

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
JULY 7, 2015**

Pursuant to adjournment of the City Council meeting held June 23, 2015, and the call of the Mayor, the Driggs City Council met **Tuesday, July 7, 2015**, at 7:30 p.m. A roll call was taken and present were Council Members: Greer Jones, Ralph Mossman, August Christensen and Wade Kaufman; Mayor Hyrum Johnson, City Attorney Stephen Zollinger, Public Works Director Jared Gunderson, Planning and Zoning Administrator Ashley Koehler, and Building and Grants Technician Annie Decker. Council Member Jones led the Pledge of Allegiance.

Mayor Johnson addressed those in attendance and apologized for the miscommunication with the General Penalty Ordinance 358-15. He further stated the proposed ordinance had no correlation with the draft Nuisance Ordinance that continued to be reviewed by the working group.

Mayor Johnson explained the process of revising the City Code and the reasons behind adding a civil penalty to the current general penalty chapter of the city code. He invited the community to submit questions that staff would answer to help alleviate confusion.

APPROVAL OF MINUTES

Council Member Jones made a motion to approve the minutes from the City Council Meeting on June 16, 2015 with a minor spelling change. Council Member Mossman seconded the motion. The motion passed unanimously.

Council Member Jones made a motion to approve the minutes from the Special City Council Meeting on June 23, 2015. Council Member Mossman seconded the motion. The motion passed unanimously.

CLAIMS

Council Member Mossman made a motion to approve the claims as presented from June 17, 2015 through July 7, 2015. Council Member Christensen seconded the motion.

The Council reviewed the claims.

The above motion passed with all in favor.

SHERIFF'S REPORT – SHERIFF TONY LIFORD

Sheriff Liford presented information to the Council regarding the activities within the city.

7:30PM – PUBLIC HEARING/POSSIBLE DECISION – ROGEL 2-LOT PRELIMINARY PLAT SUBDIVISION

Ashley Koehler stated this proposal was for a two lot subdivision east of 5th Street and south of the Public Works building. Ms. Koehler explained the reasons behind the need

for a subdivision application, stating the property recently went through a lot split process.

Ms. Koehler explained the applicant placed 58 of the 59.47 acres under a conservation easement which would preserve the open space in the area. She further stated the staff report explained flood plain, wetlands and dredging in more detail. She referenced the flood plain study in the report detailing a flood insurance rate map, which aids in determining where lots should be located.

Ms. Koehler explained the decision criteria the Council must follow and stated all local, state and federal agencies had been notified and their comments were attached and summarized in the staff report.

Ms. Koehler stated the Planning and Zoning Commission determined the land would be suitable for subdividing because conditions could mitigate impacts. They determined a 60 foot setback from the edge of the creek and a 20 foot setback from the 100 year flood plain would help to mitigate impacts on the natural environment. The building envelope for Lot 1 should be determined by a geomorphic assessment or study. The driveway for Lot 1 would cross the flood plain and therefore require a flood plain development permit. The Commission determined the hydrology could change prior to a building permit and may not be relevant at that time. Therefore, they required a plat note be made in regards to the requirements.

Ms. Koehler concluded stating the Council could also consider findings to deny the subdivisions due to the uncertainties and periodic flooding on the property. She also stated the City Council should review the use of a septic system versus sewer.

Jared Gunderson spoke to the Council and presented information from the Department of Environmental Quality Source Water Assessment and Protection and stated the Lion's Park well could be affected if a septic system was allowed in this subdivision. Mr. Gunderson explained an enhanced septic system and did not feel it should be allowed because of the risks to the city's water supply.

Mr. Gunderson explained the requirements for this subdivision to hook onto the city's sewer system, stating an 8 inch main line would need to run to lot 2 with back flow to lot 1 and a man hole at lot 2. This man hole would allow the system to be monitored to determine if the creek was infiltrating into the sewer system.

Gabe Rogel, the applicant, spoke to the Council via telephone. He stated Mike Dronen, with District Health, had approved septic system usage and he continued to be hopeful to use such a system. He further stated a preliminary plat for a similar layout was already approved by the Planning and Zoning Commission, including the location of lot 1.

Mayor Hyrum Johnson opened the Public Hearing at 8:51pm. There were no comments and the Public Hearing was closed. There were no other written comments submitted that were not included in the staff report.

James Price voiced concerns regarding the protection of the waters for those that were dependent on its resource.

Mayor Johnson reopened the Public Hearing for those wishing to comment regarding Mr. Prices' statements. There were no comments and the Public Hearing was closed at 8:54pm.

Council Member Mossman stated that if the Council didn't need to determine where the building envelope for lot 1 was to be located, it seemed the proposal could be approved with conditions.

