

*CITY COUNCIL MEETING
June 26, 2023*

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
Shawn Oliverson, Community Dev.
Kelly Mickelsen, Treasurer
Tyrell Simpson, City Engineer
Dan McCammon, Police Chief

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

Mayor/
Council
Community
Comment

Mayor Dan Keller offered thanks to the Preston Elks Club for the flags along State Street, for Flag Day.

Councilmember Todd Thomas also thanked the Preston Elks Club for the Flag Day Ceremony. It was a very nice program that was done very well. Councilmember Todd Thomas also thanked the Idaho National Guard for their day of service to Preston City. They started the morning by laying approximately 8,000 square feet of sod near the splash pad, and spent the rest of their day knocking out some of the old, broken planter boxes on State Street.

Councilmember Terry Larson talked about the "Mugs and Bananas" Drag Night that was held in Preston on Saturday, June 24th. There was a lot of classic cars and street rods in town, and everyone had a great time dragging main and doing burn-outs on Oneida Street. Councilmember Terry Larson also acknowledged the efforts Franklin City made in making Idaho Days a huge success.

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 | June 12, 2023 |
| B. | Bills | June 26, 2023 |

It was moved by Councilmember Todd Thomas and seconded by Councilmember Chris Larsen to approve the City Council Minutes of June 26, 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 Brent Dodge to approve the bills through June 26, 2023. This received unanimous approval.

Public
Hearing
Amend
P.M.C.
Title 16,
Subdiv.
&
Title 17,
Zoning

After giving guidelines for holding a public hearing, Mayor Dan Keller called for the public hearing to consider testimony regarding amendments to Preston Municipal Codes 16, Subdivisions and 17, Zoning, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on June 26, 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

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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.

S/Linda Acock, City Clerk
Publish: June 7, 2023, in The Preston Citizen

City Engineer Tyrell Simpson explained that the planning and zoning commission held a public hearing in this matter, and made recommendation to council to approve the proposed ordinance amending the subdivision ordinance and the zoning ordinance. City Council held their public hearing on May 22nd, and made a few material changes to the proposed ordinance, warranting a second public hearing before the council. A time limit of 90 days was added for the review period of a preliminary plat, allowance for a partial buy-out of open space was added, and setting the reviewing and approval process for subdivisions, minor subdivisions and planned unit developments so they are more uniform.

Attorney Lyle Fuller explained that the amended ordinance will remove the city's requirement for a public hearing before the planning commission and then another hearing before the council. The State of Idaho only requires one public hearing, so the city's ordinance will align with the state statute.

Mayor Dan Keller asked for comments in favor of amending Title 16 and Title 17 of the Preston Municipal Code. There being no comments, he asked if written comments were received in the Clerk's office. Clerk Linda Acock indicated that no written comments were received.

Mayor Dan Keller asked for neutral comments for amending Title 16 and Title 17 of the Preston Municipal Code. There being no comments, he asked if written comments were received in the Clerk's office. Clerk Linda Acock indicated that no neutral written comments were received.

Mayor Dan Keller asked for comments in opposition to amending Title 16 and Title 17 of the Preston Municipal Code. There being no comments, he asked if written comments were received in the Clerk's office. Clerk Linda Acock stated that one letter in opposition has been received. It was received by Mr. Robert Kooren of Preston, Idaho.

Clerk Linda Acock read the letter from Mr. Kooren. (a copy of the letter follows Minutes)

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There being no further testimony, it was moved by Councilmember Terry Larson and seconded by Councilmember Todd Thomas to close the public hearing, and open the meeting to deliberation amongst the council. 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.

Ordinance 2023-2 Councilmember Brent Dodge introduced Ordinance 2023-2, amending Title 16 Subdivisions and Title 17 Zoning of the Preston City Municipal Code. P.M.C.
Title 16, It was moved by Councilmember Brent Dodge and seconded by Councilmember
Subdivision Terry Larson to dispense with the rules requiring the Reading of
& Ordinances on three separate days, and ordered the ordinance to be read
Title 17, once in summary. The vote was as follows:
Zoning

| | |
|----------------------------|------------|
| 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.

Ordinance 2023-2 was read once in summary by City Clerk Linda Acock

It was moved by Councilmember Todd Thomas and seconded by Councilmember Chris Larsen to approve Ordinance 2023-2. 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.

