MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
April 19, 2022

Pursuant to adjournment of the City Council meeting held April 14, 2022, and the call of the Mayor, the Driggs City Council met **Tuesday, April 19, 2022**, at 6:00 p.m. A roll call was taken and present were Mayor August Christensen, Council Members: President Jen Calder, Tristan Taylor, Miles Knowles, and Scott Stuntz; Development Director Doug Self, Planning and Zoning Administrator Leanne Bernstein, City Clerk Kreslyn Schuehler, Public Works Director Jay Mazalewski, Planner I Justin Mehlhaff, Planner I Allison Ahlert, City Attorney Sam Angell and Financial Officer Carol Lenz. Council Member Calder lead those present in the Pledge of Allegiance.

COMMUNITY INPUT
Vancie Turner voiced concerns about the visual barrier at the Teton County Road and Bridge location. She stated the property was part of the gateway to the community and, in her opinion, the requirements for screening had not been met.

CONSENT AGENDA
City Council Minutes 4/5/22
Claims 4/6/22-4/19/22
YTD Budget Summary FY 2022
Budget Calendar for FY 2023

Council Member Calder made a motion to approve the consent agenda. Council Member Stuntz seconded the motion. The motion passed with all in favor.

ZONE CHANGE – DRIGGS 1ST ADD, BLK 1, LOTS 1, 2, 4A
Mayor Christensen opened the public hearing at 6:10pm and asked the Council if there were any conflicts of interest. All, including the Mayor, reported none.

Mike Lien, presented information to the Council, stating the proposed zone change from RS-7 to RS-3, Single and Two-Family Residential, allowed for smaller minimal lot sizes. He felt the proposal fit better with what was being built in the surrounding areas. He concluded by stating with the zone change, two more homes per lot could be constructed and would be either long-term rentals or owner occupied.

Council Member Calder questioned if the current structure on the lot would be removed. Chuck Borrenpohl, owner, reported it would be.

Justin Mehlhaff, Planner I, presented information to the Council reiterating the rezone would allow for smaller lot sizes. The Planning and Zoning Commission recommended approval and there were no concerns from the Public Works Director or the Housing Authority. Mr. Mehlhaff reviewed the criteria from the Land Development Code and stated the application conformed. No public comments were submitted.

Council Member Knowles stated he felt the application was consistent with the Land Development Code and the Comprehensive Plan and appreciated that an older home was being replaced with several new ones.

Council Member Calder made a motion that Based on the finding that the proposed Zone Map Amendment complies with the approval criteria in Section 14.9.4 of the Driggs Land Development Code as outlined in this staff report, motion to approve the change in base zoning district for the identified parcels from RS-7 to RS-3. Council Member Knowles seconded the motion. The motion passed with all in favor.

Council Member Calder made a motion to waive the rules and read by title only, Ordinance #444-22. Council Member Stuntz seconded the motion. A roll-call vote was taken on the above motion: Council Member Calder, aye; Council Member Stuntz, aye; Council Member Taylor, aye; and Council Member Knowles, aye. The motion carried with all in favor.

Council Member Calder made a motion approve Ordinance #444-22 to change the base zoning district for the identified parcels from RS-7 to RS-3, an ordinance of the City of Driggs, Idaho amending the zoning map of the City of Driggs, Idaho and providing that the zoned designation of that certain property hereinafter described, situated in the City of Driggs, Teton County, Idaho, be changed as hereinafter designated; and establishing an effective date. Council Member Knowles seconded the motion. A roll-call vote was taken on the above motion: Council Member Calder, aye; Council Member Stuntz, aye; Council Member Taylor, aye; and Council Member Knowles, aye. The motion carried with all in favor.

PUBLIC HEARING – RIVERS WEST PRELIMINARY PLAT SUBDIVISION

Mayor Christensen opened the public hearing at 6:25pm and asked the Council if there were any conflicts of interest. All, including the Mayor, reported none, although Council Member Stuntz did report a member of the public approached him, but he did not pursue a conversation.

Gilmore Jenkins, with HLE, and Colby Hackbarth, owner of the property, presented information to the Council. Mr. Jenkins explained the property was located on the northwest corner of Booshway St and Ross Avenue, east of the high school, and would be constructed in four phases. He stated the intent was to have Phase 1, 2 and 3 be twin homes and individual lots, while Phase 4 would be 4-plexes, which would require a rezone at a future date.

Mr. Jenkins stated there was a total of 166 lots proposed and dedicated open space totally 5.76 acres with 7.12 acres of park space. The units for Phase 1 would face Booshway Street and Ross Avenue, requiring a shorter construction time because infrastructure was already in place, which allowed for the units to be available quicker and be more affordable, according to Mr. Jenkins.

