

CITY COUNCIL MEETING
April 24, 2023

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 Dev.
Kelly Mickelsen, Treasurer
Tyrell Simpson, City Engineer
Dan McCammon, Police Chief
Lyle Fuller, Attorney

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

Mayor/
Council
Community
Comment

Councilmember Terry Larson acknowledged the overwhelming spirit of community and neighborhood comradery shown over the past month. The city and county work crews continue to work through flooding issues on a daily basis, and make the best decisions possible. He thanked the citizens of the community for their continued support of each other, and their patience with the work crews.

Councilmember Terry Larson offered congratulations to Mayor Dan Keller as he was presented with the Citizen of the Year award by the Preston Elks Lodge. Councilmember Larson agrees with the Elks Lodge's decision and feels that Mayor Keller is a champion for Preston City and its residents, and well deserving of the award.

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 April 10 & April 13
- B. Bills April 24, 2023

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to approve the Consent Calendar, which includes City Council Minutes of April 10 and April 13, 2023 and the Bills through April 24, 2023. This received unanimous approval.

Pickleball
Donation
Stotz
Equipment

Austen Keller, representing Stotz Equipment, presented Preston City with a donation of Ten Thousand Dollars (\$10,000) toward the pickleball courts at the City Park.

Pickleball
Donation
Stokes
Marketplace

Mike Read and Brock Stokes, representing Stokes Marketplace, presented Preston City with a donation of Ten Thousand Dollars (\$10,000) toward the pickleball courts at the City Park.

Public
Hearing
Resolution
#151
Increase
Water &
Sewer
Connection
Fees

Mayor Dan Keller gave guidelines for holding a public hearing, then called for the public hearing to give consideration to a new Resolution Compiling a license and fee schedule, specifically to increase residential and commercial 4" sewer connections from Five Thousand Dollars (\$5,000) to Seven Thousand Five Hundred Dollars (7,500), to increase residential and commercial 1" water connections from Five Thousand Dollars (\$5,000) to Seven Thousand Five Hundred Dollars (\$7,500) and commercial 2" water connections from Nine Thousand Dollars (\$9,000) to Eleven Thousand Five Hundred Dollars (\$11,500), as follows:

NOTICE OF PUBLIC HEARING FOR FEE INCREASE

NOTICE IS HEREBY GIVEN that a public hearing shall be held before the Mayor and City Council of the City of Preston, Idaho, on the 24th day of April, 2023 at the hour of 5:00 P.M., or as soon thereafter as can be heard, at the City Hall located at 70 West Oneida Street, Preston, Idaho, for the purpose of receiving and hearing public comments on the proposed increase of certain water and sewer connection fees, which fees shall be increased by more than five percent (5%) of

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the amount of the fee last collected. The fee increase is due to the additional costs of administration and operation. Said increase is necessary to continue adequate maintenance, repair, and improvements.

Information regarding these fees may be obtained from the office of the City Clerk during regular business hours.

All persons present will be given the opportunity to be heard. Written comments or objections may be submitted to the office of the City Clerk, 70 West Oneida Street, Preston, Idaho, 83263.

Dated this 29th day of March, 2023

s/Linda Acock, Preston City Clerk

Publish: April 12, 2023 and April 19, 2023 in The Preston Citizen

City Engineer Tyrell Simpson presented a buy-in amount for water and sewer connections. The buy-in amount is calculated by the replacement value of the system, less unfunded depreciated, divided by the number of capable customers, making the buy-in amount for a water connection at \$27,0065.39 and sewer connection at \$26,518.22. These amounts are significantly higher than the proposed rates, justifying the increased amounts.

Mayor Dan Keller asked City Engineer Tyrell Simpson how he came up with the denominator for the water and sewer. City Engineer Tyrell Simpson explained that he used the existing connections. The sewer amount is smaller, as some of the properties in Preston City do not have access to the sewer system.

Mayor Dan Keller then asked Attorney Lyle Fuller if the calculations meet the criteria referenced for increasing water and sewer connection rates.

Attorney Lyle Fuller stated that yes, it is approved by the Idaho Supreme Court, and it does meet the qualifications.

