

City Council Meeting

September 26, 2018

Victor, ID

The Victor City Council met in regular session in the Council Chambers of City Hall at 32 Elm Street at 7:00 P.M. Upon roll call the following were found to be present:

Mayor & Council: Dustin Green, Will Frohlich, Tim Wells and Molly Absolon. Mayor Potter called in.
Staff: Olivia Goodale, Tyler Steinway, Ashley Koehler, Herb Heimerl and Michelle Smith.

Public Hearing: Rezone – Peter Brawn ZX2018-02 Peter Braun 5%, Equity Trust Co FBO 95% IRA has requested a Rezone for Lots 5 and 6, Block 9, Victor Townsite, located at the eastern terminus of E. Dogwood Street. The property is 2.50 acres and is currently zoned Single and Two-Family (RS-7). The proposal would rezone the property to RS-3 to accommodate the construction of a Cottage Court. The request includes parcels: RPB0086009005A and RPB00860090060. Ashley Koehler confirmed that proper notice has been given and that supporting materials are complete. No Council members declared a conflict of interest. Ashley made staff comment regarding the purpose and history of the rezone request. Peter Braun made public comment regarding the walkability to downtown core and the school. There is high density all around his property and he feels like a cottage court would do great at this location and it would help with affordable housing and went over the timeline for his plan. Public comment was opened/closed. No further deliberation was made between council.

A motion was made by Councilwoman Absolon and seconded by Councilman Frohlich to waive the rules for Ordinance adoption and read the Ordinance by Title only. Councilman Wells called for a vote. The vote showed all in favor. The motion carried. A motion was made by Councilwoman Absolon and seconded by Councilman Frohlich that having concluded that the Criteria for Approval of a Rezone found in Title 10, Article 14.7.11.B have been met as documented in the Staff Report, I move to approve Ordinance #O533, AN ORDINANCE OF THE CITY OF VICTOR AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF VICTOR, WHICH IS PART OF TITLE 10 OF THE CITY'S MUNICIPAL CODE, TO ASSIGN RS-3 (RESIDENTIAL SINGLE-FAMILY) TO THE PARCELS OF LAND IDENTIFIED AS RPB0086009005A AND RPB00860090060. Councilman Wells called for a roll call vote. Councilman Green- In Favor, Councilman Frohlich- In Favor, Councilman Wells- In Favor, Councilwoman Absolon- In Favor. The motion carried.

Public Hearing: AX2018-01 Teton Valley Enterprises- Teton Valley Enterprises/Ryan Kearsley Loving Trust has requested Annexation into Victor city limits for the 60-acre property located at 7150 S 1000 W. The property consists of three 20-acre parcels, is currently agricultural land, and is zoned A-2.5 under Teton County's jurisdiction. The proposed zoning for the property is Industrial Flex (IX). The request includes parcels: RPB3N45E031801, RPB3N45E031802 and RPB3N45E031803. Ashley Koehler confirmed that proper notice has been given and that supporting materials are complete. No Council members declared a conflict of interest. Ashley made staff comment regarding the history of the original annexation request and stated that Ryan Kearsley has modified his request from three 20-acre parcels to a 10-acre parcel and would like to continue with the annexation and reviewed the updates that do not comply with the comprehensive plan and frontage road updates.

Ryan Kearsley made public comment stating that he still believes that the city needs storage units closer to the city limits and presented the comprehensive plan and how it doesn't apply to his project, that he doesn't need utilities from the city, and would be happy to share the cost for updates on the road. Public comment was opened. Mark Johnson, residing in Aspen Lake Subdivision would like to see this project rejected.

Ben Kearsley would like the city to allow the owner to have better options to use this property way than just agriculture development. Ben is in favor of this project. Jim Ryan, residing in Aspen Lake Subdivision feels like it doesn't comply with the comprehensive plan, and is against the project. Nate Rectani resides on Lakeside Rd is against this project. Further deliberation was made between council regarding the annexation and the original de-annexation that happened in 2014 and the direction we need to take for the community. Discussion was made regarding the road and lights, the rate that the city is growing.