Mr. Jenkins spoke regarding the traffic impact study and stated it was requested to include the surrounding 4 subdivisions in the study. He explained minimal impact would occur during Phase 1 of the project and the remainder of the study was still in process with continued analysis being obtained from the other subdivisions. The project would maintain the swales and stormwater plans would be submitted with future phases.

Mr. Hackbarth felt the project was cohesive to the existing community and wanted to include affordable housing to help provide solutions to the housing issues. The original proposal had 8

units specifically for affordable housing. However, he explained his intent was to immediately apply for a rezone to begin work on Phase 4, which included 4-plexes, providing more units to the community. He reminded the Council only the Master Plan and Phase 1 would be addressed at this meeting.

Council Member Calder questioned how many driveways would be accessed from the main streets. Mr. Gilmore stated there were 21 units with 12 approaches.

Council Member Miles asked if the traffic study included pedestrian uses in the area. Mr. Gilmore stated there was minimal pedestrian use and he did not have that data at this time.

Council Member Calder questioned the mentioned application for an immediate rezone in Phase 4. Mr. Hackbarth stated it was to complete the affordable housing portion and would be submitted within the next 30 days. If the rezone was granted, they would begin immediate construction in Phase 4.

Allison Ahlert, Planner I, presented the staff report information. She stated this hearing was for the preliminary plat application for Phase 1 and the entire Master Plan, explained each Phase would have to go through the preliminary plat approval process. She further explained the approval of a Master Plan did not create entitlement to build all of the phases because each phase would be subjected to the code at the time it was submitted for final approval.

Ms. Ahlert stated the Master Plan showed 166 lots in Phase 1, 2 and 3. Phase 4 had up to 10 four-plex apartments, which was not currently allowed without a rezone as mentioned by the applicant. She explained the recommended density for the area was 2-5 units per acre with a total of 200 units. If all units that were proposed were built, it would be a total of 206 units, slightly over the recommended density. She further explained that the RS-7 zone did not dictate a specific density.

Ms. Ahlert specified no public improvement plans had been submitted for Phase 4 and reminded the Council they would be approving the Master Plan without these details. She stated in Phase 1 and 2, attached homes would align Booshway Street and Ross Avenue with pedestrian walkways that broke up the blocks. She explained common areas were proposed, but improvement plans had not been received for those areas.

Ms. Ahlert stated the Council should consider the driveway accesses, park space and the twin-home "identicalness" in Phase 1. She stated the Transportation Plan restricted access on collector streets and should only be done when "absolutely necessary." The Public Works Director believed Phase 1 was not in conformance with the Transportation Plan and recommended an alleyway be created to access the lots internally. She further stated the attached homes and driveways proposed are similar to what was currently in the area. However, the adjacent subdivision was approved in 2006 with a different Comprehensive and Transportation Plan in place.

Ms. Ahlert stated the parks requirement for Phase 1 was .672 acres and the application was proposing .35 acres. The total parks requirement was 5.77 acres and the applicant was proposing over 6 acres within the entire project. She explained that because the Master Plan was approved, it did not mean the developer had to build all of it, and therefore the Planning and Zoning

Commission felt the parks requirement should be reached within Phase 1. Ms. Ahlert stated the applicant felt his proposal should be accepted, because overall there were trails established through the property. She concluded by stating there were no improvement plans submitted for this item.

Ms. Ahlert reminded the Council that proposed code amendments to create density bonuses were being developed, but had not come to the Council at this time. If adopted, the developer may be held to these standards in future phases and therefore he chose to pull the 8 units proposed for affordable housing. She further explained the city did not have regulations at this time to require the developer to provide affordable housing.

Ms. Ahlert explained there was no obligation for the developer to build out the rest of the proposed phases and, therefore, staff felt it was advisable to address all impacts and requirements with each phase and not as a whole project.

The city was requiring the developer to find and transfer water rights to mitigate the number of units in each phase. The city will allow the applicant to retain the amount required to maintain the dedicated open space and parks.

Mr. Ahlert summarized the discussion stating, the details for Phase 4 had not been provided and the Council could approve the Master Plan without those provided. She also stated the Master Plan should be approved but recommended the condition that a rezone was approved for Phase 4. Ms. Ahlert continued to review the potential conditions as presented in the staff report.

Council Member Stuntz questioned the park requirement and asked if there was a way to ensure the access for the winter trails was protected. Ms. Ahlert stated language of the sort could be added to a Development Agreement.

