

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
MAY 20, 2015**

Pursuant to adjournment of the City Council meeting held May 5, 2015, and the call of the Mayor, the Driggs City Council met **Wednesday, May 20, 2015**, at 7:30 p.m. A roll call was taken and present were Council Members: Greer Jones, August Christensen and Wade Kaufman; Mayor Hyrum Johnson, City Attorney Stephen Zollinger, Financial Officer Carol Lenz, Public Works Director Jared Gunderson, Economic Development Director Doug Self, Building and Grants Technician Annie Decker, and Planning and Zoning Administrator Ashley Koehler. Council Member Mossman was absent. Council Member Jones led the Pledge of Allegiance.

APPROVAL OF MINUTES

Council Member Kaufman made a motion to approve the minutes from the City Council Meeting on May 5, 2015. Council Member Christensen seconded the motion. The motion passed unanimously. Council Member Jones abstained from the vote due to his absence at that meeting.

CLAIMS

Council Member Jones made a motion to approve the claims as presented from May 6, 2015 through May 20, 2015. Council Member Christensen seconded the motion.

The Council reviewed the claims.

The above motion passed with all in favor.

PUBLIC HEARING: HUNTSMAN LODGE PRELIMINARY PLAT AND PUD AMENDMENT

Ashley Koehler presented the Council with a summary and outline for the applications. She reviewed the Planning and Zoning Commission's recommendations for the preliminary plat. She reviewed the comments received, stating the majority of them were from property owners that were concerned about the proposed lodge being on the north end of the development. She further stated the commercial lots around the courthouse were different from the commercial lots around the lodge as those were specific to the resort functions.

Ms. Koehler reviewed the criteria for the applications. She requested the Council to determine a timeline for upgrading to an asphalt surface the portion of Woodland Star Drive and the adjacent pathway. She further stated in the annexation agreement, the pathway was to be paved by 2019. Ms. Koehler felt the road and the pathway should be tied together and therefore suggested the road be completed by 2019 as well. She referred to the Development Agreement, Section 14, which was specific to the phasing plan for the upgrade.

Ms. Koehler stated the Development Agreement should also include a provision that the dirt and rock piles to the north of the subdivision be re-claimed during the construction of the improvements on the lodge site. The developer had requested the condition be tied to the Certificate of Occupancy for the lodge rather than the subdivision so the material could be used during the construction. Ms. Koehler explained her concerns regarding that request stating there would be no enforcement to complete the lodge in a certain time period.

Ms. Koehler began discussing the intersection improvements and the requirements from Idaho Transportation Department. She stated any modifications or improvements required by ITD shall be at the owner's expense and must be completed before a certificate of occupancy for the lodge would be issued.

Ms. Koehler stated employee housing units should be constructed for employees of the lodge. She referred to the housing assessment conducted by Lodge Development, Inc. and stated the Planning and Zoning Commission and staff recommended identifying a number of units that must be completed, rather than where the housing should be located.

Ms. Koehler concluded stating she recommended the Council review the findings and conditions from the Planning and Zoning Commission.

Bob Ablondi, speaking on behalf of Huntsman Springs, presented further information to the Council. He stated the lodge site on the north end of the development and the hotel site on the south side would both benefit the area.

Mr. Ablondi further stated the rock and dirt piles would be used. Materials that were left would be graded and landscaped as proposed in the Development Agreement.

Mayor Johnson opened the Public Hearing at 8:30pm.

Alice Stevenson spoke against the PUD amendment in its current form as she felt it would have an adverse effect on public interest. She felt the original PUD was a benefit to the community but the amendment with the lodge on the north side was a detriment. She also wanted to see a location for employee housing be determined before the project was to move forward and suggested it be located to the downtown core.

Shawn Hill, from Valley Advocates for Responsible Development, recommended the Council remand the application back to the Planning and Zoning Commission as to receive the benefit of the public comments that were received after their decision was made. He further stated that requiring employee housing was a common process for other resorts in the region. He discussed the dirt piles on the north end of the development and stated he was concerned that only 25% of the fill would be used for the hotel and recommended that 100% of the pile be removed within a two year timeframe.

Mayor Johnson closed the Public Hearing at 8:47pm.

Ms. Koehler stated the original employee housing portion of the PUD was located in the county and if an amendment was to be made it would have to include Teton County. She further stated the employee housing units shown on the PUD were there before the lodge concept was developed and felt additional employee housing units should be added to another portion of the PUD.

Ms. Koehler stated the property owners did not submit comments for the Planning and Zoning Commission and they should be considered by the Council. She further stated that some of the comments were repetitive from comments received for the previous re-zone application.

Ms. Koehler felt addressing employee housing should be done with the Development Agreement and not with the PUD. Council Member Christensen felt a certain amount of employee housing should be complete before the lodge received a Certificate of Occupancy.

Mr. Ablondi stated while the specific comments were not addressed, the general concerns were discussed at length with the Planning and Zoning Commission. He further stated that employee housing was being addressed and Panorama International was aware of the need.

Council Member Jones felt the project must be close to completion in order to determine how much housing would be needed. He felt the dirt piles should be removed after all the material was used and concluded by stating he did not feel the application should be remanded back to the Commission.

Council Member Kaufman agreed and did not feel the application should be sent back to the Commission. He was concerned with the employee housing and felt the location could be addressed by the Council.

The Council discussed the pathway and road phasing and the intersection improvements and determined the staff recommendations in the Development Agreement were sufficient.

Discussion of the reclamation of the dirt and rock piles began. Council Member Kaufman suggested a reclamation plan be provided to ensure the piles were graded to an amenable range and to know what type of vegetation would be used. The Council determined a date of completion rather than tied it to the Certificate of Occupancy.

