

City Council Minutes

Regular Meeting

December 14, 2009



Meeting started at 7:05 pm

Flag & roll call by City Clerk Lenz

Mayor: Rex Jardine; Council President: Deck Green (will be late); Councilmember: Tom Abbott, Orville Armstrong, Tiera Ball; Jan Gallup, Planning & Zoning Consultant; Bart Birch, City Attorney; Charlie Robison, Public Works Director; Brad & Justin Egbert, Richard A. Egbert L.P.; Citizens: Six (6) see sign-in sheet

- **Amend Agenda** according to IC 67-2343: No action.
- **Minutes:**
 - November 9, 2009 City Council Meeting: **Ball moved to accept the minutes as presented. Armstrong seconded. Motion carried unanimously.**
- **September Claims and Revenue**
 - Discussion: United Pipe (lagoon supplies) & Majestic Mountain Iron (dry well grate at Teton & Main)
 - **Abbott moved to accept claims and revenue as presented. Ball seconded. Motion carried unanimously.**
 - Water/Sewer Delinquencies reviewed by account number only. **Abbott moved to send shut-off notices with right to request a pre-termination hearing to the twelve accounts highlighted with a minimum payment due of current bill plus 10%. Ball seconded.** Shut-off notices to be sent with delinquency notices out on December 16, 2009. **Question called. Motion carried unanimously.**
- **Planning & Zoning**
 - Jan Gallup: Consultant
 - **Egbert Annexation: Continuation of 12/9/09 Special Meeting**
 - **Ball moved to continue the city council's 12/9/09 Special Meeting. Armstrong seconded. Motion carried unanimously.**
 - **Ball moved to zone proposed Egbert Annexation land as Transitional Agriculture per city of Teton's definition. Armstrong seconded. Motion carried unanimously.**
 - **Annexation Agreement:** draft annexation agreement reviewed by council and Brad & Justin Egbert. Brad Egbert would like to retain "some portion" of the property's well for agricultural use until the city requires conversion to a culinary well. The well sight may need to be moved if the required easement is not at 50 feet.

Council President Green joined the meeting at 7:30 p.m.

Special conditions (6B) clarified: per Gallup, this condition would apply "only if

the developer wants to develop as a culinary well; if the city wants to change to a culinary well, before the developer, the city would pay for development.”

Ball moved to accept the annexation agreement as written, with a separate agreement to be developed to address water rights and well upgrades. Armstrong seconded. Discussion: Green, “so there will be a separate agreement that will address the transfer of water rights and costs to develop a culinary well?” Jardine & B. Egbert = “Yes”. **Questions called - motion carried unanimously.**

- **Ordinance 2008-9: Egbert Annexation**
 - **Armstrong moved to approve Ordinance 2008-9 Egbert Annexation as presented. Ball seconded. Roll call vote: Ball, aye; Armstrong, aye; Abbott, aye; Green, aye; Motion carried unanimously.**

Mayor Jardine read Ordinance 2008-9 Egbert Annexation verbatim.

Ball moved to waive additional readings of Ordinance 2009-8 Egbert Annexation. Abbott seconded. Motion carried unanimously.

- **P&Z Commission Appointment**
 - No action taken. Will be brought back to Council in January 2010. Josh Weltman, P&Z Commissioner, asked to let the council know if P&Z “comes up with a recommendation for a new commissioner”
- **Municipal Code Revisions**
 - Title 3, Chapter 3, Fireworks
 - Title 7, Chapter 3, Sanitary Sewer
 - Gallup: the fireworks code is now up to State code. Green: does this revision still allow the city to give special use permits? Abbott: error at 3-3-4 “authorized dates of sale”
 - Sanitary sewer: subdivision, clarifies that costs to subdivide are the responsibility of the developer
 - No action taken. An ordinance to formalize the revisions will be brought back to the Council in 2010.
 - Bart Birch was asked if water and sewer deposits are legal. Per Birch, “yes, fee would have to be proportionate (representative) of city’s cost” – unsure of legality of requiring a security deposit

Ball moved to recess for ten (10) minutes. Abbott seconded. Motion carried unanimously.

