

# City Council Minutes

## November 09, 2009



Meeting started at 7:05 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: Eighteen (18) see sign-in sheet

- **Amend Agenda** according to IC 67-2343:
  - **Ball moved to reserve the right to amend the agenda order if needed as the meeting progressed. Armstrong seconded.** Discussion: action appropriate per Birch (attorney), amendment language present on agenda. Question called. **Motion carried unanimously.**
  
- **Minutes:**
  - October 12, 2009 City Council Meeting: **Ball moved to accept the minutes as presented. Abbott seconded. Motion carried unanimously.**
  
- **September Claims and Revenue**
  - Discussion: Directive Data (software maintenance agreement)
  - **Ball moved to accept claims and revenue as presented. Abbott seconded. Motion carried unanimously.**
    - Water/Sewer Delinquencies reviewed by account number only. No action taken.
  
- **Planning & Zoning**
  - Jan Gallup: Consultant
    - **Resolution 2009-8: Teton Taxing District as City Boundaries:**
      - 1982 State recorded taxing district should be recorded at County. If someone wanted to research City boundaries recording at County would confirm these boundaries. **Green moved to adopt Resolution 2009-8 Teton Taxing District as City Boundaries. Ball seconded.** Resolution read verbatim by Ball. **Discussion:** None. **Question called: Green, Aye; Abbott, Aye; Armstrong, Aye; Ball, Aye; Motion carried unanimously.**
    - **Egbert Annexation:**
      - **Recommendation from P&Z:** City Council is required to request a zoning recommendation from P&Z & any changes to comprehensive plan. Legally, per IC 50-222, Council is only required to request these two items from P&Z. Recommends that Mr. Egbert be allowed to present to the Council.
        - **Brad Egbert** – here to present case for annexation and a change in zoning for a part of our property in to Teton. Approximately 267 acres south of Teton proper: 187 acres plus 80 acres (32% of total property) in wetlands, Not requesting a development permit at this time, understand that there is a separate process to follow at the time of development

- Presentation summarized (see Egbert Annex file for written statement)
  - Application Fee (\$2000) paid to the City
  - City Benefits: As land is developed = increased city taxes, water & sewer hookup fees
  - Water: possible conversion of irrigation well to domestic use to meet comprehensive plan goal, pg 12, "This City's greatest priority is improving and upgrading city water facilities including the acquisition of water rights." Per Winston Dyer statement (see Egbert Annexation file) - current market value of well is estimated at \$67,000 if build from scratch; current market value of water rights estimated at \$50,000
  - Cost to City: one mile of road maintenance would be the only current cost
  - Wildlife study from Kagel Environmental (see Egbert Annexation file) – wetlands present; however, not a major migratory lane. Eighty acres in annexation designated wetlands, primarily a riparian area. Future development will be conducted to maintain these acres in their natural state.
  - City's Comprehensive plan: variety of available services and housing which will draw people to the area and vitalize business in the City. Working with Jay Bollwinkle of MGB+A Designs to develop a master plan for development (See Egbert Annexation file for Bollwinkle's written statement). One governing jurisdiction would facilitate master plan development.
  
- Lengthy discussion followed Egbert's presentation. Council members questioned **(1)** process if P&Z recommendation not followed - Attorney Birch - accept as recommended, no additional action required; reject, state code requires holding a second public hearing, then making a decision – decision may be to accept P&Z recommendation (denial) or it may be different, **(2)** legal reasons for denial recommendation, **(3)** hard facts versus opinion on benefit/cost to City, **(4)** annexation versus zone change: Armstrong, council has determined previously that annexation and zoning can not be done at the same time. Gallup, zoning change can be conducted concurrently or immediately following public hearing per state code. public hearing notice requires zone classification, time frame requirements outlined; Jardin would like to see entire parcel annexed as currently zoned, per City definition, then as developed work with P&Z on zoning change(s), Birch, would not recommend changing process i.e. annexation to P&Z in addition to zoning; **(5)** standing to annexation request: applicant only or applicant and general public **(6)** Green & Abbott would like to hear public reasoning against, **(7)** modification of annexation request – modified annexation request would have to be done before public hearing set, Gallup – council can determine how many acres to annex, **(8)** scheduling public hearing with special meeting to follow
  
- **Green moved to hold a public hearing on the Egbert Annexation request with Trans-Ag zoning to be held on December 9, 2009 at 7:00 p.m. with a City Council Special Meeting to be held immediately following the public hearing. Abbott seconded. Motion carried unanimously.**