Council Member Calder stated she understood there were no requirements for affordable housing at this time. However, she questioned if she heard the developer when he indicated he was providing 8 units. Ms. Ahlert stated that offer had been removed from the proposal due to the possible density bonus amendments in the Land Development Code.

Council Member Calder questioned the water pressure in the area of this development. Mr. Mazalewski stated a full development model was done and it showed adequate water pressure and fire flow. He further explained the developer was asked to compensate the city with adequate water rights per units. He stated the wastewater services were able to accommodate Phase 1. Mr. Mazalewski concluded by stating the intersection of Ross Avenue and Booshway would be impacted significantly.

Council Member Knowles questioned why driveways were not compatible. Mr. Mazalewski stated both adjacent streets were collector roads and should not be used for anything else unless it was not feasible to do so. He believed there were other ways to access the lots with interior connections.

Council Member Taylor questioned if the roads within the project would become city owned. Mr. Mazalewski stated they would, once approved by the city. Council Member Taylor also questioned if street lights should be required to help with snow removal. Mr. Mazalewski stated

there were streetlights on a few of the intersections but would request one be placed at Cowboy Trail and Ross Avenue.

Council Member Calder questioned why interior roads were not being utilized. Mr. Mazalewski stated the developer wanted to keep costs down and not put in additional infrastructure.

Mayor Christensen questioned if the open and park space requirements were met. Ms. Ahlert stated it was met as a whole and all requirements were outlined in Chapter 12 of the Land Development Code. Mayor Christensen questioned if the park space in Phase 1 would be open space or more of a playground. Mr. Hackbarth stated he was still determining what should be done, but explained there would be a pathway to the park space. He also stated there would be walkways throughout the entire development.

The Mayor opened the meeting for public comments at 7:24pm and explained the process. There were no comments in favor of the application.

Chris Valiante spoke in a neutral position. He stated the project was large and should keep to the units recommended in the Comprehensive Plan. He stated the alleyway proposal was interesting, but was not seen in other developments in the city. He concluded by stating the development would increase traffic in the area and felt the connection from LeGrand Pierre to Ski Hill and LeGrand Pierre to Little Avenue should be built out before more development was approved in the area. He also stated the parks requirement for Phase 1 should be set for the number of units proposed within that phase.

Bob Anderson spoke in opposition. He stated the main issue was the "massive amount of traffic that moves from the schools to Ski Hill Road." He felt the current infrastructure was inadequate and before anything was approved, the connection between LeGrand Pierre and Ski Hill should be developed. He felt it was irresponsible to do otherwise and concluded by stating it seemed the developer didn't want to do affordable housing because no specifics were proposed.

Anna Trentadue, with Valley Advocates for Responsible Development, spoke in opposition. She stated the Council should only be looking at what can be secured for Phase 1 as nothing else was guaranteed. She felt the staff report stated the Rivers West development did not meet code requirements with no plans for maintenance and no park improvements being submitted. She stated there was no support from TVTAP (Teton Valley Trails and Pathways) to keep the trails on the property and explained last year the applicant denied access to TVTAP. She was concerned with the water right requirement, stating she had not seen irrigation on the property for years and reminded the Council if water rights were not used, they were terminated. She concluded by presenting to the Council a written motion for denial.

Jay Pence spoke in opposition. He stated the comments in his letter remain valid and urged caution to approve the application just based on helping the housing crisis. He stated Phase 1 wanted to use the existing infrastructure to reduce costs and the Council should address all issues prior. He stated the developer lived in Idaho Falls and did not see the congestion and traffic during the school days. He felt if the Council denied the development, a better project would be submitted.

John Miller, spoke in opposition due to the proposed driveways, and felt the applicant did not show necessity as to why an exception should be given. He felt accessing internal driveways would be safer, especially during school hours. He concluded by stating the entire development should not be denied, just Phase 1 as it didn't follow the Transportation Plan.

Collin Otis spoke in opposition. He stated the application did not conform and the density would be 3-6 times higher than the existing neighborhoods. He felt the alleyway was not put into place so the developer could "jam more homes into the space." He was concerned pedestrian impact was not included and stated there was a larger usage of the pathway than the developer knew. He stated he would like to see a nice neighborhood in this space, but not one that was developed in an irresponsible way.

Elizabeth Bowhan spoke in opposition and read her comments that were previously submitted. She stated the Public Works Department requested an alleyway that was not included in the proposal. She also stated the traffic impact study had not been completed. She felt the density was unsafe and that Ross Avenue could not be widened to help ease the traffic burden.

Dirk Leasure spoke in opposition. He stated a detailed email was submitted to the Council and he felt they should not rush to make an approval or come up with conditions.

Council had a recess from 8:02-8:05 pm.