Council Member Kaufman stated the application was unique and could not be compared with other subdivision along the creek. He felt building on "an island" added an inherit risk to the building owners and felt the Council should be careful in approval to make sure the risks and hazards were properly mitigated.

Council Member Jones voiced his concerns with contamination of the water source and the location of the building envelopes and wanted to ensure issues were resolved before approval.

The Council discussed the option of a bridge to access the southeast corner of the property. Ms. Koehler stated several agencies, as well as staff and the Planning and Zoning Commission, did not approve a bridge across the creek.

Council Member Mossman made a motion to approve the preliminary plat subdivision based on the findings and conditions from the Planning and Zoning Commission as listed in the staff report (see below) with the addition that a septic system was not allowed and that approval was not a guarantee there was a specific space on Lot 1 for a house to be built. Council Member Kaufman seconded the motion. The motion passed with all in favor.

Findings from P&Z that the subdivision is consistent with the Comprehensive Plan and Subdivision Ordinance if the conditions from P&Z, as modified by Staff listed below, are met and that the land has been found appropriate for subdivision per 10-6B-3 if a 60' creek setback and 20' floodplain setback is applied.

1. A detailed maintenance plan shall be included in the CC&Rs and/or Development Agreement to ensure upkeep and maintenance of the culverts in the subdivision.
2. The building envelope for Lot 1 shall be refined to avoid hazardous areas using results of the Teton Creek Geomorphic Assessment, which is currently being managed by Friends of the Teton River, or based on a hydrologist's study of the creek's stability at this location and recommendation for the most appropriate building envelope location.
3. A wetland delineation of the property contained in the building envelope for Lot 1 shall be submitted with the Final Plat.
4. The TRLT shall approve the building envelope for Lot 1.

5. A plat note shall be added stating that any development (grading, fill, culverts, driveways, bridges, etc.) in the 100-year floodplain requires a Floodplain Development Permit from the Driggs Floodplain Administrator.
6. Prior to the construction of the driveway to Lot 1 a Floodplain Development Permit application shall be submitted to the Driggs Floodplain Administrator that includes construction drawings designed and engineered and proven through a technical analysis that it can accommodate a 100-year flooding event, not cause a rise in the Base Flood Elevation, is permitted by the applicable federal and State agencies.
7. A plat note shall be added stating that any development in the floodway requires a “No-Rise Certification” that proves the development will not cause an increase in the floodwaters or Base Flood Elevation.
8. Construction drawings for the access road, including the culvert specification through the irrigation canal, shall be submitted at time of Final Plat to ensure compliance.
9. The Development Agreement shall include a provision to mitigate for the loss of any cottonwood tree habitat that is the result of the subdivision development.
10. A plat note shall be added that prohibits basements.
11. The Final Plat shall show an easement for the Price-Fairbanks irrigation canal.
12. The Development Agreement shall specify the waste water treatment method, indicating if lots are required to connect to the City sewer system or are exempt from the requirement. If exempt, then the Health District shall review and permit the septic system at time of building permit.

TETON VALLEY BUSINESS DEVELOPMENT CENTER – REQUEST FOR FUNDING 2016

Brian McDermott from the Teton Valley Business Development Center presented information to the Council requesting \$10,000, twice as much as requested in the past. He further explained the successes over the last year and those that have been helped from the centers efforts.

The Council would determine the request at the next budget planning meeting.

Council Member Mossman made a motion to discuss the Second Reading for Ordinance 358-15 at this time. There was no second and the motion died.

CONSIDER AMENDMENT NO. 4 TO JVIATION CONTRACT TO INCLUDE AN ENVIRONMENTAL ASSESSEMENT

Mayor Johnson explained the amendments were general work orders to change the scope of work to the Jviation contracts.

Council Member Jones made a motion to approve Amendment No. 4 to the Jviation contract. Council Member Mossman seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

CONSIDER AMENDMENT NO.5 TO JVIATION CONTRACT TO INCLUDE SNOW REMOVAL EQUIPMENT LOADER

Council Member Mossman made a motion to approve Amendment No. 5 to the Jviation contract. Council Member Kaufman seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

CONSIDER AWARD OF BID FOR AIRPORT RUNWAY REHABILITATION PROJECT

Mayor Johnson stated only one qualified bidder was received and the bid was below the engineer's estimate.

Council Member Mossman made a motion to award the bid to Straight Stripe in the amount of \$453,349.65. Council Member Christensen seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

RATIFY CONTRACT WITH MATKIN BROTHERS EXCAVATION FOR 5TH STREET WATERLINE EXTENSION

Mayor Johnson requested the Council to ratify the contract that was previously approved for the project.

