

CITY COUNCIL MEETING
April 10, 2023

MAYOR & COUNCIL

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

STAFF

Linda Acock, City Clerk
City Engineer, Tyrell Simpson
Shawn Oliverson, Community Development
Kelly Mickelsen, Treasurer
Dan McCammon, Chief of Police
Lyle Fuller, Attorney

Public Works Director John Balls was excused from the meeting.

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

Mayor/
Council
Community
Comment

Mayor Dan Keller thanked the Preston Lion's Club for the great job they did in hosting the Community Easter Egg Hunt. Despite the snow in the park, they were able to move the hunt to the North Stake Center parking lot, and the children had fun.

Mayor Dan Keller also stated that he'd like to, once again, talk briefly on the flooding in our community.

Ronald Reagan once said, "Recession is when your neighbor loses his job. Depression is when you lose yours." This can be related to the flooding situation. I have lots and lots of neighbors and friends in the community who are involved with flooding issues. From the outside, looking in, this is like the recession. Mayor Keller stated that now his place is flooding, and so, to him, it's a depression.

The County Commissioners have supplied the community with sand and sand bags. We need to use whatever resources are necessary to protect our most valuable assets.

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 (March 27, 2023)
- B. Bills (April 10, 2023)
- C. Treasurer's Monthly/Quarterly Report (March 31, 2023)

It was moved by Councilmember Chris Larsen and seconded by Councilmember Brent Dodge to approve the City Council Minutes of March 27, 2023. The vote was as follows:

Councilmember Todd Thomas	<u>Aye</u>
Councilmember Terry Larson	<u>Abstain</u>
Councilmember Brent Dodge	<u>Aye</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 the Bills through April 10, 2023 and the Treasurer's Monthly/Quarterly Report dated March 31, 2023. This received unanimous approval.

Pay Request
Craner
Playground
BCI Burke

Amanda Collins of SICOG presented the Idaho Community Development Block Grant Request for Funds #2 for BCI Burke, in the amount of Forty-Six Thousand Five Hundred Fifty-Seven Dollars (\$46,557.00). This amount is after the change order that was approved on March 27, 2023.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Brent Dodge to accept the Request for Funds #2 to pay out BCI Burke for the playground equipment at Craner Field, and authorize Mayor Dan Keller to sign the Request. The vote was as follows:

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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.

Public Hearing Zoning & Subdivision After giving the guidelines for a public hearing, Mayor Dan Keller called for the public hearing to give consideration to amending Preston Municipal Code Chapter 16, the Subdivision Ordinance of the City of Preston and Preston Municipal Code Chapter 17, the Zoning Code of Preston, Idaho, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on April 10, 2023 at 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 Planning and Zoning Commission to consider amendments to Title 16 Subdivisions, also known as the "Subdivision Ordinance of the City," and Title 17 Zoning, also known as the "Zoning Code of Preston, Idaho." More specifically, amendments will be considered for the following chapters or sections:

Title 16 Subdivisions:
Section 16.08.135 Developer
Chapter 16.12 Procedure
Chapter 16.22 Minor Subdivisions
Chapter 16.25 Design Criteria
Chapter 16.28 Improvements
Chapter 16.24 Design Standards
Chapter 16.32 Modifications and Waivers
Chapter 16.34 Planned Unit Developments
Chapter 16.36 Penalties

Title 17 Zoning:
Chapter 17.40 Special Use
Chapter 17.42 Variance
Chapter 17.50 Action By Council

Copies of the proposed ordinances are on file with the city clerk at the above address and copies of the same may be obtained from that office.

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: March 22, 2023, in The Preston Citizen

City Engineer Tyrell Simpson presented the proposed amendments to Chapters 16 and 17 of the Preston Municipal Code.

The Planning and Zoning Board has been working on these changes for nearly two years. On March 22nd they held a public hearing and from that hearing, made recommendation to City Council to approve the amendments.

In chapter 16.12, all subdivision process and procedures will be uniform. They will have an application process, the preliminary plat will go to the Planning and Zoning Board for recommendation, then to City Council for decision. The final plat will follow the same procedure and go to the Planning and Zoning Board for recommendation and then to City Council for decision.