Mason Shaw spoke in opposition. He stated the Council should follow the Comprehensive Plan and consider working with the schools. He felt the interior roads were more beneficial and requested the Council require more specific plans to ensure not all houses are identical.

Michael Coyle spoke in opposition. He stated he was not opposed to development, but opposed to development that had not be well thought out or did not fit with the surrounding neighborhood. He reminded the Council they only get "one chance to do it right." If the development was to build out, there was a potential for an additional 500-700 people living in the area. He asked the Council to deny the application and stated "we deserve and request quality developments."

Chris Thorne spoke in opposition and stated Phase 1, as planned, had a much higher density and should be denied. He stated the Development Agreement with Shonshoni Plans Phase 5 included individual driveways which were not allowed and therefore, individual driveways with this development should not be allowed either.

Nick Beatty, spoke in opposition, and stated his written comments covered a lot of what had already been addressed. His concerns were with the pathway and bike path along Ross Avenue and Booshway Street. He stated they were unique features for pedestrians and was unsure why the Planning and Zoning Commission would recommend shared driveways versus an alley way, stating shared driveways did not reduce the number of vehicles crossing the pathway. He stated the old Nordic track was on this property, but had been moved last year at the owners request. The length of the trail and usage has increased in the new location. He stated the Safe Routes to School needed a winter route and there had been no planning with the developer to do so on this property.

Brett Bowhan spoke in opposition. He felt the increased density and traffic would be a safety hazard and the overall development would degrade the entire neighborhood. He stated Phase 1 bordered on high density and was appropriate only around the highway. He felt the proposed housing designs were "boxed shaped with flat roofs" that did not match the local neighborhood or fit the Comprehensive Plan. He concluded by stating the development did not respect neighborhood transitions or fit the Transportation Plan.

Jon Deak spoke in opposition. He suggested a change in paradigm thinking and asked the Council to consider the wildlife and open spaces that were here before humans. He felt developments should accommodate the wildlife and not the other way around. He concluded by stating, "Be humble with regard to the privilege of this space."

Chris Heilman spoke in opposition. She stated she was not opposed to development in Driggs, just opposed to this development as it did not align with the Comprehensive Plan to increase safety for those traveling between home and school. She stated not only was Booshway Street a collector street, but it was also part of the bus route for the schools and she did not feel there was adequate room to have two travel lanes when cars were parked on the side of the road. She stated there were no sidewalks and therefore the pathway was the only safe place for pedestrians in the area. She concluded by stating the Council should hold the applicant accountable for the park requirements in Phase 1.

Sheree Petrovic spoke in opposition. She stated she was surprise by the magnitude of the project, stating it was "a lot of building crammed into a small space." She questioned why the developers wanted to do a project in the valley and did not feel this was cohesive. She also questioned who was informed about this development and stated the community deserved to know "about these things before it gets to where it is tonight."

Vancie Turner spoke in opposition. She was confused about why this "hadn't been vetted with the Planning and Zoning Commission." She also stated she felt the connection between LeGrand Pierre and Ski Hill be developed before approval was granted to help with traffic in the area.

Below are comments read by staff that were received after the deadline of April 12, 2022 at 5:00pm.

Barbara Aronowitz submitted a comment in opposition requesting access to Phase 1 be internal and wanted protection of the pathways and roads from being overburdened. She felt park improvements and traffic studies for the entire development should be required.

Amanda Ballenger wrote comments in opposition referring to a letter written by Anna Lindstedt, stating the subdivision would create significant increase in traffic that would impact public safety and that the city can not currently support. She requested the Council ensure safe routes to school and pathway connection, as well as adequate and meaningful park space. She also asked the Council to ensure new housing and neighborhoods met the need for long-term solutions and felt all aspects of the development needed to meet impacts before moving forward.

Amy Cutting submitted comments in opposition stating the density was greater than the current infrastructure could handle. Those living in Powder Valley and Shadowbrook had seen a significant increase in traffic and she did not want the burden to fall on the Homeowners

Association for wear and tear from construction vehicles or to ensure the safety of residents. She was concerned the development would bring more people than the valley was ready for and stated if approved, it would cause others with similarly planned subdivisions to "spring up."

Tracy Hall left a voice message that was transcribed by staff. In summary she spoke in opposition and stating the local schools could not support the number of families that could potentially live in a subdivision of this size. She was also concerns with the impacts and the traffic that would increase with this proposal.

Cheryl Koshuta submitted comments in opposition. She asked the Council not to approve a portion of the project, but review and ensure the entire project was compliant. She explained the adjacent subdivision struggled with providing development promises within each of the phases of the project. She was also concerned with traffic and safety on the bike and pathways.

