

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
OCTOBER 7, 2008**

Pursuant to adjournment of the regular City Council meeting held September 16, 2008, and the call of the Mayor, the Driggs City Council met in regular session Tuesday, **October 7, 2008**, at 7:00 p.m. A roll call was taken and present were council members: Greer Jones, George Mosher, Colin Dye and Dan Powers. Mayor Louis Christensen, Planning and Zoning Administrator Doug Self and Public Works Director Jared Gunderson were present. Mayor Christensen led the Pledge of Allegiance.

MINUTES TO REVIEW

Council Member Mosher made a motion to approve the minutes of the September 16, 2008 City Council Meeting. Council Member Dye seconded the motion. The motion carried unanimously.

CLAIMS REVIEW

Council members reviewed the claims.

Council Member Mosher made a motion to approve the claims as presented, dated September 17, 2008 through October 7, 2008. Council Member Jones seconded the motion. The motion carried unanimously.

TETON COUNTY COMMISSIONERS REPORT

Teton County Commissioner Mark Trupp was present to discuss recent events, concerns or questions. The Mayor had questions about the aerial photos. Mark spoke to Eric Smith, GIS Manager for Teton County, and explained the reason it had not been release was because of changes that need to be made and items that needed to be finalized. The amount of compensation the County should receive from each participating party had to be established as well.

Regarding the change of addresses, Mark Trupp stated he was present to hear concerns from the Council. Those addresses on Easy Street and in Calico Sky, Wallace Way and Huntsman Springs Subdivisions had been changed and based on the City Councils decision; those were not to be included in the readdressing. Mr. Trupp responded stating that the County and the City of Driggs needed "to come up with an agreement and stop moving the target." Council Member Powers stated that as a Council it was decided to include Calico Sky, Wallace Way and Huntsman Springs in the City of Driggs grid, which he felt was communicated to Eric Smith but not passed onto the County Commissioners.

Mr. Trupp continued stating the majority of phones calls received by the County regarding the changes were inquiries. The department was tracking the amount of calls and the reasons for them and stated very few were complaints.

Other items Mr. Trupp discussed were the completion of the Courthouse, which was scheduled for fall of 2009; the final review of the RFP for the Transfer station was taking place; and the PUD Ordinance "re-write" was continuing. The Impact Fee Ordinance for the County would be heard at the County Planning and Zoning meeting on October 20, 2008.

PUBLIC HEARING-PLANNING AND ZONING FEE SCHEDULE

Doug Self stated that every October the fee schedule was amended. The Council reviewed the current and proposed resolutions and Doug explained how the fees were calculated, explaining the spread sheet that showed expenses in processing and reviewing applications. Doug felt the amount increased for the Sketch Plan Review application was too high and proposed to change it from what was shown at \$182 to \$120. This change was a reduction in staff time from 3 hours to 2 hours, which was the general time spent on that type of application.

Mayor Christensen opened the Public Hearing at 7:30pm. There were no public comments and the Public Hearing was closed.

Council Member Powers questioned the drastic increase in Subdivision fees. Doug responded by stating that most of the staffs time was spent reviewing the Preliminary Plat. Because of this, the Final Plat fee was reduced from the previous \$100 per lot to \$75 per lot. A short plat fee was also added to the fee schedule.

Council Member Mosher made a motion to approve Resolution 239-09 that would update the application fees with the amended reduction of the sketch plan review from \$182 to \$120. Council Member Dye seconded the motion. The motion passed unanimously.

TETON CREEK RESORT UTILITY BILLING REQUEST

Stephaine Kralovec from Teton Creek Resort Home Owners Association addressed the Council. She was requesting that Teton Creek Resort be billed based on Resolution 221-07. She stated that currently each unit was being charged \$47.25 for sewer use. Because they have 5 meters at the resort, she was proposing that they be billed for the 2 inch meter rate with a per gallon excess charge for the 5 meters.

Jared Gunderson questioned if there was any reference to this type of request in the Development Agreement. Stephen Zollinger, City Attorney, stated that generally the billing was for each unit unless the Home Owners Association was involved. He concluded that the request should be reviewed and could have a point source delivery versus individual uses. Zollinger felt there should be no reason why this request could not be filled and stated that the City needed to base the decision on if and when all units were occupied. He recommended discussing this with the city engineers. Doug Self stated that the above situation could be included in the revised resolution that needed to be completed in November.

