

**CITY COUNCIL MEETING**  
**February 12, 2024**

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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  
Kelly Mickelsen, Treasurer  
Preston Olsen, Attorney  
Tyrell Simpson, City Engineer  
John Balls, Public Works Director  
Shawn Oliverson, Community Dev.  
Dan McCammon, Police Chief

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

**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.

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|----|---|-------------------|
| A. | Council Minutes                               | January 08, 2024  |
| B. | Bills   | February 12, 2024 |
| C. | Treasurer's Monthly Report                    | January 31, 2024  |
| D. | 2/2024 CD Rollover at Ireland Bank (13 month) |                   |

Councilmember Terry Larson stated that at the January 8, 2024 city council meeting, the council placed a \$5,000.00 limit on the flood mitigation at the golf course subdivision. He would like the minutes to record that amount. The original January 8, 2024 City Council Minutes will reflect that change.

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to approve the consent calendar, which includes the corrected Council Minutes of January 08, 2023, the Bills through February 12, 2024, the Treasurer's Monthly Report dated January 31, 2024, and the rollover of a certificate of deposit for an additional thirteen months at Ireland Bank. This received unanimous approval.

**Approved  
Business  
Licenses**

The following business licenses have been approved:

Lance Harrison	617 East 145 South	H2 Customs LLC
Derek Ritter	210 S Main Lewiston UT	DMR Construction

**Public  
Hearing  
Street  
Vacate  
700 North  
Stewart  
Trucking**

After giving guidelines for holding a public hearing, Mayor Dan Keller opened the public hearing to hear testimony and give consideration for the application for a street vacation, as follows:

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing shall be held before the Mayor and City Council of Preston, Idaho, on the 12th day of February, 2024, at the hour of 5:00 P.M., or as soon thereafter as this matter may be heard, at the city hall located at 70 West Oneida St., Preston, Idaho 83263, for the purpose of giving consideration to the vacating of a portion of unimproved street to include 7th North between 8th West and 9th West. If vacated by the city, Preston City abandons our interest and the vacated street shall be transferred to the property owner.

The street commonly known as 7th North between 8th West and 9th West, Preston, Idaho, is located on the property more specifically described as:

A PARCEL OF LAND LOCATED IN SECTION 21, TOWNSHIP 15 SOUTH, RANGE 39 EAST, BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 21, FROM WHICH THE EAST QUARTER CORNER OF SECTION 21 BEARS SOUTH 00° 06' 21" EAST 2679.12 FEET;

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THENCE SOUTH 00° 06' 21" EAST 600.71 FEET ALONG THE EAST LINE OF SAID SECTION 21 TO THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 00° 06' 21" EAST 170.00 FEET ALONG THE EAST LINE OF SAID SECTION 21 TO THE EXTENSION OF A FENCE LINE;  
THENCE SOUTH 89° 53' 39" WEST 800.00 FEET ALONG SAID FENCE LINE AND ITS EXTENSION TO A 5/8" REBAR WITH CAP LABELED, "A.A. HUDSON, PLS 13173";  
THENCE NORTH 00° 08' 21" WEST 170.00 FEET TO A 5/8 REBAR WITH CAP;  
THENCE NORTH 89° 53' 39" EAST 600.00 FEET TO THE TRUE POINT OF BEGINNING.  
CONTAINING 2.3 ACRES

SUBJECT TO THE PUBLICS RIGHT OF WAY ON 800 WEST STREET

All persons present at the hearing will be given the opportunity to be heard. Written comments or objections may be submitted to the City Clerk at the address set forth above and will be considered by the Mayor and Council.

s/Linda Acock, City Clerk  
Publish: January 24, 2024 and January 31, 2024

Mayor Dan Keller invited the applicant, Travis Stewart of Stewart Trucking LLC, to present his request.

Mr. Stewart stated that he purchased property at 689 North 8th West for his trucking business. He primarily uses the property for truck parking. In the process of obtaining a building permit, he learned that 7<sup>th</sup> North is proposed to run west right through his property. He would like the street vacated so he can proceed with the building permit.

Mayor Dan Keller asked if Mr. Stewart anticipates an ongoing, daily, commerce of trucks running back and forth on 8<sup>th</sup> West. Mr. Stewart explained that the property is used for parking and storage. There won't be an upsurge in truck traffic.

Councilmember Todd Thomas asked if there are any buildings there now. Mr. Stewart stated that there is not a building there. He has leveled out the property, and put gravel in for parking.

Mayor Dan Keller asked for comments from those in attendance. There were no public comments or testimony, and no written comments.

Community Development Specialist Shawn Oliverson explained that the Trails West Plant goes directly across 7<sup>th</sup> North, at about 9<sup>th</sup> West. The street cannot go further than two blocks from 8<sup>th</sup> West, so it makes sense to remove this portion of 7<sup>th</sup> North.

City Engineer Tyrell Simpson confirmed that, with 9<sup>th</sup> West being blocked by the Trails West Plant, there is no need for this portion of 7<sup>th</sup> North.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson to close the public hearing portion of the meeting. This received unanimous approval.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson, to approve the request by Travis Stewart to vacate a portion of 7<sup>th</sup> North between 8<sup>th</sup> and 9<sup>th</sup> West, and to introduce an ordinance.