Cheryl Letchworth submitted comments in opposition. She stated the Council should review the impacts such as housing, infrastructure, light and noise pollution, public lands, schools, trail systems, and traffic and road maintenance in all current and future subdivisions. She urged the Council to allow for development in a managed and responsible way.

Anna Lindstedt's letter, as referenced and summarized above, was read into the record.

Ralph Mossman submitted a letter in opposition. He felt the development proposal should be denied as it did not meet the City Code or the Comprehensive Plan. He asked the Council to turn down the proposal, resulting in a "better proposal coming your way soon."

Ron and Linda Pfeiffer submitted a letter in opposition. They stated the existing subdivisions in the area were not yet completed and the local traffic, noise and safety degradation had significantly increased. They were concerned with the number of short-term rentals in the area, as well as the traffic moving through the area. One concern mentioned was the bike paths and driveway cross over, requesting internal roads be developed. They concluded by stating open space and park requirements should be ensured as that was what provided positive impacts on the quality of life for those who live in the community.

Rich and Kathy Rinaldi submitted a letter opposed to the subdivision until the density and transportation issues were addressed. They stated the proposed 4-plexes were out of character with the surrounding neighborhoods and suggested this type of density be located closer to the core of Driggs where the commercial uses could support the increased population. They concluded by stating the traffic within the area would increase significantly and improvements to connections with Ski Hill should be placed on the developers, not the community.

Rusty and Barb Roberts submitted written comments in opposition. They felt, just as the City has input in the Area of Impact, so should those in the Area of Impact have say in what occured in the city limits. Their concerns that the density of the proposed development violated the Comprehensive Plan and did not conform to the Transportation Plan. They requested the application be denied on these grounds off those two items.

Jared Schensky submitted a letter in opposition stating density and pedestrian safety were the biggest concerns, especially for those traveling to and from school on the pathways. He stated

that housing was at a premium, but a "solution to cram as many residences as possible" without regard for quality and safety should not be allowed.

Maggie Shaw submitted a comment letter in opposition. She stated she would be in more favor to support the project if the developer had one entrance and exit to the development. She felt that even though Driggs needed housing, the development was a risky move.

Carol and Burt Smith submitted a comment letter in opposition. They requested the proposal be denied as the submission was not compliant with the city ordinances or requirements. They believed the developer should commit to a phased plan and show all proposed development and not just Phase 1. They concluded by stating the traffic study for the entire subdivision should be submitted as "only with appropriate data can the Board actually make a property informed decision."

Dawn Smith submitted a comment letter in opposition. She felt the developer was moving forward due to easy and inexpensive connections to existing infrastructure. She was against the density and park requirements being met in future phases as there was no guarantee that future developments would occur. She also stated the proposed density of 10 units/acre did not existing anywhere else within the RS-7 zoning. She urged the Council to require internal access and streets and was disappointed the developer was not working with others to continue the Nordic track through the property.

James Smith submitted a comment letter in opposition. He was concerned with safety, density, infrastructure and character of the development. He stated while he welcomed development, the proposal should be redesigned and denied as proposed.

Scott Stough submitted a comment letter in opposition. He stated the proposed 10 units per acre was not the 2-5 units per acre recommended and within the present neighborhood. He was concerned with the design of the homes and stated there should be architectural plans submitted. He concluded by writing the Transportation Plan was not followed and it appeared the "developer does not want to follow the guidelines for building in the city of Driggs."

Chris and Kathy Thorne wrote a letter in opposition stating they did not feel Phase 1 conformed to the County's comprehensive Plan in regards to density. They were also concerned there was no guarantee that future phases would be developed and did not want to see "identical, look-alike, twin homes with flat roofs." He concluded by stating the connection from LeGrand Pierre to Ski Hill Road should occur before the subdivision was approved.

Lesley Turner submitted a written comment in opposition due to the high density of homes proposed. She was concerned the homes would not "go to people that are working and living in Driggs" and didn't want to see "cookie-cutter duplex homes with high density and commercial use."

Edward Twohey submitted a written comment in opposition. His concerns were the increased trash, the capacity of the water and sewer services, an increase in population, and the safety to the pedestrians when driveways crossed the pathway. He concluded stating the housing crisis for service workers should be addressed before overloading the area of houses.

Dan Verbeten with TVTAP submitted a comment letter, stating while the easements within the subdivision were appreciated, pathways adjacent to the school district property should be enhanced by have dedicated pathway easements. He also stated with the Safe Routes to School Pathway, internal access should be required and not have driveways crossing the pathways. He concluded by stating allowing for winter access in the development was nice if staging areas and spoil piles could be coordinated, but reminded the Council that grooming from TVTAP could not occur once development was built out as there would be too little space to offer a public track.