Kim Prebish, Treasurer for the Home Owners Association at Teton Creek Resort, stated that she could ensure that all bills would be paid to the city if each meter were charged. She understood the need to ensure capacity if all units were to use water at the same time, but felt Teton Creek should be billed based on the resolution.

It was concluded that further review would be done and this request would be taken into consideration in the near future.

AIRPORT REPORT

Kreslyn Schuehler, secretary for the Airport Board, presented information to the Council. She stated the Chairman, Vance Moulton, had informed the board of his resignation due to work commitments. Moulton wants to remain on the board, but will step down as Chairman.

The Airport Board was working to establish FBO regulations and rules. They will refer to other airports with FBOs and construct a document that will work for the Driggs-Reed Memorial Airport. The access issue with Teton Air Ranch had been placed on hold until a meeting with the FAA was established. This should take place at the end of October.

Kreslyn concluded by stating that the runway project would begin the process of re-bidding in March, as monies have been released from the FAA.

Council Member Powers questioned if a City Council member could attend the FAA meeting. Mayor Christensen responded stating that could be done. He also stated that if the Council knew of anyone interested in being on the Airport Board to notify him.

IMPACT FEE ORDINANCE, THRID READING

Doug Self presented information to the Council. He stated that there were questions and input from the Teton County Housing Authority Commission. A letter to the Driggs City Council requests the definition of affordable housing be changed to, "Housing affordable to families whose incomes are between 80-120% of the median family income for the City of Driggs." The Teton County Housing Authority also recommended for a scaled approach to the impact fees. "Affordable housing below 80% MFI (median family income) would receive a 100% impact fee reduction. Affordable housing between 81% and 100% would receive a 75% impact fee reduction. Affordable housing between 101% and 120% would receive a 50% impact fee reduction."

Council Member Powers questioned if the impact fee reductions would apply to market built housing that was in the same price range. Doug responded stating that it would be according to the above definition. Doug also stated it did not include deed restrictions. An agreement between the Housing Authority and the Builder would have to take place. Council Member Mosher felt this gave those building the opportunity to create more affordable housing in the area.

Doug felt that alternative funding sources needed to be identified. Also an "analysis of the total capacity, the level of current usage, and the commitments for the usage of

capacity of existing capital improvements” should address how it applies to roads. It was discussed that a more accurate traffic count and road quality survey should be done to have a “better bench mark.”

Doug did not feel there was any compelling reason to make further amendments to the Impact fee Ordinance other than to add what was needed for the Housing Authority. Council Member Mosher thanked Doug for taking the time to look at the report in detail and questioned if Stephen Zollinger felt the document was defensible in court. It was questioned as to if a resolution could be added in the future regarding a “refund process for affordable housing.” This would remain an administrative issue and would require an agreement between the builder and the Housing Authority for a reduction in impact fees.

Council Member Powers stated he liked the way the document was drafted at this point. Council Member Mosher felt the amount of homes that are being built under the affordable housing criteria were low at this time. Stephen Zollinger stated that builders were getting a density bonus for creating affordable housing through the Planning and Zoning Ordinance. Doug stated that the housing information could be changed in the future. At this time, it was felt that housing was “not taking off right now.” Council members Powers and Jones agreed that the above information could be left out of the document.

Council Member Powers made a motion to approve Ordinance 294-08, the Development Impact Fee Ordinance, as discussed with a fee level set at 50% of the allowable and the fees to become effective 30 days from the date of adoption. Council Member Mosher seconded the motion. The motion passed unanimously.

Council Member Mosher made a motion to have the Finance Administrator, Amy Smith, administer the CIP ordinance. Council Member Powers seconded the motion. The motion passed unanimously.