- Emphasis for granting funds has increased toward multiple jurisdiction projects; joint applications gain 20 points. Grants awarded for 1) study, 2) construction, or 3) signage
    - Lengthy discussion ensued. Concerns 1) funding one joint study (Tetonia + Teton County) at \$50,000 versus two independent \$50,000 studies, 2) Teton County's transportation goals (Lou Simonet), 3) process to prioritize goals to maximize points awarded, 4) letters of support e.g. ECHO, EMS, School District
    - **Ball moved to approve submission of an LRHIP application by Forsgren Associates on behalf of Tetonia for grant funds to pay for a transportation study. Armstrong seconded. Motion carried unanimously.**
    - **Ball moved to rescind the 10/12/09 approval for an LRHIP Grant application to purchase crushed gravel for Tetonia's streets. Abbott seconded. Motion carried unanimously.**
- **Public Works: Charlie Robison**
  - **Sewer Lagoon Update** (Paul Scoresby, Schiess & Associates):
    - Meeting scheduled 11/11/09 with Golden West, DePatco, Edstrom, USDA, and Schiess to establish completion goals and punch lists
    - DEQ requires final leak test to be completed in Spring 2010 which will prevent closing out/final billing contract until testing is completed
    - Lagoons are functioning, aerators are in, building is operational
    - Swing gates were not included in fence specification; pre-install meeting would need to be set with Edstrom before fencing starts (change order #4), some discussion that Beard's would pay for upgraded posts for swing gates
    - 7' purchase agreement is in process, deeds have been generated, signatures to be obtained by Mayor
    - There is no penalty for not completing contract by estimated due date (Nov 2009); funds may be requested from USDA and then held
    - No action required by the Council.
  - **Beard Land Deeds** (Tiera Ball):
    - Title insurance will be obtained for large acreage
    - No title insurance on Adrian Cook piece; County does recognize this parcel as belonging to the City. City deed file does have a written mention of a deed from Lois McCulloch in 1986, the associated land transfer may not have been recorded correctly at County Clerk's office – Cook to McCulloch, McCulloch to the City; would need to be researched at County offices.
    - The City will need to pay the cost for title insurance.
    - No action required by the Council.
- **Ordinance 2009-7 Rogel Rezone**
  - **Ball moved to suspend the rules and read the ordinance by title only three times. Abbot Seconded. Motion carried unanimously.** Ball read the ordinance title verbatim three times.
  - **Ball moved to approve Ordinance 2009-7 Rogel Rezone. Abbot seconded. Roll call vote: Green, Aye; Abbott, Aye; Armstrong, Aye; Ball, Aye. Motion Carried.**
- **Resolution 2009-7 Amend Copy Fees**
  - Amendment to copy fee schedule requested after a complaint was filed with the State's Attorney General Office as reported to the City clerk by Justin Ruen of the Association of Idaho Cities. The amended schedule follows Idaho Code 9-338 (8) (a). **Abbott moved to approve Resolution 2009-7 Amend Copy Fees as presented. Green seconded. Roll call vote: Green, Aye; Abbott, Aye; Armstrong, Aye; Ball, Aye. Motion carried.**

- **Jensen Poulsen & Co: 2008-09 Audit Engagement**
  - **Abbott moved to approve the 2008-09 Audit Engagement letter from Jensen Poulsen & Co. with mayoral authority to sign. Armstrong seconded. Motion carried unanimously.** Maximum cost for the full audit will be \$4200. A single audit will be required due to expenditures associated with the waste water project in addition to the regular audit.
  
- **2009 Municipal Election: Canvas Results**
  - **Abbott moved to accept the 2009 Abstract of Votes as presented. Armstrong seconded.**
    - For councilmember four (4) year term (two (2) positions):
      - Thomas Abbott (elected) 51
      - Lyndsey Anderson (elected) 33
      - Orville Armstrong 18
      - Tiera Ball 28
    - For councilmember two (2) year term (two (2) positions):
      - Write-In: Deck Green (elected) 33
  
    - Ballots cast 66
    - Registered 9/2/09 132
    - Election Day registrations 4
    - In-person registrations 0
    - Total registered electors 136
    - % of Electors Voting 49%

**Question called. Motion carried unanimously.**

- **Abbott moved to enter executive session per Idaho Code 67-2345 (f) "To communicate with legal counsel for the public agency to discuss the legal ramifications of ... controversies not yet being litigated but imminently likely to be litigated...." Ball seconded. Motion carried unanimously.**

Executive Session entered at 10:15 p.m.

Executive session exited at 10:30 p.m.

- **Abbott moved to return to the regular session. Ball seconded. Motion carried unanimously.**
  - No action required as a result of executive session.
  
- **Green moved to adjourn. Abbott seconded. Motion carried unanimously.**

Meeting Adjourned at 10:35 p.m.

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Rex Jardine, Mayor

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Date

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Carol Lenz, City Clerk/Treasurer

\_\_\_\_\_  
Date