING TO CONSTRUCTION, ZONING, AND APPLICABLE CODES, REQUIRING SITE PLANS, AMENDING SURVEY REQUIREMENTS; 17.28.030 - APPROVAL OF BUILDING PERMIT, AMENDING BUILDING PERMIT COMPLETION, ALLOWING PERMIT ADMINISTRATOR TO APPROVE/DISAPPROVE BUILDING PERMITS; CITY CLERK'S OFFICE TO ISSUE PLACARD; 17.28.065 - REQUIRED IMPROVEMENTS TO BE INSTALLED PRIOR TO PERMIT ISSUANCE, DEDICATION OF STREETS ON MAJOR STREET PLAN; REQUIRE ASPHALT; REQUIRE RIBBON CURB AND SWALE; REQUIRE LEGAL ACCESS TO EXISTING PARCELS; CONNECT TO CITY WATER SYSTEM; CONNECT TO CITY SEWER SYSTEM; OWNER OF PROPERTY TO PAY ALL COSTS FOR WATER AND SEWER CONNECTIONS; SWALE BOND REFUND TO BE REQUESTED WITHIN ONE YEAR OR FORFEITED TO THE CITY SIDEWALK FUND; PROPERTIES OUTSIDE 4TH NORTH, 4TH EAST, 6TH SOUTH AND 4TH WEST, PRIOR TO OCCUPANCY PERMIT, SHALL DEDICATE STREETS; LAY ASPHALT; CONSTRUCT RIBBON CURB AND SWALE/VERTICAL CURB ALONG EXISTING STREETS, OR PAY INTO CITY SIDEWALK FUND; SHOW LEGAL ACCESS; CONNECT TO CITY WATER SYSTEM; CONNECT TO CITY SEWER SYSTEM; OWNER OF PROPERTY TO PAY ALL COSTS FOR WATER AND SEWER CONNECTIONS; ENGINEER OR SURVEYOR SHALL CALCULATE PROPER GRADE FOR SEWER LINES; CURB, GUTTER AND SIDEWALK, REQUIRE A CERTIFICATE OF COMPLETION FROM CITY ENGINEER; ALL IMPROVEMENTS OF THE FINAL SUBDIVISION PLAT SHALL BE COMPLETE BEFORE THE ISSUANCE OF A BUILDING PERMIT; ALL ANNEXATION FEES SHALL BE PAID BEFORE THE ISSUANCE OF A BUILDING PERMIT; REPAIR TO ANY DAMAGED CITY IMPROVEMENTS CAUSED BY CONSTRUCTION SHALL BE MADE BEFORE THE ISSUANCE OF A BUILDING PERMIT; NO BUILDING MATERIALS, EQUIPMENT OR TRAILERS MAY BE STORED IN THE PUBLIC RIGHT-OF-WAY; LIVE SOD IN SWALE WITHIN SEVEN MONTHS OF OCCUPANCY AND KEPT FREE OF DEBRIS, NOT COMPROMISE SOD OR CONSTRUCTION OF SWALE; SWALE BOND REFUND TO BE REQUESTED WITHIN ONE YEAR OR FORFEITED TO THE CITY SIDEWALK FUND; ALLOWING ANY PARCEL EXCEEDING THE MINIMUM REQUIRED AREA BY AT LEAST TWICE THE REQUIREMENT TO DELAY REQUIRED IMPROVEMENTS ON UNDEVELOPED PORTION UNTIL DEVELOPED; ALLOWING CITY STAFF TO REVIEW APPLICATION TO ENSURE CITY SERVICES CAN BE DELIVERED TO PROPOSED BUILDING SITE. 17.28.080 - PENALTIES, NONINCLUSIVE LISTING OF FEES TO BE PAID BEFORE OCCUPANCY IS GRANTED; NO FURTHER PERMITS SHALL BE GRANTED IF APPLICANT HAS OUTSTANDING FEES ON OTHER PERMIT; NO CONNECTION TO CITY WATER OR SEWER UNTIL ALL FEES HAVE BEEN PAID; ALLOWING FOR THE REMOVAL OF BUILDING IF VIOLATION OCCURS; FINE OF \$500 PER DAY, EACH DAY OF VIOLATION; NO CITY WATER UNTIL ALL FEES ARE PAID; SUSPENSION OF CITY BUSINESS LICENSE IF VIOLATION OCCURS; ALLOWING FOR A LIEN UPON PROPERTY FOR UNPAID FEES AND FINES; 17.28.100 - APPEALS PROCESS, CITY STAFF WILL NOT ISSUE BUILDING PERMIT AND NOTIFY APPLICANT IF THE BUILDING DOES NOT MEET CODE REQUIREMENTS, ZONING CODE REQUIREMENTS, OR IF CITY SERVICES CANNOT BE PROVIDED; ALLOWING APPLICANT TO APPEAL DENIED BUILDING PERMIT TO THE PLANNING AND ZONING COMMISSION IF REQUESTED WITHIN 14 DAYS; ALLOWING A DENIAL BY PLANNING AND ZONING TO BE APPEALED TO PRESTON CITY COUNCIL IF REQUESTED WITHIN 14 DAYS; ALLOW PUBLICATION BY SUMMARY; DISPENSE WITH READING ON THREE SEPARATE DAYS AND ESTABLISH AN EFFECTIVE DATE.

