

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
MAY 6, 2014**

Pursuant to adjournment of the City Council meeting held April 29, 2014, and the call of the Mayor, the Driggs City Council met **Tuesday, May 6, 2014**, at 7:15 p.m. A roll call was taken and present were council members: Greer Jones, Ralph Mossman, August Christensen, Colin Dye, and Mayor Hyrum Johnson, Community Development Director Doug Self, Planning and Zoning Administrator Ashley Koehler, Public Works Director Jared Gunderson, Financial Officer Carol Lenz, and City Clerk Kreslyn Schuehler. Council Member Jones led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Council Member Mossman made a motion** to approve the minutes from the City Council Meeting on April 15, 2014 with the changes mentioned. Council Member Jones seconded the motion. The motion passed with all in favor.

**Council Member Mossman made a motion** to approve the minutes from the City Council Meeting on April 29, 2014 with the changes mentioned. Council Member Christensen seconded the motion. The motion passed with all in favor.

**CLAIMS**

The Council reviewed the claims presented.

**Council Member Mossman made a motion** to approve the claims as presented from April 16, 2014 through May 6, 2014. Council Member Jones seconded the motion. The motion passed with all in favor.

**BEER AND WINE LICENSE FOR LOCAVORES EVENT THROUGH DDCA**

**Council Member Mossman made a motion** to approve the Beer and Wine License for the Locavores Event on May 16, 2014. Council Member Christensen seconded the motion. The motion passed with all in favor.

**ANIMAL CONTROL AND CODE ENFORCEMENT**

Council Member Mossman spoke to the Council and requested the City of Driggs submit a letter of support for county wide animal control efforts, including a \$10 fee per household. He further requested the City entertain the option of providing additional funds at a future date.

Council Member Dye stated his concern for charging every household, regardless of if they were pet owners. Council Member Mossman stated the fees would be to ensure safety from stray or dangerous dogs for all citizens.

Council Member Christensen stated she agreed with the idea for an animal control officer and liked the idea that the position could be combined with code enforcement.

Stephen Zollinger, City Attorney, requested the Council allow him to research the difference between a fee and a tax. The Council agreed to revisit the item at a later time.

**7:30 PM – PUBLIC HEARING – HUNTSMAN SPRINGS PRELIMINARY PLAT REVIEW**

Ashley Koehler spoke to the Council and explained the application being proposed was to re-plat and vacate a portion of the existing plat within Huntsman Springs. She stated this would include modifying 15 residential lots and reducing the density by 4 lots, removing 10 acres of right-of-way that was maintained by the city and removing parks, creating a private open space.

Ms. Koehler reviewed the written comments received. However, she stated most were in regards to the park exchange and should be captured when discussing that topic. She further stated the Council should finalize the exchange before the final plat was approved.

Ms. Koehler reviewed comments and recommendations from the Planning and Zoning Commission and stated most conditions noted could be addressed within the Development Agreement and/or the CCR's for the Planned Unit Development.

Bob Ablondi, from Rendezvous Engineering, spoke to the Council. He explained the pathway and sidewalk connections and stated building a portion of the Harper Avenue connection did not make sense to the applicant as the future of that road was not determined. He further stated obtaining an easement for the road was agreeable, but continued to state building the entire connection at once versus a portion of it made more sense and was more cost effective.

Mr. Ablondi stated changes to the Development Agreement could be worked out with the staff. The applicant was comfortable with the recommended setbacks, according to Mr. Ablondi. He concluded by stating the wetland delineation would begin as soon as there was enough vegetation in the area.

Mayor Johnson commented on the recommendation to not have more than three garage doors in a row. Mr. Ablondi felt it made sense to have the requirement on Primrose Drive only.

Mayor Johnson stated Huntsman Springs had been very good to work with and had tried to accommodate concerns throughout the process. He further questioned the reasoning behind requiring the Harper Avenue extension. Ms. Koehler stated it was an important part of connectivity and ensuring that it would take place in the future.

Mayor Johnson opened the Public Hearing at 8:24pm.

Anna Trentadue, from Valley Advocates for Responsible Development, spoke in a neutral position. She stated she supported the idea of a re-plat and if successful it would bring revenue and people to the valley. She encouraged the connectivity to the city and felt signage was very important to inform the community what areas would be private.

She supported the recommendation to have a maximum of three garage doors in a row and felt the Harper Avenue access should be secured.

Bob Fitzgerald spoke in a neutral position. He questioned the security to ensure the private areas remained private and asked who had the ultimate authority to determine those that could use the open space.

Mayor Johnson closed the Public Hearing at 8:33pm.

