

# City Council Minutes

## October 12, 2009



Meeting started at 7:02 pm

Flag & roll call by City Clerk Lenz

Mayor: Rex Jardine; Council President: Deck Green; Councilmember: Tom Abbott, Orville Armstrong, Tiera Ball; Jan Gallup, Planning & Zoning Consultant; Bart Birch, City Attorney; Charlie Robison, Public Works Director; Citizens: Frank Byers, Josh Weltman, Sara and Gabe Rogel

- Amend Agenda according to IC 67-2343:
  - No Amendments
- Minutes:
  - September 14, 2009 City Council Meeting: **Ball moved to accept the minutes as presented. Green seconded. Motion carried unanimously.**
- September Claims and Revenue
  - Discussion: T.J. Eck
  - **Ball moved to accept claims and revenue as presented. Abbott seconded. Motion carried unanimously.**
- Planning & Zoning
  - Jan Gallup: Consultant
    - **Rogel Re-zone:** Jan – “I want to clarify that after the public hearing I did not have further contact.” Facts & findings reviewed along with public comments. Re-zone meets setback and other requirements. Bart Birch: change in regulation does not necessarily constitute a “taking,” courts hold that council can regulate land use as long as regulation does not deprive landholder of all economic value. Abbott: land use code states goal as “medium density.” **Ball moved to accept the facts & findings and recommendation of the P&Z Commission to approve the re-zone request of Sara and Gabe Rogel to R2 from R1. Armstrong seconded.**  
Discussion: Josh Weltman: regulations were made to decrease densities – change would be questioning decisions already made and going backward. Frank Byers: zone change was denied in May, council “has opened a can of worms here”. Gabe Rogel: re-zone change was originally requested in February. P&Z recommended a conditional use variance rather than a re-zone. Original re-zone vacated, variance change requested which was determined to be the wrong approach and was denied. Second re-zone request is before the council now. Jan: Council’s intent was to have individual property owners request change rather than have the Council re-zone an entire block. **Question called. Motion carried unanimously.**
    - **Teton Village Final Plat:** update – no response received to date from developers concerning the draft development agreement sent and received concerning water lines. Developers have one year to respond. Consensus to postpone action until timely response received.

- **Teton County response to Sheriff's Memorandum:** no official response from County received to date. Consensus to postpone action until official response received.
  - **FYI: Two (2) openings on P&Z Commission.** Jan: we really need these positions filled so there is a quorum available for the Egbert Annexation scheduled on November 2, 2009. Jan recommended that the Council members not attend P&Z meeting(s) and that the members refrain from discussing issues as much as possible to remain neutral/above any controversy.
    - Discussion on filling open positions: Josh Weltman and Frank Byers both asked for their interest in serving on Commission. Weltman expressed interest. Telephone call received from Wendy Weeks asking for qualifications to serve. Bart Birch: as long as the public has been made aware of openings, can appoint tonight and avoid impression of bias. Openings noted in Teton Valley News edition 10/08/09 below Annexation article pg. A7. Impact area was not adopted by the County so Commission make-up with impact area does not apply, Birch: members can still reside within City limits. **Ball moved to appoint Josh Weltman to serve on the Planning & Zoning Commission. Green seconded. Motion carried unanimously.**
  - Note: Jan has been called for federal jury duty for the entire month of November. If she cannot attend the Egbert Annexation on November 2<sup>nd</sup>, Bart Birch agreed to attend.
- Teton County Fire District
  - Postponed to November meeting at Assistant Fire Chief Bret Campbell's request
- Liquor License Renewal Request
  - Dave's Pubb. Copies of State and County licenses received. Renewal fee received. **Armstrong moved to approve 2010 liquor license renewal request for Dave's Pubb. Ball seconded. Motion carried unanimously.**
- Public Works: Charlie Robison
  - Approval to move water meter
    - No action at this time
    - Right of way unknown due to 7<sup>th</sup> Street termination/vacation of Jackson. Intention of prior city council not clear. Options: 1) memorandum of understanding between Velda Hill and the City that Hill will assume responsibility for maintenance of water line from 7<sup>th</sup> Street to house, 2) move meter to bottom of hill which will decrease water pressure, or 3) do nothing until water line requires additional work
    - Consensus reached to have Mayor Jardine talk with Mrs. Hill about a memorandum of understanding that she and any future home owners will assume responsibility for repair of the water line. If an agreement can be reached the memorandum of understanding, including legal description of the property, will be brought to the Council for approval. If an agreement cannot be reached will readdress moving the meter.
  - Approval to pursue Local Rural Highway Investment Program (LRHIP) grant application.
    - Grant is due on December 1, 2009. Funds would be used to purchase crushed gravel for city streets in 2011. Award may be nothing but could be for as much as \$100,000. **Ball moved to approve applying for a LRHIP grant to purchase gravel for city streets. Green seconded. Motion carried unanimously.**
  - Request for new mower with attachments

- No action required. Request removed by Robison
  - FYI: Meters packaged for winter months
    - No action required.
  - FYI: Sewer Lagoon Update
    - No action required. Lengthy discussion ensued. Jardine: painting nearly complete, roof hatch installed wrong, being fixed by DePatco. Council members Armstrong and Ball and Public Works Director Robison expressed growing concerns with engineering on the project and the unknown costs to the City. Specifically mentioned were issues of 1) pad placement for the pivot. Is Schiess correcting at no cost? 2) Incorrect bridge engineering. Jardine: Bid being sought from Edstrom on cost to add an extension 3) additional land for monitoring wells, 4) burial of the lagoon monitoring well, and 5) leak testing of lagoons with DEQ approval of testing method. Has the first lagoon been leak tested? Jardine: no, both lagoons have been dry tested. Contingency funds may or may not cover corrections. Jardine: cannot add to the project, if costs are greater than contingency, contractors will be responsible, no contractor will be paid in full until final walk-through is completed and signed off. Completion date for the project is November 6, 2009, the City has no real say until then.
- 2009 Municipal Election
  - Ordinance 2010-1 Polling Hours
    - No action required. Polling hours for all general and special city elections to be held from 12:00 p.m. [noon] to 8:00 p.m. already established by Ordinance 2008-2. Outlined in Title 1, Chapter 7, Municipal City Code
  - Election Judge & Clerk
    - Bonnie Reece has agreed to serve as judge and Jennifer Graves has agreed to serve as clerk for the 2009 Municipal election on November 3, 2009. Consensus reached by Council to pay the judge and the clerk \$9.00 per hour.
- City Hall Remodel:
  - No action required. Design plans submitted to Julie Neff at USDA. Waiting for USDA approval.
- **Ball moved to adjourn. Green seconded. Motion carried unanimously.**

Meeting Adjourned at 8:04 p.m.

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Rex Jardine, Mayor

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Date

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Carol Lenz, City Clerk/Treasurer

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Date