Employee housing was discussed and City Attorney, Stephen Zollinger, recommended the requirement and number of units of housing be connected to the PUD and not the lodge. He further suggested the PUD could be approved with a condition that the Development Agreement outlined the conditions discussed and those recommended.

Ms. Koehler reminded the Council a final plat and development agreement would come back to them at a later date for final approval. The preliminary plat was good for one year.

Council Member Jones made a motion to approve the preliminary plat and PUD amendment for the Huntsman Springs Lodge with the 12 Planning and Zoning Commission conditions. Council Member Kaufman seconded the motion. The motion carried unanimously.

HUNTSMAN LODGE SUBDIVISION WILL-SERVE REQUEST

Council Member Kaufman made a motion to approve the will-serve request for the Huntsman Springs Lodge Subdivision. Council Member Christensen seconded the motion. The motion passed with all in favor.

PUBLIC HEARING: WASTE WATER PRE-TREATMENT ORDINANCE 355-15 AND FOG ORDINANCE 356-15

Jared Gunderson stated he would ask the City of Victor to adopt similar ordinances in the future.

Mayor Johnson opened the Public Hearing at 10:24pm. There were no comments and the Public Hearing was closed.

Mayor Johnson stated no written comments were received and requested a minor change to the requirements of obtaining a registration.

Council Member Christensen made a motion to waive the rules and consider Ordinance #356-15 thrice read. Council Member Kaufman seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

Council Member Christensen made a motion to adopt Ordinance #356-15. Council Member Jones seconded the motion. The motion passed with all in favor.

Council Member Christensen made a motion to waive the rules and consider Ordinance #355-15 thrice read. Council Member Jones seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

Council Member Christensen made a motion to adopt Ordinance #355-15. Council Member Jones seconded the motion. The motion passed with all in favor.

CITY ENGINEER WORK ORDERS 32, 37 AND 38, NORTH/SOUTH PATHWAY

Carol Lenz questioned if another work order would come back for the construction because Work Order 32 was strictly for design. Mr. Self stated it would once funds were available. Ms. Lenz also stated the original proposal for Ross Avenue was for \$100,000

and questioned if the proposed budget was now \$80,000. Mayor Johnson stated that because wetland mitigation was not needed, the budget was reduced by \$20,000.

Ms. Lenz questioned if the budget for the pathway needed to be changed to add Work Orders 37 and 38. Mr. Self stated items would be removed and these new items would be added and remain within the budget.

Council Member Jones made a motion to authorize the Mayor to execute Work Order 32 for design services on the Ross to 750N Pathway. Council Member Christensen seconded the motion. The motion passed with all in favor.

Council Member Jones made a motion to authorize the Mayor to execute Work Order 37 and 38 for wetland delineation and permitting services on the north-south missing link pathway, Sections A and B. Council Member Christensen seconded the motion. The motion passed with all in favor.

REVIEW AND DISCUSS GENERAL PENALTY AMENDMENT TO DRIGGS CITY CODE TO INCLUDE CIVIL FINE OPTIONS

Mayor Johnson stated a proposal to add a civil fine option to the City Code. The Council reviewed the comments staff had regarding the ordinance.

The appeal process was discussed. Mayor Johnson stated he did not feel the Council should replace the hearing officers. Mr. Zollinger provided examples of how other cities chose appellant officers.

The ordinance would be scheduled for a future public hearing.

APPROVAL OF CONTRACT TO SELL BUILDING LOTS IN SHOSHONI PLAINS

Mayor Johnson tabled this discussion.

SUPPORT REQUEST: SHAKESPEARE IN THE PARK, DDCA

Mr. Self stated he was speaking to the Council on behalf of DDCA. He stated the event fee was \$2,000 with a total cost of \$2,650. However, the association anticipates a loss of over \$1,000 and requests a donation from the City Council.

Ms. Lenz stated \$750 was left in the budget for special events.

Council Member Christensen made a motion to give \$750 to DDCA for Shakespeare in the Park. Council Member Kaufman seconded the motion. The motion passed with all in favor.

STAFF REPORTS

Jared Gunderson stated he would like to take each Council Member, individually, to a site for a quasi-judicial matter that will be brought to the Council. He will schedule those times in the near future.

Mr. Gunderson discussed the project on the lift station at Creekside Meadows.

Mr. Self reviewed his staff report and answered questions.

MAYOR’S REPORT

Yellowstone Grand Teton Loop Economic Study had been concluded and the Mayor encouraged the Council to review the study.

EXECUTIVE SESSION

Council Member Kaufman made a motion to go into executive session at 11:00pm pursuant to Idaho Code 67-2345 for land acquisitions. Council Member Christensen seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

The Council came out of Executive Session at 11:14pm.

Council Member Jones made a motion to authorize Lillian Bowen to begin negotiations with property owners to secure the RPZ and OFA property as discussed. Council Member Kaufman seconded the motion. The motion passed with all in favor.

EXECUTIVE SESSION

Council Member Jones made a motion to go into executive session at 11:16pm pursuant to Idaho Code 67-2345 for legal matters. Council Member Kaufman seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

The Council came out of Executive Session at 11:45pm.

Council Member Jones made a motion to direct the Mayor to proceed with the last best offer pertaining to the Reid Rogers matter. Council Member Kaufman seconded the motion. The motion passed with all in favor.

ADJOURNMENT

Council Member Kaufman made a motion to adjourn. Council Member Jones seconded the above motion. The motion passed with all in favor and the meeting was adjourned at 11:46 pm.

ATTEST:

Kreslyn Schuehler, City Clerk

Mayor Hyrum Johnson