

**CITY COUNCIL MEETING**  
**October 9, 2023**

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MAYOR & COUNCIL

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

STAFF

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

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

Mayor/  
Council  
Comments

Councilmember Chris Larsen gave a brief update on the two community events coming up. The annual downtown trick-or-treat will be on Tuesday, October 31<sup>st</sup> from 4:30 - 6:00 p.m.

The Festival of Lights Candlelight Dinner will be held on Saturday, November 4<sup>th</sup>. Seatings are at 5:00 or 7:30 p.m. Tickets are on sale now.

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 25, 2023
B.	Bills	October 09, 2023

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to approve the consent calendar, which includes the Council Minutes of September 25, 2023 and the Bills through October 9, 2023. This received unanimous approval.

Approved  
Business  
License

The following business license has been approved:

Alexzandriah Tolman & Courtney Coon    23 S State    The Hangout

Pacificorp  
Donation  
Pickleball

Steve Liechty, on behalf of Rocky Mountain Power/Pacificorp, presented a donation to the City of Preston in the amount of Five Thousand Dollars (\$5,000) for the pickleball courts.

Development  
Agreement  
Fellows  
Lane  
Minor  
Subdivision

City Attorney Lyle Fuller presented the Development Agreement for the Fellows Lane Estates Minor Subdivision.

This is a three lot minor subdivision, so the attorney has revised the agreement in regards to the secondary water. In most cases, the secondary water would be turned over to the HOA. Mr. Fellows is going to deed 15 shares of consolidated irrigation (5 shares per lot) to the property. An HOA won't be formed.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson to approve the Development Agreement between the City of Preston and Rockin' F Ranch LLC, for the Fellows Lane Minor Subdivision and authorize Mayor Dan Keller to sign said agreement. This received unanimous approval.

Final  
Plat  
Fellows  
Lane Minor  
Subdivision

City Engineer Tyrell Simpson presented the Final Plat for Fellows Lane Estates Minor Subdivision, 1400 West 850 North.

Easton Fellows, Rockin' F Ranch, developer of the minor subdivision has elected to buy into the sidewalk fund instead of placing sidewalks in the development, there will not be an HOA as the developer will deed 5 shares of secondary water to each parcel, and Preston City has received a Letter of Credit for the improvements.

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It was moved by Councilmember Todd Thomas and seconded by Councilmember Chris Larsen to approve the Final Plat for Fellows Lane Estates Minor Subdivision at 1400 West and 850 North. This received unanimous approval.

Decision            The Preston Planning and Zoning Commission was given the task of  
Assisted            creating an ordinance pertaining to assisted living facilities. At the  
Living                present time, assisted living facilities, are categorized as multi-  
Facilities           family dwellings. On September 27, 2023, the Planning and Zoning  
Commission held a public hearing for a proposed ordinance with new  
recommended codes for assisted living facilities.

Council discussed concerns over density, expansion of allowed zones, infrastructure, setbacks, etc.

After review and discussion, it was moved by Councilmember Brent Dodge and seconded by Councilmember Chris Larsen to deny the recommendation of the Planning and Zoning Commission, as written, and send it back to them for a work meeting with both the Commission and the City Council to resolve the issues. The vote was as follows:

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

Motion passed by majority vote.

Golf Course        It was moved by Councilmember Terry Larson and seconded by  
Flooding            Councilmember Todd Thomas to table this matter for a period of One  
Mitigation        Hundred Eighty (180) days. This received unanimous approval.

Property            Attorney Lyle Fuller advised that he and Councilmember Dodge have been  
Acquisition        in discussion with the Franklin County Medical Center, particularly  
600 East            hospital board member Richard Westerberg, in negotiating the purchase  
8<sup>th</sup> North            of a twenty-acre parcel of property at 600 East 8<sup>th</sup> North. The Franklin  
County Medical Center Board has accepted Preston City's offer to  
purchase the property for Six Hundred Seventy-Five Thousand Dollars  
(\$675,000). With the purchase of the property, there will be forty-six  
(46) shares of Consolidated Water. The city will cover the closing  
costs, title insurance, surveys. The hospital board is interested in  
having an ongoing collaborative relationship with the city on this  
project. Attorney Lyle Fuller has drafted a Purchase Agreement and  
Deed for the transaction.

The city is interested in building a park on this property. The purchase of this property will be with funds received from the American Rescue Plan Act (ARPA).

Richard Westerberg, Franklin County Medical Center board member stated that the hospital is happy for the partnership between the hospital and City of Preston.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Brent Dodge that the City of Preston acquire the property at 600 East 800 North from Franklin County Medical Center for Six Hundred Seventy-Five Thousand Dollars (\$675,000) and authorize Mayor Dan Keller to sign the Purchase Agreement documentation. 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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Council & Councilmember Todd Thomas, Councilmember Chris Larsen, Councilmember  
Dept. Head Terry Larson, Chief Dan McCammon, Community Development Specialist  
Report On Shawn Oliverson, Public Works Director John Balls, and City Engineer  
Assigned Tyrell Simpson reported on their various assigned designations.  
Designations

Executive It was moved by Councilmember Terry Larson and seconded by  
Session 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 vote.

Entered Executive Session at 7:01 p.m.

It was moved by Councilmember Todd Thomas and seconded by Councilmember  
Terry Larson to exit Executive Session at 7:24 p.m. This received  
unanimous approval.

Adjourn Meeting was adjourned at 7:24 P.M. by Mayor Dan Keller.

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Linda Acock, Clerk

Daniel M. Keller, Mayor