Karye Wagner wrote a letter in opposition, stating that adjacent subdivisions have not been completed and the development would not allow for open space for elk, moose or deer. She further stated because of the increased development on Little Avenue she did not see a need for more development.

Sandra Walters submitted a letter in opposition stating access in Phase 1 should be internal and urged the Council not to "bend the rules," but require the parks and traffic study to be submitted.

James Weber left a voicemail in opposition that was transcribed and read into the record. He stated the development was poorly thought out and requested the city to think about the pedestrian safety, bike path and traffic. He wanted to see the developer provide financial backing and contribute to the street scape due to the size of the development.

All comments read into the record by staff are available to read in full context.

Mr. Jenkins spoke to the Council stating the construction of LeGrand Pierre being placed on the developer would impact the cost of the housing. He indicated the full traffic study was in the process and stated the staff told them to submit Phase 1. He explained originally there were individual accesses for the homes along Booshway Street and Ross Avenue and they were combined at the request of the Planning and Zoning Commission, further explaining that an internal alleyway was not impossible to do and would not affect the density. Mr. Jenkins further stated the park space was short .332 acres. The sewer and water studies that were completed indicated there were enough connections and capacity for the development.

Mr. Hackbarth stated he intended to own several of the units and they would not be "cookie-cutter". He stated he worked with the Parks Committee and had more space than what was required. He concluded by stating that, "everything we have done is at the direction of staff or public works."

Mayor Christensen closed the public hearing at 9:44pm.

Council Member Stuntz stated he felt the alleyway was amenable to the developer and questioned if a parks improvement plan could be reviewed for the development. Council Member Knowles was concerned about transportation along Booshway Street and Ross Avenue and felt there was necessity in the pathways. He did not feel driveways that cross a pathway was "the best practice."

Council Member Calder stated the opposition was very compelling and felt the development was uncharacteristic of the surrounding neighborhood.

Council Member Taylor felt the Council needed to make sure each phase met the requirements and stated there were too many items that did not comply. He questioned if the Council could table the discussion to ask for mitigation. Sam Angell, city attorney, recommended the Council follow the provisions in the Code, specifically §12.1.2.

Ms. Ahlert explained the density was a recommendation in the Comprehensive Plan and was not specifically listed in the code for the RS-7 zone. Ms. Bernstein also explained the parks requirement was a "judgement call" for the Council and allowing the open spaces to be open to the public would be reflected in a Development Agreement.

Mr. Angell stated if significant changes were asked from the developer, the application may have to be re-noticed and encouraged the Council not to table the decision as any additional information provided by the applicant may fall under the requirements for re-noticing the hearing.

Council Member Calder felt the Council was "putting the cart before the horse," stating the city had a traffic issue, especially in the area of this development. She was concerned the city was not dealing with the issues of traffic and safety and did not want to put an undue burden on this section of Driggs.

Council Member Knowles agreed and stated the issues that had been discussed needed to be addressed prior to approval. He further stated after hearing from the community and the requirements in the Comprehensive Plan, he was leaning toward denial of the application.

Council Member Calder made a motion to deny the application based on the findings that it does not conform to the Transportation Plan or section 12.1.2 of the Driggs City Code. Council Member Knowles seconded the motion. Ms. Bernstein requested more feedback for the applicant. Council Member Calder stated she would like to see a complete traffic study, parks plans should be submitted and felt the proposal was lacking required information. The vote was called, all Council Members voted in opposition and the motion did not pass.

Ms. Bernstein summarized the discussion for the Council. She stated the Council discussed a lack of conformance with the current Transportation Plan, a lack of conformance of Section 12.1.2 of the Land Development Code, a request for a comprehensive traffic study for the master plan, a solution to the park requirements, complete information on phasing including phasing and timelines, ownership and maintenance needs should be identified and improvement plans must be approved by the Public Works Director.

Council Member Knowles made a motion to deny the preliminary plat application for the Rivers West subdivision based on the findings that the proposed subdivision does not comply with the following approval criteria: lack of conformance to the current Transportation Plan, 12.1.2 of the Land Development Code, and will require requests for a comprehensive traffic study that reflects the Master Plan, a resolution for the parks requirement, details of phasing, definition of ownership and maintenance and improvement plans approved by the Department of Public Works concerning parks and pathways. Council Member Calder seconded the motion. The motion passed with all in favor.

Council took a recess from 10:14-10:17pm.

Council Member Taylor left the meeting.

