

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
FEBRUARY 17, 2009**

Pursuant to adjournment of the regular City Council meeting held February 3, 2009, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, February 20, 2009**, at 7:00 p.m. A roll call was taken and present were council members: Greer Jones, George Mosher, Dan Powers and Colin Dye, Mayor Louis Christensen, Public Works Director Jared Gunderson, and Planning and Zoning Administrator Doug Self and City Attorney Stephen Zollinger. Mayor Christensen led the Pledge of Allegiance.

MINUTES TO REVIEW

Council Members reviewed the minutes. Council Member Powers and Council Member Mosher voiced corrections

Council Member Mosher made a motion to approve the minutes of the February 3, 2009 City Council Meeting with the stated corrections. Council Member Powers seconded the motion. The motion carried unanimously.

CLAIMS REVIEW

Council members reviewed the claims. The Council Members requested a detailed report regarding propane use for each of the city buildings, as well as the amount that was reimbursed to the City from the Senior Center.

Council Member Mosher made a motion to approve the claims as presented dated February 4, 2009 through February 17, 2009. Council Member Dye seconded the motion. The motion carried unanimously.

Amy Smith-City Budget

Amy reviewed the budget. She began by stating that the general revenue fund was within the budget at this time, even with the 10% reduction in state funds and the decrease in building permits. She stated that if property taxes were not paid as predicted, that might potentially affect the budget. However, at that time, the fiscal year would be over half completed. She stated there was "some cushion" if the revenue decreased as improvements that did not have to be acted on at this time, were in the budget.

The Resort Tax Fund is "in the rebuilding phase after the Ross project." She recommended that the Council "do some long range planning for projects in the future." Council Member Mosher questioned if property tax funds could be contributed to the street fund. Amy responded by stating that it could for certain improvements and purchases for city streets.

Water and sewer revenues were lower than expenditures due to several debt service payments that were made in November. Insurance was also paid, causing funds to be lower. Connections are down and Amy stated that any large project the Council wanted to pursue could be paid for out of the reserve funds.

PUBLIC HEARING – ZONE CHANGE FROM ADR 0.5 (AVERAGE DENSITY RESIDENTIAL) TO R1 (SINGLE AND TWO FAMILY RESIDENTIAL) FOR LOT 10 AND LOT 17B IN ASPEN MEADOWS SUBDIVISION AS SUBMITTED BY SKI HILL ROAD, LLC – 7:20PM

Doug Self presented information to the Council regarding this application. He stated the application had been heard by the City Council and was remanded back to the Planning and Zoning Commission to consider a conditional zone change with a concept development plan. The Planning and Zoning Commission found that the proposal to doubled the density and would not conform to the current Comprehensive Plan. They considered a Comprehensive Plan Amendment and after hearing from the surrounding neighbors, felt it wasn't appropriate to increase the density at this time. The Planning and Zoning Commission recommended denial of this application.

The amendment to be added would have stated, "Density beyond half acre lots are not appropriate near the east edge of the area, where a transition to Estate Residential is desired, except on properties in the Aspen Meadows Subdivision that are within the Ski Hill Road Design Review Overlay, where density up to 4 units per acre should be allowed through conditional zone change and design review if they are found to protect mature vegetation, protect the privacy and character of existing lower density development on adjacent properties, and protect the scenic quality of the Ski Hill Road corridor through greater building setbacks, development clustering, landscaping and sufficient architectural standards."

Mayor Louis Christensen opened the Public Hearing at 7:35pm. There was no public comment and the Public Hearing was closed.

Council Member Powers made a motion to deny the zone change from ADR 0.5 to R1 for Lots 10 and 17b in Aspen Meadows Subdivision following the recommendations from the Planning and Zoning Commission. Council Member Mosher seconded the motion. The motion passed unanimously.

PUBLIC HEARING – WASTEWATER TREATMENT STUDY – 7:30PM

Bob Norton and Suzanne Gava from Nelson Engineering, presented information to the Council. Suzanne stated the Public Hearing would be regarding the environmental portion of the study, which was required in order for DEQ to release the final funds.

Council Member Mosher requested a brief description of Chapter 2, the environmental section. Suzanne stated it was an environmental review of the treatment plant and the impact it had on the wetlands, species, and land. She stated the study showed there was no impact on wildlife and stated there would only be "typical disturbance" to the land with general construction.

Mayor Christensen opened the Public Hearing at 7:40pm. There was no public comment and the Public Hearing was closed.

Council Member Mosher made a motion to approve Chapter 2 of the Wastewater Treatment Study. Council Member Jones seconded the motion. The motion passed with all in favor.

APPEAL FOR DESIGN REVIEW DENIAL OF DRIGGS CINEMA AS SUBMITTED BY BRUCE SIMON – 7:40PM

Bruce Simon presented information to the Council. He explained the location of the project and the details, which consist of 5 cinemas with retail stores. Bruce felt “very strongly” that the parking for the retail stores should be “auto urban dependent” enabling vehicles to get in and out of the center more efficiently. He further stated that the cinema could “survive” without parking near the highway because it was “destination oriented.” Every advantage possible was needed, he stated, in order to “sell” his idea to investors during the economic downfall.

Bruce reminded the Council that the subject was regarding the site plan and not the architecture of the building. He felt that all design requirements could be met outside of the placement of the building. He stated that current regulations required the building to be placed close to the highway with parking in the rear and he felt this was an error for this area.

Bruce presented a few alternatives to the Council. He stated there was a recommendation to “flip flop” the cinema and retail stores, moving the cinema to the south, closer to the overflow parking. He continued by stating there were several businesses that he felt did not survive due to the fact that parking was an issue. Council Member Powers rebutted stating there were also several examples with parking behind buildings that had thrived.