Council Member Christensen stated the connection to Main Street should be obtained before approval. Council Member Jones did not feel it made sense to require a road to be developed that did not connect at this time. Todd Woolstenhulme, from Huntsman Springs, stated property owners within the area were open to provide an easement for Harper Avenue. He further stated that until the re-plat was approved, the applicant did not want to move further on obtaining the easement.

Max Woolstenhulme, property owner, spoke to the Council. He stated he would love to see a connection, which would be through a part of his property, but didn't want to have a portion of a road developed that did not connect to Main Street.

Mayor Johnson was concerned with the requirement for no more than three garage doors in a row and felt it should be less. Todd Woolstenhulme stated it would limit the flexibility for design if the requirement changed.

**Council Member Jones made a motion** to approve the Huntsman Springs re-plat with the following conditions: The removal of the 3.35 acres of public city-owned parks must be approved by the City Council, per future review, public hearing, and approval of a land exchange or sale, the PUD Master Plan be amended to match the city walk proposal, an amended Development Agreement be submitted with the Final Plat to address ownership and maintenance of roads, parks, open space, and lighting ,Huntsman Springs shall construct the Harper Ave extension to Hwy 33 when the right-of-way is acquired by Huntsman Springs or the city. The Harper Ave extension shall be a public street, detailed improvement plans be submitted with the final plat and approved by service providers including locations and dimensions of sidewalks, curb/gutter/ utilities, and a cluster box unit, a phasing plan be identified in the Development Agreement for completing improvements and infrastructure, the following setbacks be shown on the plat and reflected in the proposed building footprints:

- a. Front: 10', Porch: 5', Garage: 20' (Facing Woodland Star Dr or Primrose St)
- b. Front/Rear/Side: 0' (Facing Central Park)
- c. Side: 7'
- d. Front/Rear/Side: 10' (Facing alley),

and no more than three (3) garage doors in a row shall face Primrose or Woodland Star Dr. Council Member Dye seconded the motion. The motion passed with all in favor.

**8:00PM – PUBLIC HEARING – HUNTSMAN SPRINGS ANNEXATION**

Ms. Koehler stated the applicant was requesting to annex 136 acres of the Planned Unit Development (PUD) into the city. She reviewed the public comments received and stated Teton County would like the entire PUD to be in one jurisdiction to streamline the review process for future development. She also stated they were concerned the current proposal did not follow existing property boundaries.

Ms. Koehler reviewed her staff report and stated the recommended zone was MUR-1. She stated the applicant did not want to annex the golf course to avoid property taxes. She further stated the city would benefit from impact and building permit fees. A timeline for annexing of the rest of the property was reviewed. She concluded by reviewing the cost analysis and staff recommendations.

### **EXECUTIVE SESSION**

**Council Member Dye made a motion** to go into executive session at 9:09 pm pursuant to Idaho Code 67-2345(f). Council Member Mossman seconded the motion. A roll-call vote was taken: Council Member Christensen, aye; Council Member Jones, aye; Council Member Dye, aye; Council Member Mossman, aye. The motion carried unanimously.

Council came out of Executive Session at 9:12pm

Mayor Johnson stated Council could only consider the annexation boundary that was noticed for the Public Hearing.

Bob Ablondi spoke to the Council. He stated the applicant was agreeable to include the Heron Court cul-de-sac and the 1.15 acres of pasture land. He concluded by stating the changes to the annexation agreement were also approved by the applicant.

Mayor Johnson opened the Public Hearing at 9:21pm.

Anna Trentadue, from VARD, spoke to the Council in a neutral position. She stated she was in support of the annexation but wanted to encourage the city to move forward with annexing the other portions of Huntsman Springs as soon as possible. She further reminded the Council that the city was not collecting the property tax on the land but was receiving the impacts.

Jason Boal, Teton County Planning and Zoning Administrator, spoke to the Council. He felt Huntsman Springs was asking the city to annex the minimum area only to get space for a future hotel and to avoid paying property tax. He stated boundaries should be straight lines and reviewed the purpose and reasoning for annexation, which he stated was to ensure “orderly development of Idaho cities.” He felt the entire PUD belonged in the city limits and encouraged the Council to make the timeline for future annexation shorter.

Bob Fitzgerald spoke and reiterated Mr. Boal’s points.

Mayor Johnson closed the Public Hearing.

Mr. Albondi spoke to the Council and stated he was concerned with the language in the Annexation Agreement, asking the words “or building permit” to be eliminated. Ms. Koehler stated she was in agreement of the proposed change.

**Council Member Mossman made a motion** to waive the rules and read by title only Ordinance 344-14 with staff recommendations and conditional on the Annexation Agreement. Council Member Dye seconded the motion. A roll call vote was taken; Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Dye, aye. The motion passed with all in favor.