Meeting recessed at 8:05 p.m.

Meeting reopened by Mayor Jardine at 8:15 p.m.

Brad Egbert asked to address the council. He stated that the Richard A. Egbert, L.P. would send a \$200 check to the City of Tetonina as a “good will gesture” to lessen the immediate burden of road maintenance on the newly annexed Egbert property.

- Set Public Hearing 01/11/2010: Sewer Lagoon Substantial Completion
 - Required as a component of receipt of USDA grant funds. **Ball moved to set a Public Hearing for review of substantial completion of the new sewer lagoon for 7:00 p.m. on 01/11/2010.**

Abbott seconded. Rick and/or Tina from the Development Company will run the public hearing.
Question called - motion carried unanimously.

- **Liquor License Renewal Applications:**
 - North End Bar & Grill
 - Classic Stop
 - **Abbott moved to approve 2010 liquor license renewals for the North End Bar & Grill and the Classic Stop. Armstrong seconded.** Green recused himself. **Question called – motion carried unanimously.**

- **Liquor Sales: Days & Hours**
 - Council questioned whether Teton County regulations would over-ride Tetonia’s. Birch will obtain County regulations and bring the issue back in January 2010. No action taken.

- **Public Works: Charlie Robison**
 - **Beard Land Deeds**
 - Title company paperwork is complete
 - Money is here from USDA to pay Beard(s)
 - Ball will follow-up with assessor to see if a new survey has been completed and is ready for signatures for the original land purchase from the Beard(s)
 - No action required by the Council.

 - **Contractors’ Meeting 11/11/09**
 - Punch lists generated for Edstrom & DePatco. Lagoon project is estimated to be 95% complete
 - Completion will not be final until spring 2010: final leak testing, seeding of 40 acres
 - Three lift pumps no longer being used. Island Park expressed interest but found the pumps would not work for its system. Per Birch, sale could be conducted via internet as long as public notified, items placed for bid or public auction in the Teton Valley News.
 - No action required by the Council.

- **Teton County Fire District**
 - Capital Improvement Plan Committee appointment
 - No action taken. Will be brought back to the council in January 2010.

- **Tetonia Centennial: Appoint Committee Chair**
 - **Green moved to appoint Gloria Hoopes as Chair of the Tetonia Centennial Committee. Ball seconded.** Discussion: Green believes Hoopes is “a great, great choice.” Jardine requested that Hoopes be invited to the council’s January meeting to be introduced and start the centennial discussion. **Question called – motion carried unanimously.**

Birch asked that the minutes reflect clarification of fee payments associated with the Egbert Annexation. All professional fees are paid by the City of Tetonia. Reimbursement of respective fees is then sought from the applicant/developer.

- **Executive Session**
 - **Ball moved to enter executive session per Idaho Code 67-2345 (b) to consider the evaluation of ... a public officer, employee, staff member or individual agent ...” Armstrong seconded. Question called by roll: Abbott, aye; Armstrong, aye; Ball, aye; Green, aye. Motion carried unanimously.**

Executive session entered at 10:45 p.m.

- **Green moved to return to the regular session. Abbott seconded. Motion carried unanimously. Regular session reentered at 10:50 p.m.**

- **Green moved to appoint Carol Lenz the clerk/treasurer for the City of Tetonia. Abbott seconded. Motion carried unanimously.**

Mayor Jardine administered the oath of office to Lenz.

- **Abbott moved to authorize clerk/treasurer hours up to 25 hour per week plus hours to attend authorized meetings. Ball seconded. Motion carried unanimously.**

Ball moved to adjourn. Abbott seconded. Motion carried unanimously.

Meeting Adjourned at 11:00 p.m.

Rex Jardine, Mayor

Date

Carol Lenz, City Clerk/Treasurer

Date