

CITY COUNCIL MEETING
September 26, 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 (September 12, 2022)
- B. Bills (September 26, 2022)
- C. Swale Bond Refund Rick Parker 840 Brookside Dr \$1,250.00

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 September 12, 2022, Bills through September 26, 2022, and a Swale Bond Refund for Rick Parker at 840 Brookside Dr in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250). This received unanimous approval.

Public
Hearing To
Consider
Enactment
Of
Preliminary
Requirements
For
Sub-
Divisions

After giving guidelines for public hearings, Mayor Dan Keller called for the public hearing to give consideration to enacting an Ordinance to require preliminary studies and a water model before a subdivision preliminary plat is received.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on September 26, 2022 at 6:00 P.M., or as soon thereafter as this matter may be heard, at City Hall located at 70 West Oneida St., Preston, 16.10 PMC Idaho, before the City of Preston City Council to consider adopting a Preliminary Requirements Ordinance of the City of Preston, requiring, as a prerequisite to a subdivision preliminary plat, engineer studies for water and a water model. Findings from the studies and water model may require additional requirements to be placed on the developer. All costs for studies and models will be borne by the developer.

The proposed Ordinance is available for review at the above address during regular business hours.

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 August 31, 2022

City Engineer Tyrell Simpson explained that the Planning and Zoning Commission has given this matter quite a lot of consideration, and held a public hearing on August 10, 2022. They voted unanimously to recommend approval.

The preliminary requirements, for developments with more than four (4) water connections, may be a water study to determine the impact the development will have on the existing infrastructure, sewer study that shows if there are poor or severe pipes within 650' of the development which will require replacement of the pipes, a lift station study if the development's sewage empties into a lift station determining the effects of the development on existing stations and if an upgrade is necessary, and, a traffic study to determine if offsite improvements

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need to be done. A water model may also be required. The developer will be responsible for getting the studies completed and paying all costs before a preliminary plat can be approved.

Councilmember Todd Thomas asked about the costs of the water model. City Engineer Tyrell Simpson stated that the costs depend on the depth of the study and the size of the project. It can run from a couple hundred dollars to nearly five thousand dollars.

Councilmember Todd Thomas asked if the city council has veto ability if they don't agree with the results of the studies. City Engineer Tyrell Simpson stated that the city council should accept the studies as they are presented.

Mayor Dan Keller asked how the ordinance would protect the city against a developer doing four lots, waiting for a short period of time, then doing another four lots, and so on, to keep from having to do the studies. City Engineer Tyrell Simpson explained the process for each preliminary plat and final plat is costly and time consuming, and the developer would lose more money doing that than they would spend by doing the studies one time. Chris Larsen explained that if the Public Works Director and City Engineer agree that a study is not necessary for a particular development, then they can give a written exception.

Councilmember Terry Larson explained that the proposed ordinance states in a couple of the paragraphs that the engineer and public works director can give a written exception to the studies. City Engineer Tyrell Simpson concurred that the two minds can agree that a certain study is not necessary.

Mayor Dan Keller asked for comments in favor of the proposed ordinance. There being none, Mayor Dan Keller asked for written comments. Clerk Linda Acock stated there were no written comments in favor.

Mayor Dan Keller asked for neutral comments. Clerk Acock stated that there was one written comment received from Robert Kooren, who was also present at the meeting. Mayor Dan Keller invited Mr. Kooren to present his written comments.

Robert Kooren stated that he felt the ordinance could be written in a simpler form as a flow chart, and presented his version of how the ordinance could be written. (A copy of the written comments follows minutes.)

There being no further neutral comments, Mayor Dan Keller asked for comments in opposition to the enactment of the ordinance.

Dixon Beckstead stated that he feels there are two major points as to why this ordinance should not be approved. He stated that there's a lot of cost involved in doing these studies that will have to be paid before a preliminary plat is presented, with the chance of the plat not being approved. The second point is that this is one more thing that makes building and developing in Preston City extremely difficult and costly. Preston City's rules and requirements make it almost impossible to develop lots.

There being no further comments, Mayor Dan Keller asked for written comments in opposition. Clerk Acock stated that no written comments have been received in the Clerk's office.

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

Ordinance
2022-11

Council discussed the time frame for the studies before they expire. City Engineer Tyrell Simpson explained that if the developer doesn't start the development for a period of time, but there is no significant change in the area of development, the study shouldn't expire.

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Mayor Dan Keller asked attorney Lyle Fuller who would be the tie breaker if the public works director and city engineer don't agree if a study is necessary. Attorney Lyle Fuller advised that the study would be required unless they both agree to the exemption.

Councilmember Brent Dodge introduced Ordinance 2022-11, an ordinance requiring, as a prerequisite to the preliminary plat, studies and water models, and moved to dispense with the rules requiring the reading of ordinances on three separate days, and ordered the ordinance to be read once in summary. Councilmember Todd Thomas seconded the motion. 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 vote.

Clerk Linda Acock read Ordinance 2022-11 once in summary.

It was moved by Councilmember Brent Dodge and seconded by Councilmember Chris Larsen to approve Ordinance 2022-11, requiring as a prerequisite to the preliminary plat, studies and water models. 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 vote.

Business License	It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to approve a business license for Dixie Earl at 247 East 2 nd South, for The Cottage, a short-term rental. This received unanimous approval.
Request Donation To The Franklin Co Senior Center	The Franklin County Senior Center has requested a donation from the City of Preston to help fund the center. It was moved by Councilmember Terry Larson and seconded by Councilmember Todd Thomas to approve a donation to the Franklin County Community/Senior Center, in the amount of six thousand dollars (\$6,000). This received unanimous approval.
Adjourn	Meeting was adjourned at 5:50 P.M. by Mayor Dan Keller.

Linda Acock, Clerk

Daniel M. Keller, Mayor

After council meeting adjourned at 5:50 P.M., Keller Associates held a town hall style meeting to receive comments and provide information on the Water Facilities Study.