A copy of a 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 November 6th, 2019.

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

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hearing, and the same shall be considered by the City Council in its deliberations.

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Linda Acock, City Clerk

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Economic Development Specialist/Assistant Planner Oliverson presented the proposed ordinance, stating that the amendment includes amending survey requirements, allowing the building permit to be presented and signed electronically, includes the donation to the sidewalk fund, and requires all fees be paid before the building permit is issued.

Councilmember Thomas asked why the ordinance had been amending not requiring the site plan to be to scale.

Economic Development Specialist/Assistant Planner Oliverson explained that measurements will still be given and verified by the building inspector.

There being no comment from those in attendance, and no written comments received at the City Clerk's office, it was moved by Councilmember Wall and seconded by Councilmember Thomas to close the public hearing, and open the meeting to discussion amongst the Council.

Councilmember Larson stated that the verbage in this amended ordinance includes the swale design, which is on the agenda to discuss a new ordinance with amendment to the design standards for swales.

It was moved by Councilmember Wall and seconded by Councilmember Thomas to table discussion and decision until after the council has addressed the swale design standards. The vote was as follows:

Councilmember Thomas	Aye
Councilmember Larson	Aye
Councilmember Wall	Aye
Councilmember Wadsworth	Aye

Motion passed by unanimous approval.

After council discussed the swale design standards further, it was moved by Councilmember Thomas and seconded by Councilmember Larson to table the decision on Ordinance 2019-9. The vote was as follows:

Councilmember Thomas	Aye
Councilmember Larson	Aye
Councilmember Wall	Aye
Councilmember Wadsworth	Aye

Motion passed by unanimous approval.

Public  
Hearing  
16.22  
Minor

Mayor Beckstead called for the public hearing to consider amendments to Preston Municipal Code 16.22, relating to minor subdivisions, as follows:

Subdivision

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on the 25th day of November, 2019, at the hour of 5:20 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 Mayor and City Council of The City of Preston to consider a proposed ordinance amending Chapter 16.22 of the Preston Municipal Code, as follows:

AN ORDINANCE OF THE CITY OF PRESTON, IDAHO, AMENDING THE MINOR SUBDIVISION ORDINANCE OF THE PRESTON MUNICIPAL CODE AS FOLLOWS:  
16.220101 - APPLICABILITY, 16.22.010A1 - AMENDS THE DEFINITION OF A MINOR SUBDIVISION AS HAVING FRONTAGE OR ABUTTING EXISTING PUBLIC STREET; 16.22.010A2- AMENDS THE DEFINITION TO NOT REQUIRE CONSTRUCTION OF ANY NEW PUBLIC STREET; 16.22.010B - AMENDS THE TOTAL NUMBER OF TIMES A PARCEL MAY BE DIVIDED; 16.22.010D - AMENDS TO MAKE

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APPROVAL SUBJECT TO ZONING ORDINANCES AND STRIKE REFERENCE TO MAJOR SUBDIVISION ORDINANCE; 16.22.010E- SPECIFIES REQUIRED IMPROVEMENTS AND AREAS THAT IMPROVEMENTS ARE REQUIRED; 16.22.010F - ADDS REQUIREMENT OF DEDICATION OF RIGHTS-OF-WAY SHOWN ON MAJOR STREET PLAN; 16.22.030 - APPLICATION, 16.22.030B - CLARIFIES THAT PROCEDURES FOR APPLICATION ARE MODIFIED AS APPROPRIATE TO CONFORM TO CHAPTER 16.22; 16.22.050 - PRELIMINARY PLAT APPROVAL, 16.22.050A ADDS CONDITIONS FOUND IN CHAPTER 16.22 ARE REQUIRED FOR APPROVAL; 16.22.050C -CLARIFIES PRELIMINARY APPROVAL VALID FOR 12 MONTHS UNLESS EXTENSION APPLIED FOR AND GRANTED WITHIN ORIGINAL 12 MONTH PERIOD; 16.22.060 - FINAL PLAT APPROVAL, CLARIFIES THAT PROCEDURES FOR APPROVAL FOUND IN 16.20 AND 16.28.010 SHALL BE MODIFIED TO CONFORM TO PROVISIONS OF THIS CHAPTER; ALLOW PUBLICATION BY SUMMARY; DISPENSE WITH READING ON THREE SEPARATE DAYS AND ESTABLISH AN EFFECTIVE DATE.

