

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
NOVEMBER 5, 2009**

Pursuant to adjournment of the City Council meeting held October 20, 2009, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday November 5, 2009**, at 7:00 p.m. A roll call was taken and present were council members: George Mosher, Dan Powers, Greer Jones and Colin Dye, Mayor Louis Christensen, City Attorney Stephen Zollinger, Planning and Zoning Administrator Doug Self, and Public Works Director Jared Gunderson. Mayor Louis Christensen led the Pledge of Allegiance.

**MINUTES TO REVIEW**

Council Members reviewed the minute from the previous City Council Meeting. Council Member Jones voiced a correction to the minutes.

**Council Member Mosher made a motion** to approve the minutes of the October 6, 2009 City Council Meeting. Council Member Jones seconded the motion. The motion passed unanimously.

**CLAIMS REVIEW**

Council members reviewed the claims.

**Council Member Jones made a motion** to approve the claims as presented dated October 21, 2009 through November 5, 2009. Council Member Mosher seconded the motion. The motion carried unanimously.

**CANVASS THE VOTES – CITY CLERK**

Sonya Adams presented an abstract of the votes for the General Election held on November 3, 2009. Daniel J. Powers was elected as Mayor with 187 votes, George R. Mosher III was elected as Council Member with 166 votes and Greer R. Jones was elected as Council Member with 162 votes. The number of electors was 220, and the number of absentee votes was 43, with the total number of votes at 263. The number of registered votes in the City of Driggs is 722 with a percentage of 36.43 of the voters participating in this election.

**MAYOR’S REPORT**

Teton Arts Council has applied for a beer and wine license for their auction and art program.

**Council Member Mosher made a motion** to approve a special request for a one-day beer and wine application for an event being held at the Senior Center. Council Member Powers seconded the motion. The motion passed with a majority in favor.

**DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE REPORT**

Doug began the report stating that the Development Impact Fee Advisory Committee was a required entity for any government that had or would adopt impact fees in Idaho. He continued to state that the Committee had identified several areas where updates and modifications appear warranted. The Committee recommended that the City Council direct the Planning and Zoning Commission and Staff to prepare updates to the population, housing and floor area data elements. The Committee will then proceed with preparing more detailed recommendations for amendments to the Capital Improvements Plans and Impact Fee Ordinance. Because of the “downturn,” Doug reported there would be changes to the population. In the Capital Improvement Plan for Streets, the parking may be removed if the Urban Renewal Agency had the funding and commitment to provide parking as stated in their plan.

Doug stated the Council had reduced the impact fees by 50% and the Committee was “keeping that in mind” and trying to only collect fees for what would be essential. He stated there would be a new countywide Fire Capital Improvements Plan that would also affect the impact fees for Driggs. There are considerable changes in the park CIP with dedications being added and reversed. Doug suggested the City “get away from the standard that there should be a number of park acres per a certain number of residents.” Doug felt there were different services levels that could be assigned to the different types of parks the City had.

**Council Member Powers made a motion** to accept the report from the Development Impact Fee Advisory Committee and approve the recommendations. Council Member Jones seconded the motion. The motion passed with all in favor.

#### **PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT – 1000 EAST NEIGHBORHOOD PLAN/FUTURE LAND USE**

Doug stated the Planning and Zoning Commission held a public hearing and recommended approval of the Comprehensive Plan Amendment as written. He explained the decision to do this began with residents coming in from the neighborhood and asking what could be done. The Commission had several work sessions to determine how this area could provide a transition to what was currently developed and still become a vibrant neighborhood where people wanted to live and work.

Doug explained the subject area, the Neighborhood Vision and the Neighborhood Goals as stated in the amendment. He explained the six different zones that were being created for the area. He stated that in the Mixed Use Residential zone there was a lot of discussion to define the last sentence, “The highest densities should be closest to the Mixed Use Employment zone.”

Doug explained the findings in relationship to the current Comprehensive Plan stating there were areas that were supported and areas that were not supported in the plan. The supported information included the desire to have estate residential in the area due to the lack of city services. He stated it might not be supported by the public facilities chapter, which stated the city should not extend services to the area. There may be a limit to what could be utilize by private wells. Other areas that would support the change would be the

housing chapter, the natural resources chapter, the transportation chapter and the economic development chapter.

Doug stated the concerns voiced at the Planning and Zoning Work Sessions. The neighbors wanted to see a more explicit gradient of density under the Transfer of Development Rights (TDR) program, keeping the higher density further to the north and stepping down as it went further to the south.

The uses for each zone had been discussed, but at this time would be approved separately. Doug also stated there was question as to if the east side of 1000 E could be included in the Area of Impact. However, the neighborhood did not want to “stall this process” to what for that change to take place.

Council Member Jones questioned how the employment area was created. Doug stated it began with the boundary of Driggs Centre Business Park and wanted to have a possible road line up that would split the employment and neighborhood commercial areas.

Council Member Powers questioned if there was a plan to annex this area. Doug stated it would not be in the City’s best interest to annex the neighborhood unless development in the area was to move forward. If the area were annexed, the City would be committed to providing water services. Council Member Powers also questioned if there was a possibility of maintaining a public access belt along the creek. Doug replied stating that access was supported in the amendment and would require all development to remain out of the floodplain area and provide open space along the creek corridor.

Mayor Louis Christensen opened the Public Hearing at 8:01pm.

Gary Born spoke in favor. He stated that he was in favor of the amendment because of the current zoning and the businesses that were already in the area. He stated he “did not want to live there any more.” He did not feel that residential zoning for his property was feasible and felt the “County did poor planning” for the area.

