MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
June 7, 2022

Pursuant to adjournment of the City Council meeting held May 17, 2022, and the call of the Mayor, the Driggs City Council met **Tuesday, June 7, 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; Planning and Zoning Administrator Leanne Bernstein, City Clerk Kreslyn Schuehler, Public Works Director Jay Mazalewski, Community Development Director Doug Self, Planner I Allison Alhert, City Attorney Sam Angell, and Financial Officer Carol Lenz. Council Member Calder lead those present in the Pledge of Allegiance.

COMMUNITY INPUT
Robert Anderson voiced concerns regarding the traffic in Shoshoni Plains and requested the city look at extending LeGrand Pierre to Ski Hill Road. He also stated the city needed an animal control officer.

CONSENT AGENDA
City Council Minutes 5/17/22
City Council Budget Work Session Minutes 5/31/22
Claims 5/18/22-6/7/22
Non-Profit Beer and Wine License for Teton Arts

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

PRESENTATION ON ADDITIONAL AIRPORT TRAFFIC AND JAC CLOSURE
Lori Kyle, Municipal Airport Coordinator, informed the Council that Peter Kline, with Teton Aviation, was unable to attend the meeting. Ms. Kyle answered a few general questions from the Council and stated the project at the Jackson Hole Airport was on schedule with flights expected to resume on June 28, 2022.

RIVERS WEST REQUEST FOR RECONSIDERATION
Mayor Christensen reminded the Council and those in attendance there would be no public comment accepted at this time. She also stated no new information could be presented or discussed.

Allison Ahlert, Planner I, provided information to the Council. She explained the applicant was requesting a reconsideration of the decision of denial for the Rivers West Subdivision and stated it was submitted according to standards following the Statement of Decision approved by the Council. She again reminded those present that no new information could be presented and no public testimony would be allowed.

Ms. Ahlert stated the City Council denied the preliminary plat at the April 19, 2022 meeting due to the lack of conformance with the current Transportation Plan, lack of conformance with the Article 12.1.2 of the Land Development Code, the application requires a comprehensive traffic study that reflects the master plan, a definitive solution for the parks requirement, details of

phasing, definition of ownership and maintenance, and improvement plans approved by Public Works for parks and pathways.

Ms. Ahlert explained the Council could uphold their decision or reverse it, establishing conditions that were found in the staff report. Sam Angell, City Attorney, also explained the Council was limited to making a decision on the facts as they stood as no new facts would be allowed.

Colby Hackbarth, applicant for Rivers West Subdivision, spoke to the Council. He reviewed all criteria for the original denial. He felt he had worked with the staff to address all transportation concerns regarding the Transportation Plan. He did explain this merit was exclusively based on Phase 1 only. He stated a traffic impact study was completed and the results showed no change in the impact to the surrounding neighborhoods. He further stated a comprehensive traffic impact study had been completed and showed no impact for the entire subdivision.

Mr. Hackbarth stated he would be willing to develop an alley as stated in the previous meeting. He further stated that information had been presented to the Public Works Director and had been verbally approved by him.

Mr. Hackbarth felt the lack of conformance to Article 12.1.2 of the Land Development Code, which requires each phase of a subdivision to stand alone, was not accurate as Phase 1 met all of the requirements.

Mr. Hackbarth stated in regards to the comprehensive traffic study to reflect the master plan, "this was directly associated to the master plan, not phase 1. Our phase 1 impact study has been completed and was approved." He stated the application was denied on the fact that the master plan traffic study was not completed and it should not have been considered as it should have only reflected Phase 1.

Mr. Hackbarth explained the entire subdivision had more park space than required. However, since only Phase 1 was considered, the park requirement must have 1/3 of an acre added and will be done so by the fee in lieu option.

Mr. Hackbarth stated the ownership and maintenance was to be discussed with the City Council in the Development Agreement. He stated he understood that all roads and park maintenance would be given to the City of Driggs at completion with the exception of the alleyway. He stated it was his understanding that ownership would be outlined and presented in the Development Agreement.

Mr. Hackbarth stated the improvement plans were found to be inadequate and reiterated that parks and open space should not have any determent to the first phase, as he had the option to pay the fee in lieu.