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Table 16.1, which deals with streets, will be updated.

16.28 will add language that improvement bonds will be for one year, and if the developer needs to extend the bond, they need to do so before the one-year expiration. Developer must keep the right-of-way clear of debris. No building permits will be granted unless all the improvements of the phase are complete and approved by the city. Swales will no longer be considered, it will be curb and gutter cross sections. Open space requirements will be changed from 10% to 15%, with a tier system based on the number of parcels being developed. Retention ponds can be included in the 15% open space. Open space will be required for every major subdivision, as the "buy-out" option will be removed. The code will be amended to update the water main line sizes.

The Waiver section of 16.32, Special Use section of 17.40 and the Variance section of 17.42 will be revised so that the procedures align with each other.

Chapter 17.50 will revise the public hearing requirements to align with the Idaho State Code.

Councilmember Todd Thomas asked about how to determine the size of the retention ponds for each subdivision.

City Engineer Tyrell Simpson explained that the size of the subdivision, and how much water typically flows to the retention pond will be factored into how big the retention pond would be. No retention pond is designed to hold water year-round. So, if developed correctly, the pond could have a multi-purpose.

Councilmember Todd Thomas asked who would maintain the open space, parks, fields, etc.

City Engineer Tyrell Simpson stated that each subdivision has to have an HOA, and the HOA maintains the open space.

Councilmember Terry Larson asked about the requirement on 16.28.020, and having to have the roads complete before they can sell.

City Engineer Tyrell Simpson explained that all improvements need to be completed before a building permit can be issued. The developer may sell the lots after recording the final plat, but building permits will not be issued until all improvements are complete. If the roads and sidewalks are damaged during construction of the homes, it will be the developer's responsibility to repair them.

Attorney Lyle Fuller stated that the roads are dedicated to the city after the one-year warranty period. Until then, the developer will be required to make repairs that are built to city standard. This is in major subdivisions.

Councilmember Chris Larsen asked if the roads are dedicated to the city before the one-year warranty period is in place.

City Engineer Tyrell Simpson explained that they dedicate the street to Preston City, then they start the one-year warranty period.

Mayor Dan Keller asked how many developers have exercised the cash buy out for the open space.

City Engineer Tyrell Simpson stated that there is one subdivision that has done the cash buy out. Another subdivision offered land exchange, but that did not come about.

Mayor Dan Keller asked Attorney Lyle Fuller what the penalty will be if the debris is not taken care of.

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Attorney Lyle Fuller advised that the penalty is a fine of up to one thousand dollars and up to six months jail.

Mayor Dan Keller called for public comments in favor of the proposed amendments. There being none, he asked if there were written comments received in the Clerk's Office. Clerk Linda Acock stated that there were no written comments in favor.

Mayor Dan Keller called for any neutral comments. There being none, he asked if written comments had been received in the Clerk's Office. Clerk Linda Acock stated that there was one written comment from Mr. Robert Kooren. Clerk Acock then read those written comments. (A copy of Robert Kooren's comments follows the Minutes)

Mayor Dan Keller called for public comments in opposition to the proposed amendments.

Dixon Beckstead of Preston, Idaho, commented stated that in 16.12.020, they are amending the requirement that the city must review the plans and data within 10 days. He feels that there should be a specific time frame to keep the process moving along.

Mr. Beckstead asked the council to change the requirement for the completion of the improvements to say that an occupancy permit will not be issued until all improvements are complete. The city has bonds for the improvements. Mr. Beckstead also stated that raising the open space from 10% to 15% is too much, as the percentage is taken from the entire acreage, including what will be roads, etc. And, that getting rid of the open space buy-out is a bad idea.

Brand Roberts of Preston, Idaho, asked the council to take a hard look at the changes and determine if they are really beneficial to the city. He agrees that increasing the open space from 10% to 15% is too much. He also requested that the council leave the option for swales in major subdivisions.