Ordinance  
2024-1  
Street  
Vacate  
700 N.  
Between  
8<sup>th</sup> & 9<sup>th</sup> W.

Councilmember Todd Thomas introduced Ordinance 2024-1, an ordinance to vacate a portion of 7th North between 8th and 9th West.

It was then moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson to dispense with the rules requiring the reading of ordinances on three separate days, and ordered the ordinance to be read once in Title.

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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 2024-1 was read once in Title by City Clerk Linda Acock.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson to approve Ordinance 2024-1. 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.

Decision Amendments PMC 17.18 17.62 & 17.50.070	On January 24, 2024, the Planning and Zoning Commission held a public hearing for the amendments to Preston Municipal Codes relating to PMC accessory dwelling units, vacation/short-term rentals, and the requirement for city council to hold a second public hearing on amendments to the zoning code. The Planning and Zoning Board voted unanimously to recommend approval of the changes.
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Community Development Specialist Shawn Oliverson gave a summary of the recommended changes. He stated that the first change made to 17.18, short-term/vacation rentals was to allow them in the downtown and commercial zones and not require the units in these zones to be owner occupied. The amendment will disallow any short-term/vacation rentals in multi-family dwellings. In the residential zones, the board has recommended changing the three person per bedroom limit to one person per every two hundred square feet with a maximum of twenty people. And, only one structure on a parcel of property can be licensed as a short-term rental.

As to the changes in 17.62, Accessory Dwelling Units, the board deleted definition to accessory dwelling in multi-family and apartments. They defined the living area of an accessory dwelling unit to be maximum of eight hundred square feet.

The requirement for city council to hold a second public hearing on zone amendments, as set in 17.50.070, was reworded to state that the city council may, if they feel it is necessary, hold a second public hearing. It will no longer be a required public hearing.

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to uphold the Planning and Zoning Board's recommendation, approve the changes to the ordinance, and introduce an ordinance to amend Preston Municipal codes 17.18, 17.62 and 17.50.070. This received unanimous approval.

Ordinance 2024-2 Chapter PMC 17.18, 17.62, & 17.50.070	Councilmember Terry Larson introduced Ordinance 2024-2, an ordinance amending Title 17. Chapter 18 Accessory Dwelling Units; Tile 17, Chapter 62 Vacation Rentals or Short-Term Rentals; and Title 17, Chapter 50 Action By Council.
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It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to dispense with the rules requiring the reading of ordinances on three separate days, and ordered the ordinance to be read once in Title.

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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 received unanimous approval.

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to approve Ordinance 2024-2. The vote was as follows:

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

Motion to approved Ordinance 2024-2 passed by majority vote.

**Fundraising** Teresa Rasmussen, Alan Manning, and Karen Manning, of the Larsen-Sant  
**Larsen-Sant** Library Board, made presentation to ask the council to consider  
**Expansion** donating to the library, to help defray the three million dollar  
estimated expansion costs for a 6,000' wing on the west side of the  
library.

Council encouraged the Library Board to work with City Engineer Tyrell Simpson as they are putting plans together to ensure that the addition fits with setbacks and meets city codes.

It was moved by Councilmember Terry Larson and seconded by Councilmember Chris Larsen to table this request, to allow council to review the budget and see if funding is possible. This received unanimous approval.

**Request** Easton Fellows, representing the Consolidated Irrigation Company, asked  
**For** Preston City to once again participate in funding the verification  
**Donation** station at Glendale Reservoir, to aid in the prevention of quagga  
**Quagga** mussel invading Idaho reservoirs.  
**Mussel**

It was moved by Councilmember Chris Larsen and seconded by Councilmember Terry Larson to approve a Two Thousand Five Hundred Dollar (\$2,500) donation for the Glendale Reservoir verification station. This received unanimous approval.

**Lift** It was moved by Councilmember Brent Dodge and seconded by Councilmember  
**Comp.** Todd Thomas to lift the cap on compensatory time, allowing until March  
**Cap** 29, 2024 to have the time under forty (40) hours. This received  
unanimous approval.

**Spring** It was moved by Councilmember Brent Dodge and seconded by Councilmember  
**Clean Up** Todd Thomas to set the 2024 spring clean up as the South side of Oneida  
will be April 1-4, 2024. The North side of Oneida will be April 8-11.  
This received unanimous approval.

Public Works Director John Balls reminded everyone that this is a one-time pick-up for green waste.

**County** Councilmember Terry Larson asked County Commissioner Robert Swainston  
**Commission** to relay the city's need to have the building inspector provide the  
**Report** city with copies of occupancy permits.

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County Commissioner Robert Swainston invited the council to attend the EMS meeting on February 27<sup>th</sup> at 6:00 p.m. in the commissioner's chambers.

Commissioner Swainston also advised that the county voted on the "liquor by the drink" ordinance earlier in the day. The ordinance was passed.

Council & Dept. Head Report On Assigned Designation Councilmember Todd Thomas, Councilmember Chris Larsen, Councilmember Terry Larson, Councilmember Brent Dodge, Community Development Specialist Shawn Oliverson, Chief Dan McCammon, Public Works Director John Balls, and City Engineer Tyrell Simpson gave reports on their assigned designations.

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

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Linda Acock, Clerk

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Daniel M. Keller, Mayor