Mr. Hackbarth concluded stating his project would generate $1.5 million in impact fees, $4 million in building application fees, $1 million in addition property tax revenue for the city. He stated they were not asking for a rezone and currently met the density requirements. He requested the Council reverse their decision and approve the subdivision for Phase 1.

Mayor Christensen asked the Council if they had been approached by any community members, or gained any additional information regarding the application. Council Member Taylor and Knowles and Mayor Christensen stated they had not had any interaction with others. Council Member Calder stated she was approached by a neighbor, but stated she was unable to discuss it. Council Member Stuntz stated he too was approached by a community member, but referred them to the newspaper and the City Council minutes.

Council Member Calder stated she understood the traffic impact study was presented for Phase 1 with "no red flags," but was confused by Mr. Hackbarth's recent statement there was more that was not presented. Mr. Hackbarth clarified that he was asked to broad the area for the traffic impact study to the entire subdivision which has been completed, but can't be introduced at this time.

Council Member Knowles questioned if in moving forward with an alleyway, the driveways along Booshway would be consolidated. Mr. Angell stated that change would be a significant modification with new information that should be presented in the future. The Council should not base their decision on this specific information. Council Member Knowles stated as a potential condition to reverse the decision, this was listed as a condition. Ms. Ahlert clarified that condition was listed in the previous staff reports, and it was stated Mr. Hackbarth was amenable to an alleyway, but no details had been discussed in previous conversations so it would the details would be limited to what was mentioned in previous staff reports.

Mr. Angell stated the above alleyway conversation was a substantial change and should been taken back through the process, not be discussed as a potential condition for this reconsideration.

Council Member Taylor questioned if a fee in lieu for the parks requirement in Phase 1 could be determined at this time. Ms. Bernstein stated the reason for the denial was because there was a lack of park improvement plans. Ms. Ahlert stated there was no previous conversation regarding the fee and it could be considered new information at this time.

Council Member Knowles stated, reviewing the conditions could potential satisfy some of the concerns, but felt it was not the right way to do so and should go through the process. Council Member Calder, Taylor, and Stuntz agreed as well.

Council Member Calder made a motion to uphold the final decision made by City Council on April 19th, 2022 to deny the proposed Rivers West Subdivision Preliminary Plat. This decision is based on the finding that the proposal does not meet the criteria for approval, as listed in the Statement of Decision 5/3/22, and in Art. 14.5.6 of the Driggs Land Development Code. 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.

TRIBUTARY PHASE 3 FINAL PLAT REVIEW AND APPROVAL

Bob Ablondi, Rendezvous Engineering and representative for Tributary, presented information to the Council. He stated Phase 3 was in the city limits and the most significant change was the change to the ownership of the city parks. He further stated that vacation of phase 2 was also included as well as some "cleaning up" of lot lines. He concluded by stating this will implement the privatization plan that was proposed by the developer.

Leanne Bernstein, Planning and Zoning Administrator, presented her staff report to the Council, addressing a few items that were still incomplete or in the process of being completed. She stated the developer had agreed to move the Primrose Pathway onto the street within the private area of the subdivision. For the public portion, it would be moved onto an easement and the cost to relocated it would be shared by the developer and the city.

The access requirements would be a continued discussion with ITD as development extends in future phases. The requirements for the extra spoil piles on the north side of the development were being used and Ms. Bernstein suggested the Council extend the deadline to remove or reseed that area.

Ms. Bernstein stated the developer was on track to continue with solutions for employee housing and had incorporated more than what was in the Development Agreement. The developer also needed to submit as-builts for the parks, which would come shortly after the final plat was approved.

Mayor Christensen was concerned with the reclamation. Mr. Ablondi stated the material would be used very quickly as Avail Construction was beginning a project that required their use. The Council determined a deadline of December 2023 to reseed or reclaim the area would be sufficient.