Sam Angell, City Attorney, reminded the Council they were not allowed to discuss the application because it still had a chance to be appealed.

TETON VALLEY BALLOON RALLY – UPDATE AND BUDGET REQUEST PRESENTATION

Margaret Rose Breffeilh and Virginia Powell Symons, presented information to the Council. They explained the changes made to the event and praised the city for its support in the previous years. Ms. Symons stated additional funding may be lost and she requested the city increase their support, which was generally $2,500.

KELLER & ASSOCIATES – UPDATE ON CITY SPRING

Riley Bradshaw, from Keller Associates, presented information to the Council. He stated there were water quality concerns at the spring and therefore long-term planning had been reviewed for spring and summer water consumption. He explained the fall 2021 DEQ (Department of Environmental Quality) testing showed there was a high risk that surface water was infiltrating the spring water. The spring was immediately shut off and had not run since.

Mr. Bradshaw stated the city had been using the spring for over 100 years and it provided 11% of the water supply. He explained the 3 options the city had in moving forward. Option 1: the City could continue to use the spring, but the city would need to issue a boil advisory. Option 2: the water could be treated which would cost over $1 million to get the equipment, treat the water and continue the process during the summer months. The last option was to leave the spring offline and educate the community on conservation.

Mr. Bradshaw stated their review showed the well could also be offline and supply could still be granted. He stated expected use, on the hottest day of the year, was about 2,300 gallons per minute (gpm) and without the spring, those demands could be met. He reminded the Council that water usage ebbed and flowed throughout the day. He also explained the big risk with option 3 was that the Teton Creek well may go down. If that happened, the city could turn on the spring and issue a boil advisory. He recommended the city ask heavy users, such as the schools, churches and parks, to water during slower times. He concluded by stating he would provide more information at a future meeting. He was also working on submitting an application to DEQ for loan assistance to help with financing the infrastructure needed to fix the spring.

Mr. Mazalewski informed the Council the city would be relying on the Teton Creek well and if something went wrong, the city would have to issue a boil advisory.

Council decided to move forward with option 3 and provide the community with education on conservation of water.

APPROVAL AND DISCUSSION: COMMUNICATION CONTRACT WITH LANE VALIANTE

Mayor Christensen stated the current contract with Ms. Valiante was ending because the funding was done. She stated, when the original contract was developed, the intent was to have staff do more of the development of communications. However, it was very clear that staff was

overloaded and could not add more to their work load. She explained how important it was for the city to continue with the level of service that has been provided.

Ms. Valiante explained the three tiers presented, stating the first tier was "bare bones" and would only include posting to social media and newsletter, only formatting what was developed by staff. She then explained several "campaigns" may need to be developed to help educate the public in the coming months, particularly, getting information out about sales tax on the ballot, water conservation, dark sky and lighting, etc. She could assist staff in this if the Council chose to expand the contract to the third tier.

Ms. Valiante reminded the Council how far the city had come in the last year by increasing communications with the citizens. She explained if the Council did not increase the contract, staff would need to do more and stated she spent about 10 hours a week working on communications for Driggs.

Council Member Calder questioned where the additional funding would be drawn from. Ms. Lenz explained it could come from salary savings. Ms. Valiante mentioned the ultimate goal would be for the city to hire someone in-house to make all work efficient and cohesive and suggested that be considered for the next budget.

Council Member Stuntz made a motion to authorize execution of a contract amendment with LGV Creative for a not to exceed amount of $21,200 with $3,382.50 available from March 10, 2022 through September 30, 2022. Council Member Knowles seconded the motion. A roll-call vote was taken on the above motion: Council Member Calder, aye; Council Member Stuntz, aye; and Council Member Knowles, aye. The motion carried with all in favor.

FLYING T LEASE AGREEMENTS

Lori Kyle, Municipal Airport Coordinator, explained the proposed leases were to promote the expansion of the Flying T subdivision. Previous leases, similar to these, had been approved, allowing the owners to build a hangar in exchange of providing funding for the taxi lanes to said hangars.

Council Member Calder made a motion to approve the lease agreements between the Airport, City and Teton Avjet, LLC and Solairus Aviation. Council Member Stuntz seconded the motion. A roll-call vote was taken on the above motion: Council Member Calder, aye; Council Member Stuntz, aye; and Council Member Knowles, aye. The motion carried with all in favor.

GRAVEL STABILIZATION AND DUST CONTROL CONTRACT

Jay Mazalewski, Public Works Director, explained the contract would cover 5th Street, Johnson Avenue, LeGrand Pierre Avenue, Fremont Avenue, and Rodeo Drive with a bid from Desert Mountain Corporation. He further explained because Rodeo Drive was recently annexed, it was not included in the transportation budget.