Greg Sutton spoke in favor. He stated that across from his property was zoned M1 which “went against the County’s Comp Plan” and now, he stated, there was no buffer from that zone. He felt the proposed amendment fit the neighborhood and was the best transition for the area. He was concerned that the county would not approve the plan because he felt it went “against their proposed plan.”

John Courtney spoke in favor. He stated he wrote a letter regarding the density in the mixed-use residential zone. He wanted to have the density step down and be the densest closer to the north of the zone and less dense further south. He stated this was discussed at the Planning and Zoning Commission meeting but was never included in the motion.

Andy Olerud spoke in favor of the amendment. He stated he concurred with John Courtney and wanted to “see the density step down.”

Lindsey Asselin spoke in a neutral position. She wanted to know what options she had in her area and wanted to know if a road was going to run in the front of her property. Council Member Powers stated that there was no road shown on the map at this time. Doug explained the type of business Ms. Asselin would be allowed to have on her property and stated that eventually there would be a road in front of her property “because we have to have roads to live” and any road planning would be discussed at a later time when development began.

Reed Dayton spoke in a neutral position. He stated that he hoped the City “would fight for us with the County. You are going to be our voice,” and he wanted the Council do what the citizens had asked of them. He did not want the new amendment to take away or minimize any use on his property. He stated he bought the land to have certain uses and didn’t want to lose the ability to develop, as he desired. He stated he was “asking you to help me protect my property with the county.”

Anna Trentadue spoke in a neutral position. She stated that she felt this was a positive experience, but was worried that the intended uses may change over the years if they were not developed at this time. She did not want to see the zoning established “after the fact” and people not be aware of it.

Paul Gilroy spoke in a neutral position. He stated that he was concerned about the plan but “admired the thought and effort then went into this.” He further stated he bought his land with the security of the traditional uses and was concerned with putting a public access along a wildlife corridor.

Mayor Louis Christensen closed the Public Hearing at 8:45pm.

Doug Self responded stating, “Reed Dayton’s situation could be solved by applying for a text amendment.” He felt that Paul Gilroy’s comments about keeping recreation out of the wildlife corridor were supported by the City.

Mr. Self stated that the recommended zones “were not absolute” and that the receiving area could be defined better. Council Member Mosher stated that with the Land Use Map, boundaries are not clearly defined but are more of a “suggested area line.” He further stated that he did not want to “take away property rights.”

Council Member Powers thanked the community for working on the plan. He questioned if encouraging development in this area was the best idea since the downtown area was struggling to keep businesses. Doug replied stating that it could be put in the Comprehensive Plan that the commercial zoning shouldn’t be provided until there are a certain amount of rooftops in the area. However, he felt that would happen on it’s own as a developer would not want to build if there was not enough traffic. Also, stated was that most businesses that would be placed in this area would be businesses that the City did not want to see in the downtown area. Doug concluded by stating that the cost of putting infrastructure in would deter new businesses for several years.

Doug read the residential dispersed definition on the amendment and stated that one-acre parcels should be addressed there. John Courtney retorted stated that the Council was “dealing with Reed’s issue and he should do that on his own” through a planning and zoning application.

Discussion of the receiving area began and was determined that the south boundary of the receiving area for the transfer development rights should be parallel with the south boundary of the commercial neighborhood.

**Council Member Mosher made a motion** to approve the Comprehensive Plan Amendment for the 1000 East Neighborhood with the change of moving the south boundary of the receiving area for the transfer of development rights to the south boundary of the NHD-1 Commercial area zone. Council Member Powers seconded the motion. The motion passed with all in favor.

#### **PLANNING AND ZONING REPORT**

Mr. Self stated the Energy Efficiency and Conservation Block Grant was released and would allow for energy efficiency in government buildings and/or street lights, among other things. He stated the application would be due December 18 and would like to submit it to improve energy efficiency in this City building. Mr. Self also stated he was working on a grant for Johnson Avenue and would need to develop a 5-year Capital Improvement Plan.

#### **PUBLIC WORKS REPORT**

Jared Gunderson gave a report on the Hazard Mitigation Conference he attended in Maryland.

Mr. Gunderson was concerned with the proposed water rates and felt the City Council should schedule a work meeting. He suggested that more information be released to the public and a work meeting was scheduled for November 12, 2009 at 6:30pm.

Mr. Gunderson stated that a lot of patchwork was being done and that the lights at the Skate Park would be up soon. Scott Smith was building the BMX Park and had begun the work.

Notices have been given to property owners regarding the dumpster on Wallace. Mr. Gunderson will have the sheriff issue a citation if no further action by the property owners is made to remedy the situation.

Mr. Gunderson explained that both screens were installed at the lagoon and that some of the expense in the claims was to maintain the existing screen. He further explained that the new screen would handle up to 2 million gallons a day.

#### **EXECUTIVE SESSION**

**Council Member Mosher made a motion** to go into executive session at 9:45pm pursuant to Idaho Code 67-2345(f). Council Member Dye seconded the motion.

Schuehler took a roll-call vote: Dan Powers, aye; Greer Jones, aye; George Mosher, aye; Colin Dye, aye. The motion carried unanimously.

The Council came out of executive session at 9:58pm.

**ADJOURNMENT**

**Council Member Powers made a motion** to adjourn. Council Member Jones seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:00pm.

ATTEST:

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Sonya Adams, City Clerk

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Louis B. Christensen, Mayor