Bill Kellen, stated that he had built cinemas in several cities. He explained that the highway was a “safety factor” as cars tend to “slow down to view the marquee.” He also explained the interior design of the cinemas.

Council Member Jones stated the site plan with the cinema closer to the overflow parking appealed to him more so than the original proposal. Council Member Mosher questioned if Bruce would consider a compromise, further stating the future issues with the proposed truck route that would be along Johnson Avenue. Another site plan alternative was discussed. Stephen Zollinger stated there was “ample space” to develop the road to the standards needed for the truck route without requesting additional land from the applicant in exchange for a “compromise.”

Council Member Powers stated the “fundamental problem was that there was an ordinance that stated the parking should be in the rear.” Doug Self reminded the Council, “Everyone who has seen this plan has wanted to see it take off.” However, he continued, the standards, requirements, and the vision of the community should be taken into consideration. Having the parking in front of the building, “violates 9 different standards,” according to Doug. He continued to state the Council needed to make sure the objectives were met. “No where does it state a variance can be made for economic reasons,” he further stated and told the Council he felt they needed to change the

ordinances rather than granting an appeal. Council Member Jones felt it was “ridiculous” and Council Member Dye questioned how previous businesses were allowed to have parking in front of a building. Doug stated that there was such an “out cry” from the community regarding the business mentioned that the standards were developed.

Bruce stated the reason he was requesting the appeal was due to safety. He felt “putting the building on the street doesn’t make sense.” He assured the Council that the character would be developed by an architect and would be for the utmost quality.

Council Member Powers stated his biggest concern was having the building on the highway and he questioned how the applicant had planned on “dressing up the back of a building.” Bruce stated that if the Council “could wrap their head around his site plan,” a clock tower that had been proposed could be moved closer to the highway to assist in the aesthetics. Council Member Powers stated that if the design standards were “undermined” this time, it might cause problems with future applicants.

Doug stated there was “no cause for concern” regarding safety or the interference of the building in the line of sight on Johnson Avenue and Highway 33. Stephen Zollinger stated a variance could not be granted, as there were no geographical restrictions. The Council had the option to over-rule the design standards.

Council Member Powers stated that the design standards were not an ordinance and that the Council had a legal right to over rule the standards. However, he questioned if that was the “right thing to do.”

Stephen Zollinger stated there might be a potential problem with the water lines. The building may have to be set back to prevent a structure on top of these lines. It was not able to be determined with the plans the City currently had if this was the case. Zollinger further stated that the Council could table the application until the placement of the water line was determined. He recommended that Jared Gunderson mark the line and that the Council would then have the ability to accept the site plan if the line ran further back on the property.

Council Member Mosher made a motion to table the design review application until the next City Council meeting. Council Member Jones seconded the motion. The motion passed unanimously.

ELECTED OFFICIALS COMPENSATION – COUNCIL MEMBER DYE

Council Member Dye stated he researched various city wages for the Mayor and Council Member salaries. He had information from 12 towns for the Mayor’s salary and 8 towns for the Council Member salaries. He stated the average salary for a Mayor was \$26,179 and Council Members were \$7,229.

It was questioned as to if the City of Driggs needed to consider the Mayoral position as a part-time or a full-time position. Zollinger stated that most city’s have a Mayor that either worked 40 hours a week or at their own discretion. He continued to state that in

order to move forward, an ordinance would have to be developed and salaries could only be change in an election year.

Council Member Powers stated he felt the current Council Members salaries were appropriate for the “amount of work” that took place. He further stated that the Mayor’s salary might need to be increased. The Council should look at the budget to see if an increase was appropriate and then make the change, being consistent with the amount of work that was done.

PLANNING AND ZONING REPORT

Doug stated that Huntsman Springs was proposing to reduce the infrastructure bond by the amount owed to them under the Development Agreement for the sewer upsizing credit. This amounted to \$422,428. He explained that the city would hold the money instead of the bank. Stephen Zollinger stated, “There is no downside to that.”

Council Member Powers made a motion to allow Huntsman Springs to transfer the bond to the City in lieu of \$422,428. Council Member Jones seconded the motion. The motion passed unanimously.

PUBLIC WORKS REPORT

Jared Gunderson wanted the Council to be aware that if the water line on the proposed property for the Driggs Cinema Center was to be moved, there was also a pressurized sewer main that would have to be dealt with.

The City has received a temporary road grader from Pioneer to use until they are able to fix the City’s grader. He stated the property owners that plow snow from their driveways into the road are causing streets to “narrow up.” He would like something to be written in the fall newsletter regarding this to possibly reduce the problem for next year.

He stated due to the budget, the Public Works Department was cutting back on the repairs that were proposed. They will only do the repairs that can be done “in house.”

MAYOR’S REPORT

Mayor Louis Christensen stated that he had submitted an appropriations request for the sewer treatment plant through the Corps of Engineers. He further stated that USDA had a stimulus package as well.

He discussed the Complete Count Committee Program for the US Census Bureau, stating that this was an avenue to ensure the area is receiving a good count by educating people on the importance. Mary Lou Hansen at Teton County has volunteered to be the committee leader.

EXECUTIVE SESSION

Council Member Dye made a motion to go into executive session at 10:06pm pursuant to Idaho Code 67-2345(f). Council Member Powers 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 10:11pm.

ADJOURNMENT

Council Member Greer made a motion to adjourn. Council Member Mosher seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:12pm.

ATTEST:

Sonya Adams, City Clerk

Louis B. Christensen, Mayor