Council Member Taylor made a motion to approve the Final Plat for Tributary PUD Phase 3; Amendment to Phase 1 of the Huntsman Springs PUD; and Vacation of Huntsman Springs PUD Phase 2, based on the findings that the proposal complies with the Preliminary Plat, Preliminary Plat conditions, and the Development Agreement. The Final Plat can be signed and recorded, with the following conditions which will be overseen by the Planning & Zoning Administrator and the Public Works Director: 1. Applicant to submit As-Built Plans for all infrastructure built as part of this plat amendment. 2. Applicant must satisfy requirement outlined in Paragraph 13 of the Development Agreement, regarding reclamation, prior to submitting the next Final Plat application with a final deadline of December 2023. 3. Council accepts the Applicant's proposal regarding the relocation of the Primrose Pathway between W. Little Ave. and W. Buxton Ave. Per the Development Agreement, the cost of restoration will be shared between the City and the Applicant and a schedule for completion will be agreed upon by both parties. Council Member Calder 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.

PROPOSED AMENDMENTS TO THE CODE ENFORCEMENT POLICY

Ms. Bernstein stated the Code Enforcement Policy was adopted last year and since then additional language should be added to clarify the intent. She reviewed the changes made which included allowing for more immediate contact in some cases and discussing issues with the most responsible party, not necessarily just the property owner.

Council Member Calder made a motion to adopt the amendments to the Code Enforcement Policy. Council Member Knowles seconded the motion. The motion passed with all in favor.

AVAIL CONTRACT AND CHANGE ORDER NO. 1 FOR SH33 & LEGRAND PIERRE AVENUE

Jay Mazalewski, Public Works Director, explained the Council had approved the original contract for the pathway which included all of LeGrand Pierre and Highway 33. Because the cost of the project was much higher than anticipated, Mr. Mazalewski has been working within the budget and provided two options: to remove the expansion along Highway 33 at this time or to allow for the additional $60,000 in city funds to complete the entire scope of the project. He recommended removing the section along the highway and focusing on LeGrand Pierre at this time.

Council Member Taylor made a motion to change Order 1 and eliminate SH33 and reduce the contract to $292,301.65. 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.

FIREWORKS WEST INTERNATIONALE – 4TH OF JULY FIREWORKS

Mr. Self stated the show would be similar to the 2019 show and would include a few extra shots, at no cost, because the company started the show earlier last year.

Council Member Taylor made a motion authorize execution of the contract with Fireworks West Internationale for the 2022 July 4th Fireworks Show in the amount of $18,000. Council Member Calder seconded the motion. The motion passed with all in favor.

IDAHO GEM GRANT AGREEMENT FOR FRONT STREET WATER IMPROVEMENTS PHASE 2

Mr. Self explained the grant was for Phase 2, which would extend the Front Street Water line another 450 feet and add another hydrant. He explained the Council was authorizing execution of the grant contract and then a change order for the contract would be presented at a future meeting.

Council Member Taylor made a motion to authorize execution of the GEM grant agreement with the Idaho Department of Commerce for the Front Street Water Improvements, Phase 2 project. 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.

LGV CREATIVE AGREEMENT FOR THE AIRPORT WEBSITE

Council Member Calder made a motion to approve the website hosting and maintenance proposal from LGV Creative, LLC. Council Member Taylor 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.

APPROVAL OF CANVASSED VOTES FROM THE MAY 17TH ELECTION FO LODGING TAX INCREASE

Council Member Calder made a motion to approve the canvassed votes from Teton County Results for the Driggs Resort Tax increase at the May 17th, 2022 election. Council Member Taylor 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.

COVID-19 MATTERS
Mayor Christensen explained the debrief involving all agencies since the beginning of COVID-19. Council determined this item no longer needed to be a standing item on the agenda.

RATIFICATION FOR DESIGN REVIEW ADVISORY COMMITTEE
Mayor Christensen stated she only received one application and wanted to see if there were any more interested before moving forward with an appointment.

RATIFICATION FOR TETON VALLEY HOUSING AUTHORITY
Council Member Taylor made a motion to ratify the appointment of Phillip Hanamaikai to the Teton Valley Housing Authority. Council Member Knowles seconded the motion. The motion passed with all in favor.

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS
Council Member Taylor requested more information on the duties of the code enforcement officer and questioned if animal control could be further discussed. Council Member Calder wanted to discuss the continuation of LeGrand Pierre.

ADJOURNMENT
Council Member Taylor made a motion to adjourn the meeting. Council Member Calder seconded the motion. The motion passed with all in favor and the meeting was adjourned at 7:29pm.

ATTEST:

Kreslyn Schuehler, City Clerk

Mayor August Christensen