Council Member Christensen made a motion to ratify the contract between the City of Driggs and Matkin Brothers Excavation. Council Member Kaufman seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

CONSIDER ADMINISTRATION & MANAGEMENT CONTRACT WITH ECIPTA (THE DEVELOPMENT COMPANY)

Mayor Johnson stated the contract was for the future water project and had been approved by all of the required State agencies and reviewed by legal counsel.

Council Member Mossman made a motion to accept the contract between the City of Driggs and the East Central Idaho Planning and Development Agency as submitted. Council Member Jones seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

CONSIDER RESOLUTION 304-15: IDAHO GEM GRANT APPLICATION FOR THE BUS STORAGE FACILITY

Ted Hendricks, from The Development Company, spoke to the Council and stated the Department of Commerce was considering a grant to help with the bus storage facility in the amount of \$50,000 and requested an authorizing Resolution.

Council Member Mossman made a motion to adopt Resolution 304-15. Council Member Christensen seconded the motion. The motion passed with all in favor.

CONSIDER AUTHORIZATION OF SUB-LEASE FOR INDUSTRIAL BUILDING TENANT CAST

Mayor Johnson stated CAST, a tenant in the Industrial Building, had an employee that developed a different product and would like to start reproducing that project and are requesting to sub-let a portion of the space to that employee. Mr. Self requested, in his staff report, that a condition be placed requiring the sublease per square foot rental rate be no more than the per square foot rental rate paid to the city.

Council Member Mossman made a motion to authorize CAST to execute a sub-lease with Louis Kalina for approximately 300 sf at the Driggs Industrial Building, with the condition that the sublease per square foot rental rate may be no more than the per square foot rental rate paid to the City. Council Member Christensen seconded the motion. The motion passed with all in favor.

CONSIDER CITY ENGINEER WORK ORDER NO. 41-A FOR W LITTLE STORMWATER DESIGN ALTERNATIVE

Mayor Johnson stated the staff and city engineer revisited the plans for the West Little stormwater design to ensure it was the best approach and determined if improvements should be made. He stated the funding for this work order could be absorbed by the credit from Work Order #2.

Jennifer Zung, from Harmony Design, explained the changes that would need to take place and the different types of drainage systems that should not require as much maintenance.

Council Member Jones made a motion to approve Work Order No.41-A as presented with an amount not to exceed 14,900. Council Member Mossman seconded the motion.

Council Member Kaufman stated he did not want to see the project go over the original budgeted amount.

The above motion passed with a majority in favor. Council Member Kaufman voted in opposition.

SECOND READING FOR ORDINANCE 358-15: GENERAL PENALTIES

Mayor Johnson requested the Council proceed with the second reading and incorporate any necessary changes from public concerns or questions before the third reading.

Council Member Mossman suggested moving the particular fees and fines amounts to the Fee Schedule Resolution.

Stephen Zollinger, City Attorney, explained to the Council the procedures and regulations for a Public Hearing and accepting input from the community at this stage.

Council Member Jones made a motion to consider Ordinance 358-15 second read with the changes mentioned to the Fee and Fine Schedule. Council Member Mossman seconded the motion. The motion passed with all in favor.

AMENDMENT OF AGENDA TO CONSIDER THE WORK ORDER WITH AQUA ENGINEERING

Mayor Johnson stated the application for the NPDES permit must be reviewed by an engineer and not the city's licensed operator as required by EPA. The application was due July 1, 2015 and was ready at that time. It is a not to exceed request for \$1000.

Council Member Mossman made a motion to amend the agenda to add the Work Order for the NPDES permit. Council Member Christensen seconded the motion. The motion passed with all in favor.

CONSIDER THE WORK ORDER WITH AQUA ENGINEERING FOR THE RENEWAL REVIEW OF THE NPDES PERMIT

Council Member Mossman made a motion to accept Work Order No. NPDES with a not to exceed amount of \$1,000. Council Member Kaufman seconded the motion. The motion passed with all in favor.

MAYOR'S REPORT

P&Z Commissioner Appointments

Mayor Johnson stated he appointed Douglas Ray to the Planning and Zoning Commission for a three year term.

Council Member Christensen made a motion to ratify the appointment of Douglas Ray to the Planning and Zoning Commission for a three year term. Council Member Mossman seconded the motion. The motion passed with all in favor.

ADJOURNMENT

Council Member Kaufman made a motion to adjourn. Council Member Mossman seconded the above motion. The motion passed with all in favor and the meeting was adjourned at 10:54 pm.

ATTEST:

Kreslyn Schuehler, City Clerk

Mayor Hyrum Johnson