Ordinance 2023-3 Community Development Specialist Shawn Oliverson presented a proposed ordinance 2023-3, amending Preston Municipal Code 5.04 Business Licenses. He explained that, the current process requires the city council to approve all business licenses at a city council meeting. To streamline the process, it is proposed to have assigned city staff review and approve business licenses. If there is an issue with the staff member approving a specific license, it will be brought before the city council.

Councilmember Chris Larsen introduced Ordinance 2023-3, amending Preston Municipal Code 5.04 Business Licenses.

It was moved by Councilmember Chris Larsen and seconded by Councilmember Brent Dodge 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 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.

Ordinance 2023-3 was read once in summary by City Clerk Linda Acock.

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It was moved by Councilmember Chris Larsen and seconded by Councilmember Todd Thomas to approve Ordinance 2023-3, and authorize Mayor Dan Keller to sign the ordinance. 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.

Sidewalks
2nd West
&
1st North

Barbara Espinosa stated that the sidewalks along 1st West and 2nd North, are in disrepair and proposed that the city repair the sidewalks for the safety of those using the sidewalks.

City Engineer Tyrell Simpson stated that this request can be reviewed towards the end of the sidewalk safety grant project. If there are funds remaining, they can determine if this fits within the project parameters.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Brent Dodge to table the request for sidewalk repairs at 2nd West and 1st North, following the city engineer's advice, and re-evaluate the sidewalk safety grant project towards the end of the project to see if this sidewalk can be added to the list of sidewalks to be repaired with the grant. This received unanimous approval.

Development
Agreement
Hillside
Subdivision

Attorney Lyle Fuller presented the Development Agreement for the Hillside Subdivision at 900 South 1100 East.

He explained that he has reviewed the agreement and would like to see a few minor changes to the agreement before it is executed. He stated that the sentence referring to the requirement of a potable water study be taken out of the agreement, due to this subdivision being filed before the water study requirements were implemented. The wording regarding the will-serve letter to the health department, in the potable water section and the wastewater section should be changed from stating that the potential impacts to the City's existing system, potential improvements or upgrades at build-out for each phase shall be addressed in the will-serve letters be changed to may be addressed in the will-serve letters.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Chris Larsen to approve a Development Agreement for the Hillside Subdivision at 900 South 1100 East, Mckay Cordner developer, after the changes, as recommended by Attorney Lyle Fuller, have been made, and to authorize Mayor Keller to sign said Agreement. 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.

Final Plat
Hillside
Subdivision

It was moved by Councilmember Brent Dodge and seconded by Councilmember Todd Thomas to approve the Final Plat for the Hillside Subdivision at 900 South 1100 East, Mckay Cordner developer, upon condition of the surety bond or letter of credit being submitted, approved and filed. This received unanimous approval.

Flood
Mitigation
At Golf
Course

City Engineer Tyrell Simpson gave a presentation on flood mitigation at the golf course subdivision. He stated that to start with, if the golf course could open up outlets at the ponds, that would be the best and first step to mitigating the flooding.

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It was moved by Councilmember Todd Thomas and seconded by Councilmember Brent Dodge to assign City Engineer Tyrell Simpson, Public Works Director John Balls, Councilmember Terry Larson and Mayor Dan Keller to get on a golf course board meeting agenda, to discuss possible flood mitigation solutions. This meeting should include representatives of Consolidated Irrigation. This received unanimous approval.

July City Council Meeting Schedule It was moved by Councilmember Brent Dodge and seconded by Councilmember Chris Larsen to set the time for the July 10, 2023 city council meeting to 4:00 P.M. instead of 5:00 P.M., and to move the July 24, 2023 city council meeting to July 25, 2023 at 5:00 P.M. This received unanimous approval.

Budget Workshop At the onset of the budget workshop, the council took a brief "straw-poll" to allow each council member to give his opinion on the 3% property tax/foregone amounts.

Councilmember Todd Thomas stated that he is in favor of taking the 3% this year.

Councilmember Chris Larsen stated that he is in favor of taking the 3% this year.

Councilmember Brent Dodge stated he is still against taking the 3% this year.

Councilmember Terry Larson stated that he is against taking the 3% this year.

Mayor Dan Keller stated that he is against taking the 3% this year.

Action on this matter will be formerly taken at the preliminary budget hearing.

Council also discussed additional employees, employee benefits and salaries, water and sewer rates, insurance premiums, legal fees, sewer plant, and parks and recreation.

Adjourn Meeting was adjourned at 8:11 P.M. by Mayor Dan Keller.

Linda Acock, Clerk

Daniel M. Keller, Mayor