

CITY COUNCIL MEETING
January 22, 2024

MAYOR & COUNCIL

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

STAFF

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

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

Community Comment Mayor Dan Keller thanked the public works crew for the great job with snow removal, and reminded the community to not push snow onto streets and to keep the snow off sidewalks.

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	January 08, 2024		
B.	Bills	January 22, 2024		
C.	Improvement Bond Refund	Lance Hemsley	56 E 8 th S	\$35,000.00

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to approve the consent calendar, which includes the Council Minutes of January 22, 2024, the Bills through January 22, 2024, and an Improvement Bond refund to Lance Hemsley/Polar Bear Eats at 516 East 8th South in the amount of Thirty-Five Thousand Dollars (\$35,000.). This received unanimous approval.

Approved Business Licenses The following business licenses have been approved:

Juston Kowalski	131 E Eagle Way	Stonecraft Construction LLC
Jarren Miller	8 South State	Apex Spine & Sports Rehab
Seth Haslam	325 E 6 th S	Little Mikey's Books
YBC LLC	204 South State	Chopsticks House

III-A Amy Manning Ammy Manning, Executive Director for the III-A Governmental Insurance Pool, gave the annual report for the year 2022-2023. She encouraged members to take advantage of the telehealth program, and the wellness Screenings.

Preston Area Chamber Of Commerce Brittney Smith, Vice-President of the Preston Area Chamber of Commerce presented the chamber's 2024 goals, committee responsibility, and upcoming events within the chamber of commerce. Ms. Smith also stated that the Preston Area Chamber of Commerce invites all businesses in the community to join.

WWTP Progress Report Kellers Assoc. Mayor Dan Keller invited Colter Hollingshead of Keller Associates to give an update on the progress of the Wastewater Treatment Plant. Mr. Hollingshead reported that the project is approximately 20% complete and still scheduled to be completed in 2025. During the winter months they are working on the Headworks Building and the Filter Building.

Resolution #160 Authorizing Signatures Colter Hollingshead of Keller Associates presented Resolution #160, a Resolution authorizing the mayor to sign all applications, funding agreements, and other documents for the storm water overflow study.

The funding is for a Fifty Thousand Dollar (\$50,000.) grant with a 10% match by the city. It is a basic requirement of the Department of Environmental Quality to have this resolution in place.

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It was moved by Councilmember Terry Larson and seconded by Councilmember Todd Thomas to authorize Resolution #160, and give Mayor Dan Keller power to sign such documents. 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.
(A copy of Resolution #160 follows Minutes)

Decision Variance K. Hubbard 29 W. Oneida At the January 10, 2024 Planning and Zoning meeting, a public hearing was held for a variance request by Kevin Hubbard at 29 West Oneida, to vary from the required 15' setback. The Planning and Zoning Commission has made recommendation to City Council, to approve the variance.

Attorney Lyle Fuller advised that, following Preston Municipal Code 17.42, the Commission has made their recommendation, and now is the time for action by the council. The council can either approve, conditionally approve, or deny the request for the variance.

Councilmember Chris Larsen stated that the building has already been built, and asked Attorney Lyle Fuller what the process should be.

Attorney Lyle Fuller deferred to City Engineer Tyrell Simpson as to how much of the building is built, and the applicant's interaction with city staff.

Mayor Dan Keller asked what the remedy is for a situation like this.

Attorney Lyle Fuller explained that if the variance is denied, the applicant may have to change the building, or remove the building.

Councilmember Terry Larson asked if the applicant had changed the pitch of the roof, as this was part of the recommendation by the Planning and Zoning.

City Engineer Tyrell Simpson explained that the applicant hasn't gotten the building permit yet, so he hasn't changed the roof. If he gets the variance for the setback, then he will have to apply for the building permit. In that process, he will have to show that he can retain the snow and run-off on his property.

Councilmember Brent Dodge asked what the importance of the 15' setback is.

City Engineer Tyrell Simpson stated that the setback helps to make sure the snow and run-off from buildings stay on the property. He wasn't sure of other reasons.

After discussion, it was moved by Councilmember Terry Larson and seconded by Councilmember Todd Thomas to support the Planning and Zoning's recommendation to grant a variance from the 15' setbacks at 29 West Oneida, with the condition that the roof be altered so that snow and run-off will be kept on the property. 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>Aye</u>

Motion passed by majority vote.

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Golf Course Subdiv. Water Mitigation Councilmember Terry Larson explained that he has met with Consolidated Irrigation regarding an abandoned ditch at the Golf Course Subdivision. They indicated that the irrigation company gave up all claim to this delivery system of the old ditch when they piped their service ditch. This abandoned ditch runs behind the homes of approximately 1175 Fairway Drive to 1075 North Fairway Drive.

The ditch has been excavated below groundwater level, so now it retains water the whole year round. Other nuisances are the snakes, frogs, mosquitos and other vermin it attracts.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson to move forward with remedy of the blight, to invite the property developer and the golf course to participate in the project of filling in the ditch so that it is no longer below groundwater level. This received unanimous approval.

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

The motion received unanimous approval.

Entered Executive Session at 6:22 P.M.

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to exit Executive Session at 6:36 P.M. This received unanimous approval.

Adjourn Meeting was adjourned at 6:36 P.M. by Mayor Dan Keller.



Linda Acock, Clerk

Daniel M. Keller, Mayor

**State of Idaho
Department of Environmental Quality**

**AUTHORIZING RESOLUTION # 160
Attachment SRF-03**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PRESTON AUTHORIZING THE MAYOR TO SIGN ALL APPLICATIONS, FUNDING AGREEMENTS, AND OTHER DOCUMENTS RELATING TO WASTEWATER PROJECT (PROJECT).

WHEREAS, the City intends to develop a Project for Wastewater facilities for the City wastewater system, such Project being necessary to determine the needs of the area for health, safety, and wellbeing of the people; and

WHEREAS, the Project is to be developed in accordance with the requirements in Idaho "Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities" (IDAPA 58.01.22), "Rules for Administration of Wastewater and Drinking Water Loan Funds" (IDAPA 58.01.12) and will set forth wastewater facilities required to be constructed to serve the needs of the area; and

WHEREAS, the costs of the Project of the wastewater facilities are eligible for state funding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Preston, Idaho, that the Mayor is/are duly authorized to sign applications, grant agreements and amendments, and other documents relating to wastewater Projects.

Passed and adopted by the City Council of the City of Preston on the 22 day of January, 2024.

By the following votes:

AYES: 4

NAYS: 0

ATTESTED BY:

Linda Acock

Linda Acock - City Clerk

Dan Keller

Dan Keller - Mayor