#### **ANNEXATION AGREEMENT**

Council Member Mossman stated he was not in favor of the wording discussed because he felt it was too vague. He also would like the city to annex the rest of the property within 2 years.

Stephen Zollinger explained the agreement stated the City could annex at any time or that Huntsman Springs could annex within the time frame required.

Council Member Jones felt Huntsman Springs had “put a lot into the community” and felt the change to the agreement as discussed was acceptable. Mayor Johnson reminded the Council that both staff and Huntsman Springs had agreed to the recommended language and stated the City could initiate the annexation at any time.

**Council Member Jones made a motion** to approve the Annexation Agreement for Huntsman Springs with changes proposed and striking “or building permit” in paragraph 5. Council Member Dye seconded the motion. The motion passed with all in favor.

#### **ADOPT FY 2013 AUDIT**

Carol Lenz stated the final audit was distributed to Council at the last meeting and asked if there were questions.

**Council Member Christensen made a motion** to accept the Fiscal Year 2013 Audit. Council Member Dye seconded the motion. The motion passed with all in favor.

#### **INDUSTRIAL BUILDING LEASE – ROB DUPRES/CHASING PARADISE MEADERY**

Doug Self presented a lease to the Council for Suite 101A in the Industrial Building. He stated the tenant would move in as soon as the improvements, funded by the Gem Grant, were made. He further suggested the Council review the rate schedule and possibly shorten the terms. The Council agreed to make the change to this lease and all future leases.

**Council Member Mossman made a motion** to approve the lease agreement for Chasing Paradise Meadery with the change in rent for 1-2 years at 50% of the market rate, year 3

at 75% of the market rate and year 4 at 100% of the market rate. Council Member Jones seconded the motion. The motion passed with all in favor.

**CITY ENGINEER WORK ORDERS: SHORT STREET DESIGN, DEPOT STREET DESIGN, TRANSPORTATION CIP AND SHOSHONI PLAINS PARK – WEED CONTROL AND SEEDING**

Mr. Self explained the work order for Short Street and stated another order would be presented at a future date for the construction design. Additional costs would be incurred to solicit public comments and for survey costs.

**Council Member Mossman made a motion** to table Work Orders No. 21 and 22 until the next meeting to obtain more information and include all costs. Council Member Jones seconded the motion. The motion passed with all in favor.

Mr. Self stated Work Order No. 23 was reviewed and he and Mayor Johnson felt the majority of the work could be done among staff and therefore this work order was being withdrawn.

Mr. Self explained Work Order No. 24 which included weed control and seeding for Shoshoni Plains Park. Council Member Christensen and Council Member Dye questioned if a telephone call could be made to the County Extension Agent to obtain information on the correct seed.

**Council Member Jones made a motion** to approve Work Order No. 24 as presented. Council Member Mossman seconded the motion. The motion passed with all in favor.

**CHANGE ORDER NO. 1 – HK CONTRACTORS – SH33 PATHWAY PROJECT**

Mr. Self stated the change order would widen the gravel base under the asphalt by 6 inches on either side of the pathway. The increase funds would amount to \$1,280.

**Council Member Christensen made a motion** to approve Change Order No. 1 as presented. Council Member Dye seconded the motion. The motion passed with all in favor.

**STAFF REPORTS**

The Council agreed to change the next Council Meeting to May 21<sup>st</sup> due to the Elections. The next budget meeting would be changed to May 27<sup>th</sup>.

Mr. Self received a request from Cynthia Rose to purchase an ad in the Music on Main pamphlet in the amount of \$375 to advertise the opening of the Geotourism Center. Mr. Self stated the funds could be taken from the Economic Development budget.

**Council Member Christensen made a motion** to approve the request for \$375 for the Geotourism Center ad. Council Member Mossman seconded the motion. The motion passed with all in favor.

Mr. Self gave the Council an update on the Plaza project. He stated work would commence on May 12, 2014 and that the color of the concrete and shape of the river would change to reduce costs.

**MAYOR'S BUSINESS**

Mayor Johnson read a Thank You Note received from Teton Valley Trails and Pathways for the fuel for the Nordic Track.

Stephen Zollinger returned to the Animal Control discussion regarding fees versus taxes. He encouraged the Council to remove the last sentence from the Letter of Support to Teton County. The Council agreed.

**Council Member Christensen made a motion** to send the letter to the County regarding animal control. Council Member Mossman seconded the motion. The motion passed with all in favor.

**ADJOURNMENT**

**Council Member Jones made a motion** to adjourn. Council Member Dye seconded the above motion. The motion passed with all in favor and the meeting was adjourned at 10:35pm.

ATTEST:

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Kreslyn Schuehler, City Clerk

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Mayor Hyrum Johnson