Mayor Dan Keller asked for any persons present to offer comments in favor of increasing the water and sewer connection fees.

There being none, he asked if written comment had been received in the City Clerk's office.

City Clerk Linda Acock stated that there were no written comments in favor of the increased fees.

Mayor Dan Keller then asked if there was anyone present to offer neutral comment.

There being none, he asked if written comment had been received in the City Clerk's office.

City Clerk Linda Acock stated that there were no written neutral comments received.

Mayor Dan Keller asked if anyone present would like to offer comments in opposition to the increase of the water and sewer connection fees.

There being none, he asked if written comment, in opposition to the fee increase had been received in the City Clerk's Office.

City Clerk Linda Acock stated that there was one letter received. Clerk Acock read the letter from Robert Kooren, Preston, Idaho. (A copy of Mr. Kooren's letter follows Minutes).

There being no further testimony in this matter, it was moved by Councilmember Todd Thomas and seconded by Councilmember Brent Dodge to close the public hearing. The motion received unanimous approval.

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It was moved by Councilmember Brent Dodge and seconded by Councilmember Todd Thomas to approve Resolution #151, A Resolution of the City of Preston, Idaho, Compiling a License and Fee Schedule and Water and Sewer Rate Schedule, increasing water and sewer connection fees. The Resolution shall be in effect April 24, 2023. 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 Licenses It was moved by Councilmember Chris Larsen and seconded by Councilmember Brent Dodge to approve the following business licenses:

Paul Loveday	139 E 1 st N, Franklin	Cache Valley Power Washing
Shannon Miller	27 North State	Interests
Lauren Miller	635 N State	Diamond Peak Athletics

The motion received unanimous approval.

Decision Modification And Waiver P.U.D. B. Shurtliff On April 12, 2023, Preston City Planning and Zoning Commission held a public hearing in consideration of a Modification and Waiver Request by Brad Shurtliff to develop a Planned Unit Development within the 1800' foot boundary of another Planned Unit Development, Preston Municipal Code 16.34.100. After hearing testimony and reviewing the ordinance, it was recommended by the Planning and Zoning Commission that City Council deny the request for a Modification and Waiver.

After discussion, it was moved by Councilmember Terry Larson to approve the Modification and Waiver as requested by Brad Shurtliff to allow a Planned Unit Development within 1800' from an existing Planned Unit Development. The motion died for lack of a second.

It was moved by Councilmember Chris Larsen and seconded by Councilmember Brent Dodge to uphold the recommendation of the Planning and Zoning Commission and deny the Modification and Waiver for a Planned Unit Development within 1800' of another Planned Unit Development. The vote was as follows:

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

Motion received a tie vote. Mayor Dan Keller cast a Nay vote, breaking the tie vote.

It was then moved by Councilmember Terry Larson and seconded by Councilmember Todd Thomas to overturn the Planning and Zoning Commission's recommendation and grant a Modification and Waiver to Preston Municipal 16.34.100, as requested by Brad Shurtliff, for a Planned Unit Development within 1800' at approximately 650 West Oneida. The vote was as follows:

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

Motion received a tie vote. Mayor Dan Keller cast an Aye vote, breaking the tie vote, which allows for the Modification and Waiver.

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Preliminary Plat Saddle Crossing 4th W 1-4 N It was moved by Councilmember Terry Larson and seconded by Councilmember Brent Dodge to approve the preliminary plat for the Saddle Crossing Subdivision, as recommended by the Planning and Zoning Commission. 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.

Comp Time Extension It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to extend the compensatory time cap to May 31, 2023. This received unanimous approval.

County Commission Report County Commissioner Robert Swainston reminded the council of the medical center's ribbon cutting ceremony on Thursday, April 27, 2023 at 11:00 A.M.

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 6:46 P.M.

It was moved by Councilmember Chris Larsen and seconded by Councilmember Todd Thomas to exit Executive Session at 7:43 P.M. This received unanimous approval.

Adjourn Meeting was adjourned at 7:43 P.M. by Mayor Dan Keller.

Linda Acock, Clerk

Daniel M. Keller, Mayor