Council Member Calder questioned if this contract was necessary maintenance. Mr. Mazalewski stated the residents and businesses along the specific roads appreciated the dust control. It also kept the roads more stable, reducing the need to blade them. Ms. Lenz explained the additional funds for Rodeo Drive could come from the Resort Tax fund.

Council Member Knowles made a motion to approve the contract with Desert Mountain Corporation to install Gravel Stabilization and Dust Control material to the following roadways: S 5th Street, Johnson Avenue, Fremont Avenue, LeGrand Pierre and Rodeo Drive as part of 2022 Road Asphalt Maintenance. Council Member Calder seconded the motion. A roll-call vote was taken on the above motion: Council Member Calder, aye; Council Member Stuntz, aye; and Council Member Knowles, aye. The motion carried with all in favor.

AUTHORIZING QUITCLAIM DEED OF TRACT 5, 107 W LITTLE AVE, DRIGGS URBAN RENEWAL AGENCY

Mr. Self explained that by authorizing the execution of a quitclaim deed, the city would convey the .53 acres of the Tract 5 parcel to the Driggs Urban Renewal Agency for the purpose of completing the redevelopment project, the Front Street Lofts.

Council Member Stuntz made a motion to waive the rules and adopt Resolution 397-22 by reading of title only. Council Member Knowles seconded the motion. A roll-call vote was taken on the above motion: Council Member Calder, aye; Council Member Stuntz, aye; and Council Member Knowles, aye. The motion carried with all in favor.

Council Member Stuntz read the title of Resolution 397-22.

FEDERAL TRANSIT ADMINISTRATION FY22 GRANT CERTIFICATION & ASSURANCES

Council Member Calder made a motion to authorize execution of the FY22 FTA Certifications and Assurances for Grants and Cooperative Agreements. Council Member Stuntz seconded the motion. A roll-call vote was taken on the above motion: Council Member Calder, aye; Council Member Stuntz, aye; and Council Member Knowles, aye. The motion carried with all in favor.

SH33/LEGRAND PIERRE PATHWAY EXTENSIONS BID AWARD

Mr. Self stated the bids were 90% over the engineers estimate, but believed there were opportunities for savings and grants. He requested the Council accept the lowest bid and authorize the staff to discuss further options with the contractor. He explained the plan was to do LeGrand Pierre pathway first and then as much of the Highway 33 extension as possible.

Council Member Stuntz made a motion to award the SH33 & LeGrand Pierre Pathways Extension Project to Avail Construction, as the low bidder, with a contract amount of $686,319 and request staff work with Avail to develop a proposed change order addressing the budget overage. Council Member Knowles seconded the motion. A roll-call vote was taken on the above motion: Council Member Calder, aye; Council Member Stuntz, aye; and Council Member Knowles, aye. The motion carried with all in favor.

DEPOT SQUARE PROOF OF CONCEPT MASTER LEASE

Mr. Self explained the master lease for spaces within the Depot Square building. The proposed lease was for 216 months at $1/month, which could be paid in advance. He further explained if the city did not want to manage the leases, they could be reassigned to Teton Regional Economic Coalition or a similar entity.

Council Member Calder made a motion to authorize execution of the Depot Square Proof of Concept Master Lease as presented. Council Member Knowles seconded the motion. A roll-call

vote was taken on the above motion: Council Member Calder, aye; Council Member Stuntz, aye; and Council Member Knowles, aye. The motion carried with all in favor.

RENNER CHANGE ORDER 1 – PRIMROSE PICKLEBALL COURTS
Mr. Self explained the change order was a reduction in cost.

Council Member Knowles made a motion to approve the Change Order No. 1 with Renner for the Pickleball courts. Council Member Stuntz seconded the motion. A roll-call vote was taken on the above motion: Council Member Calder, aye; Council Member Stuntz, aye; and Council Member Knowles, aye. The motion carried with all in favor.

COVID-19 MATTERS
No matters were discussed.

RATIFICATION OF APPOINTMENT TO THE AIRPORT BOARD
Council Member Calder made a motion to ratify Iain Mulholland to the Airport Board. Council Member Knowles seconded the motion. The motion passed with all in favor.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS
Council Member Calder requested the Council discuss sustainability.

EXECUTIVE SESSION
The Executive Session was moved to the following meeting.

ADJOURNMENT
Council Member Calder made a motion to adjourn the meeting. Council Member Knowles seconded the motion. The motion passed with all in favor and the meeting was adjourned at 11:38pm.

ATTEST:

Kreslyn Schuehler, City Clerk

Mayor August Christensen