PLANNING AND ZONING REPORT

300 Main Development Agreement

Doug presented information to the Council. He stated the agreement was standard to what was usual. However, there was a special condition with regards to the sewer. “The Developer will replace the existing gravity sewer line within the property with a 12” gravity sewer line and associated manholes and reducer, as show on the Improvement Plans, in exchange for a reduction of future sewer interceptor fees by the amount estimated to be expended by the Developer on said line replacement, as shown in Exhibit ‘C’”. Doug stated the Developer would be “paid back” with reduced impact fees because the water service would be upgraded. Mark Rockefeller added that the reason behind the increased water line was due to increased growth in the Valley. He reminded the Council that he also contributed funds to the Water Study.

Council Member Powers questioned the connectivity to adjacent properties if the roads were to be privately owned. Mr. Rockefeller responded, stating that the roads within the

development would be privately maintained but publicly designated. He continued to state that snow would be removed from the development and taken off site.

Council Member Dye inquired about the hours of operation during construction. Doug stated that currently there were no restrictions regarding construction hours. Council Member Dye felt the hours should be 7am to 6pm and not on Sundays. Stephen Zollinger questioned who was "being protected" and that unless there was a reason to reduce hours, those in the area should expect construction noise. Jared Gunderson stated that there would be times when utility construction would need to take place on Sundays, as it was the day with the lowest use. Mr. Rockefeller stated that due to weather and limited daylight, the more strict construction hours were, the longer the construction would take to complete. Zollinger felt that hours of operation should be left out of the agreement and if there was an issue it could be addressed under "disturbance of the peace." He concluded by stating that atypical hours were "unreasonable" and could be an "argument for court." Mr. Rockefeller felt the original hours were reasonable as it gave him something to take to bidders.

Council Member Jones made a motion to approve the Development Agreement for 300 Main as presented. Council Member Powers seconded the motion. The motion passed unanimously.

PUBLIC WORKS REPORT

Jared Gunderson stated that he would like to be able to allow the CART bus employees to use space at the Public Works building. At this time they are working out of the buses and don't have a place to do paperwork. This would be a temporary place and Jared would supervise the activity.

Council Member Mosher made a motion to allow CART services to use an interior area of the shop under supervision of the Public Works Supervisor through the winter. Council Member Jones seconded the motion. The motion passed unanimously.

Discussion of Water Study

Jason Linford of Sunrise Engineering presented a PowerPoint presentation to the Council. He stated the study was to ensure the City of Driggs had enough capacity. Information in the study was based off of use from August 2007. Because of the excess water rights, there was "some room to grow," Linford said.

Future water rights, water sources, water storage and water distribution were discussed. Stephen Zollinger questioned if the peak day took into account the peak time demand. For example, he said, during the mornings it would appear to have a higher demand than in the afternoons. Council Member Powers also questioned if the water storage occurred when "none of the generators are working."

Linford discussed his recommendations, which included no longer allowing people to shut off their water without being charged the monthly rate. He felt the base rate should be paid year around and that the charge for overage use should be increased. He felt if

the City would "show users how much water they use and how much they would be charged for a month," it might encourage a reduction of water usage.

Linford concluded the discussion by stating that he would have a user rate analysis and new connection fees to present to the Council in November.

MAYOR'S REPORT

Mayor Louis Christensen stated that Eric Miller had resigned from the Urban Renewal Board due to a work transfer. He has since met with Tracy Silver of Coldwell Bankers. Tracy has previously worked with Urban Renewal Agencies and has experience.

Council Member Powers made a motion to approve Tracy Silver as a new member of the Urban Renewal Board. Council Member Mosher seconded the motion. The motion passed unanimously.

Stephen Zollinger stated the agreement for the Scenic Byway between the three agencies had been finalized. Therefore, construction might begin in the near future on the north end of the City Hall building.

EXECUTIVE SESSION

Council Member Mosher made a motion to go into executive session at 10:23 p.m., pursuant to Idaho Code 67-2345, subsection f. Council Member Dye seconded the motion. Schuehler took a roll-call vote: Dan Powers, aye; Greer Jones, aye; George Mosher, aye; and Colin Dye, aye. The motion carried unanimously.

The Council came out of executive session at 10:42p.m.

ADJOURNMENT

Council Member Mosher made a motion to adjourn at 10:42 p.m. Council Member Powers seconded the motion. The motion carried unanimously.

ATTEST:

Sonnie Adams, City Clerk

Louis B. Christensen, Mayor