A copy of a 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 November 6th, 2019.

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 City Council in its deliberations.

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Linda Acock, City Clerk

Publish: November 6, 2019

Attorney Fuller presented the amendments to the ordinance.

Councilmember Thomas asked why minor subdivisions no longer go to the Planning and Zoning for review.

Mayor Beckstead explained that the Planning and Zoning review was stricken from the ordinance about three years ago, to have the engineer review the preliminary plat on minor subdivisions to streamline the process.

Mike Lower, Preston ID, asked if the total lots allowed in a minor subdivision would be four and if that included the "free" split of one original parcel.

Attorney Fuller stated that yes, it would be restricted to four lots, including the split of one original parcel.

Rebecca Pihlajisto, Preston ID, asked if the requirement for curb, gutter and sidewalk before the building permit is issued would still be in force. It was explained that yes, the improvements would still be done by the developer, and would need to be completed or bonded for at the final plat stage.

Calvin Sharp, Preston ID, stated that he is moving his business to Preston City, from Logan, Utah. The current minor subdivision nearly killed his project, with the requirement of streets being built within all the acreage. He suggested that council consider a separate commercial minor subdivision.

Will Sharp, Preston ID, stated that he attended the Planning and Zoning meeting during their public hearing, and didn't see any strong reasoning against this minor subdivision ordinance amendment. He suggested that the Council look at who this amendment will hurt, and who it will help. In his opinion, there is not anyone this amendment will hurt. Instead, it will help everyone.

Perry Holton, Franklin ID, provided support for the initiative, stating that he grew up in Preston, and has much pride in his hometown. This amendment will provide flexibility, allowing those who grew up in Preston to stay and call Preston home.

Steve Coleman, Preston ID, voiced opposition to the amendment. The area of town where he lives will be impacted by the minor subdivision ordinance. He strongly feels that the developer should be required to improve the infrastructure. Water, sewer, and streets is the topic every month at nearly every city council meeting, and these need to be improved by the developer.

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There being no further public comments, and no written comments received by the City Clerk's office, it was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to close the public hearing, and open up the meeting for discussion amongst the council. This received unanimous approval.

Councilmember Thomas stated that the minor subdivision allows for a smaller family friendly subdivision and feels it is good to notify the adjoining property owners.

Councilmember Wall stated that the City's Comprehensive Plan calls for infill, and this type of development is an important part of the city's future.

Councilmember Larson pointed out Planning and Zoning's comments that the ordinance needs to make sure it is not creating any land locked property.

Mayor Beckstead stated that, with the dedication of rights of way, there shouldn't be a land locked situation.

Councilmember Wadsworth stated that she has continued conversation with three other cities in Idaho, regarding this issue. They are also interested in the minor subdivision that Preston City has put together.

Mayor Beckstead reiterated that Franklin County has a minor subdivision ordinance. This ordinance may put Preston City on the cutting edge, encouraging smart growth and commercial growth.

Ordinance 2019-10  
Minor Subdivision Councilmember Thomas introduced Ordinance 2019-18 relating to amendment of the Minor Subdivision Ordinance.  
It moved by Councilmember Thomas and seconded by Councilmember Wall 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 Thomas	Aye
Councilmember Larson	Aye
Councilmember Wall	Aye
Councilmember Wadsworth	Aye

Motion passed by unanimous approval.

Ordinance was read once in summary by City Clerk Acock.

It was moved by Councilmember Wadsworth and seconded by Councilmember Thomas to approve Ordinance 2019-10, and ordinance amending the Minor Subdivision ordinance. The vote was as follows:

Councilmember Thomas	Aye
Councilmember Larson	Aye
Councilmember Wall	Aye
Councilmember Wadsworth	Aye

Motion passed by unanimous approval.

Canvass Election Votes It was moved by Councilmember Wall and seconded by Councilmember Wadsworth to accept the canvass of votes from the November 5, 2019 election, received from the Franklin County Clerk. This received unanimous approval.

A copy of the election results follows minutes.

Report Eagle Project H. Barton Councilmember Thomas introduced Harrison Barton. Mr. Barton just finished his Eagle Scout project and Councilmember Thomas has asked him to report his project to council.

Harrison Barton stated that he painted parking lines on both sides of the cement strips in the alley between Oneida and 1<sup>st</sup> South, as his Eagle Scout project, to earn his Eagle Scout badge.

Council thanked him for a job well done.