McKay Cordner of Preston, Idaho, stated that the cash buy-out for open space should be kept in the ordinance.

There being no further comments, Mayor Dan Keller asked for written comments. There being none, it was moved by Councilmember Todd Thomas and seconded by Councilmember Chris Larsen to close the public hearing. 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>

Public Hearing was closed by unanimous vote.

Mayor Dan Keller asked Attorney Lyle Fuller if it would be a material change to leave in the cash buy-out option, or to add a required time frame for staff review, or to change the recommended percentage of the open space. Attorney Fuller stated that any of these would be a significant change and require another public hearing.

After considerable deliberation, it was moved by Councilmember Terry Larson and seconded by Councilmember Todd Thomas to table the decision on this matter, and to schedule a work meeting with the Planning and Zoning Commission. 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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Proclamation Aspen Arnold of the Idaho Children's Trust Fund introduced the Child Abuse Prevention Month April 2023 organization's mission and stated that during the month of April they place pinwheels throughout communities, and promote Child Abuse Prevention. Clerk Linda Acock read the Proclamation.

It was moved by Councilmember Chris Larsen and seconded by Councilmember Brent Dodge to declare the month of April, 2023 as Child Abuse Prevention Month, and to authorize Mayor Dan Keller to sign said proclamation. This received unanimous approval. (A copy of the Proclamation follows Minutes)

Business Licenses It was moved by Councilmember Brent Dodge and seconded by Councilmember Terry Larson to approve the following business licenses:
Seth Haslam & Hollie Diago 325 East 6th South Ste 200
Preston Drug Health Services
Nan Phillips 12 North State
Magnolia Road

This received unanimous approval.

Sidewalk Sales Concerns Mike Beckstead, owner of Preston Auto at 17 South State stated that he would like the City and Rodeo Committee to consider alternative options for the sidewalk sales, that won't take up his customer parking, block entrances to his business, and put the vendor before the city businesses.

Sidewalk Sales Application For Special Events Eileen Weidel and Kris Beckstead presented a Special Events Application for the sidewalk sales during That Famous Preston Night Rodeo weekend. They have reconfigured placement of vendors so to allow for better parking for the local businesses. Food vendors will be placed along Oneida Street and 1st South.

After discussion, it was moved by Councilmember Brent Dodge and seconded by Councilmember Chris Larsen to approve the Special Events Application for the sidewalk sales as submitted by That Famous Preston Night Rodeo Committee and ask to Police Department to provide security as they can. The vote was as follows:

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

Motion passed by majority vote.

Rodeo Parade Application For Special Events Committee. Kirk Iverson presented a Special Events Application for the Rodeo Parade during That Famous Preston Night Rodeo weekend. It was moved by Councilmember Chris Larsen and seconded by Councilmember Brent Dodge to approve the Special Events Application for the rodeo parade as submitted by That Famous Preston Night Rodeo Committee. The vote was as follows:

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

Motion passed by majority vote.

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Subdivision McKay Cordner asked the Council to consider a cash buy-out for the Green Space, the city's 6" water main to 12", and a drainage system to alleviate the Water Main, run-off from the existing subdivision. & Drainage

It was moved by Councilmember Chris Larsen and seconded by Councilmember Todd Thomas to table this matter for up to ninety days and have Mr. Cordner work with City Engineer Tyrell Simpson to present a proposal with exact figures for his request. This received unanimous approval.

2023 Spring Clean-Up It was moved by Councilmember Todd Thomas to continue with the clean-up as scheduled. Motion died for lack of a second.

It was moved by Councilmember Brent Dodge to cancel spring clean-up for 2023. Motion died for lack of a second.

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to postpone indefinitely, the 2023 spring clean-up. This received unanimous approval.

Executive Session It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen 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>

The motion received unanimous approval.

Entered Executive Session at 7:44 P.M.

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to exit Executive Session at 8:21 P.M. This received unanimous approval.

Adjourn Meeting was adjourned at 8:21 P.M. by Mayor Dan Keller.

Linda Acock, Clerk

Daniel M. Keller, Mayor