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Business Licenses      The following business licenses were presented:

Jose & Jocelyn Mejia      146 S Center St. Weston ID  
(Mejia's Mexican Food)

Michelle McNeely      16 South 1<sup>st</sup> West Preston ID  
(Sun Sage Floral)

Douglas Day      2 North State Ste 200 Preston ID  
(Day Builders Enterprises)

Mark Hillyard      405 Advantage Lane Ammon ID  
(Vintage Cosntruction & Design)

It was moved by Councilmember Wall and seconded by Councilmember Thomas to approve the above business licenses. This received unanimous approval.

Economic Development Incentive Application      Economic Development Specialist/Assistant Planner Oliverson introduced the Economic Development Incentive Application for Douglas Day, doing business as Spring Up Builders at 2 North State.

Spring Up Builders      It was moved by Councilmember Larson and seconded by Councilmember Thomas to approve the application for incentive for Spring Up Builders at 2 North State. This received unanimous approval.

Economic Development Incentive Application      Economic Development Specialist/Assistant Planner Oliverson introduced the Economic Development Incentive Application for Wesley Wood, doing business as Domino's Pizza at 280 South State.

Domino's Pizza      It was moved by Councilmember Wall and seconded by Councilmember and seconded by Councilmember Thomas to approve the application for Incentive for Domino's Pizza at 280 South State. This received unanimous approval.

Swale Bond Refund      Daniel Higley requested refund of his swale bond at 310 East Eagle Way.

D. Higley      After discussion, it was moved by Councilmember Larson and seconded by Councilmember Wall to refund the swale bond, in the amount of \$1,750.00, at 310 East Eagle Way to Daniel Higley. The vote was as follows:

Councilmember Thomas	Aye
Councilmember Larson	Aye
Councilmember Wall	Aye
Councilmember Wadsworth	Nay

Motion passed by majority vote.

Ordinance was read once in summary by City Clerk Acock.

Swale Bond Refund      Patrick M. Neely requested refund of this swale bond at 159 East 1100 North.

P. Neely      After discussion, it was moved by Councilmember Larson and seconded by Councilmember Wall to refund the swale bond, in the amount of \$1,773.00, at 159 East 1100 North to Patrick Neely. The vote was as follows:

Councilmember Thomas	Aye
Councilmember Larson	Aye
Councilmember Wall	Aye
Councilmember Wadsworth	Nay

Motion passed by majority vote.

Non-Resident Fee At RV Dump Station      Mayor Beckstead introduced a non-residential charge for the use of the RV Dump Station. He explained that the city residents should use of the RV dump station, but non-residents should pay a fee toward the sewer.

This matter was discussed, then Treasurer Mickelsen was given the task of inquiring with other cities how these fees are implemented and charged.

**CITY COUNCIL MEETING**  
**November 25, 2019**

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**Appoint Recreation Committee Members** Councilmember Thomas stated that Jeremiah Barnard's and Jason Keller's terms with the recreation board are over, and they will not be serving an additional term. He presented Angela Weisbeck and Spencer Smedley as the two new recreation committee members.

It was moved by Councilmember Thomas and seconded by Councilmember Wall to appoint Angela Weisbeck and Spencer Smedley to the Recreation Committee, for a three year term, effective November 25, 2019. This received unanimous approval.

**Appoint Planning & Zoning Commissioner** Councilmember Thomas stated that, with the resignation of Scott Palmer, there is a vacancy on the Planning and Zoning Commission. He introduced Fred Titensor as the new Planning and Zoning Commissioner.

It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to appoint Fred Titensor to complete Scott Palmer's term, effective November 25, 2019 and expiring January 8, 2024. This received unanimous approval.

**Swale Bond Ordinance Amendment** Engineer Simpson has put together the drafted amendments to the swale bond ordinance, with two options of design. Option one would be to allow the swale construction to be 11 inches below the sidewalk and 17 inches below the ribbon curb with side slopes no steeper than 3:1, to be lined with sod. Option two would be 13 inches below the sidewalk and 19 inches below the curb, allowing the lining of the curb to have 1" to 2" rock.

After discussion, it was moved by Councilmember Larson and seconded by Councilmember Wadsworth to add wording prohibiting impermeable cover and the to set the matter up for public hearing before the Planning and Zoning Commission. This received unanimous approval.

**Executive Session** It was moved by Councilmember Wadsworth and seconded by Councilmember Larson to enter Executive Session to discuss pending litigation or where there is a general public awareness of probable litigation as allowed by Idaho Code 74-206(1)(f). The vote was as follows:

Councilmember Thomas	Aye
Councilmember Larson	Aye
Councilmember Wall	Aye
Councilmember Wadsworth	Aye

Motion passed by unanimous vote.

Entered Executive Session at 7:53 P.M.  
Returned from Executive Session at 8:48 P.M.

**Adjourn** Meeting was adjourned at 8:48 P.M. by Mayor Beckstead.

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Linda Acock, Clerk

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Mark W. Beckstead, Mayor