A motion was made by Councilman Frohlich and seconded by Councilwoman Absolon that having concluded that the Criteria for approval of an Annexation found in Title 10, Article 14.7.13 and Rezone Map Amendment found in Title 10, Article 14.7.11 have not been met, as documented in the Staff Report, I move to deny AX2018-01 as described in the revised application materials submitted on June 27, 2018. Councilman Wells called for a vote. The motion showed all in favor except Councilman Green who was against. The motion carried.

Continued- Public Hearing: ZX2018-01 Rezone- Mountainside, Inc. has requested a Rezone for Phases 3A, 3B, and 4W (4West) of Mountainside Village Subdivision. The properties are currently zoned Single and Two-Family (RS-7) and Commercial Mixed Use (CX). The proposal would rezone portions of the properties to approximately 7.07-acres of RS-3 (Single and Two Family), approximately 3.60 -acres of RS-5 (Single and Two Family), and approximately .87-acres of IX (Industrial Flex). Ashley Koehler confirmed that proper notice has been given and that supporting materials are complete. No Council members declared a conflict of interest. Ashley made staff comment regarding the review of a subdivision plat, and that infrastructure is a necessary improvement that needs to be met before any more units are built in this location, and for the city to rezone the properties around mountainside to less density. Ashley stated that IF&G are looking into the subdivision application.

Larry Thal made public comment regarding the master plan, phase 3, and the current zoning. Public comment was opened. Zach Smith, resides in Mountain Shadows Way, made public comment stating he is

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in favor on the master plan. Further deliberation was made between council regarding the original master plan and future phases.

A motion was made by Councilwoman Absolon and seconded by Councilman Frohlich that having concluded that the criteria for approval of a rezone per Title 10, Art. 14.7.11 has been met as outlined in the original Staff Report dated 8/10/18, I move to conditionally approve the Rezone of the requested properties as described in said Report. This approval of the Rezone is subject to the following conditions:

1. The Preliminary Subdivision Plats for the properties requesting the rezone, known as Mountainside Village Phase 3A, 3B, and 4-West, shall be reviewed and obtain approval within one year.
2. The Development Agreement for subdivisions within the land requesting to be re-zoned shall include a provision outlining the necessary improvements to the water system and any other required public improvements and will also include a timeline to construct all public and private improvements.
3. The property requesting to be re-zoned to IX (Phase 4-West), shall be restricted to only residential and/or self-service storage uses.
4. The applicant's agreement in writing to a rezoning of the remainder acre of mountainside village property to a zone or zones and comply with the comprehensive plan and protects the interest of the city and its stake holders and strives to meet the spirit of Mountainside Master Plan.

Councilman Wells called for the vote. The vote showed all in favor. The motion carried.

Action Item: Waiver of Building Permit Fees for Teton County School District for New Victor Elementary School. Olivia Goodale made staff comment regarding the request from the Teton County School District to waive the building permit fees and water hook-up fees associated with the new Victor Elementary School. Olivia explained that water hook-up fees are not something the city can waive at this time due to state statute and reviewed the fees that can be waived for state and city inspections and reviews. Further deliberation was made regarding reduction of time and building permit fees for review and inspections. Garrett Chadwick with JPC Architects and representing the Victor Elementary School made public comment regarding the building inspection fees through the city and state. Further deliberation was made regarding the state inspection and the taxing district. A motion was made by Councilman Frohlich and seconded by Councilwoman Absolon to waive the building permit fee submitted by Teton County School District for the new Victor Elementary School down to the amount of \$4420.00 Councilman Wells called for the vote. The vote showed all in favor. The motion carried.

Consent Calendar:

A motion was made by Councilman Frohlich and seconded by Councilwoman Absolon to approve the consent calendar as presented with the following motions:

- a. To approve the September 12, 2018 Regular Meeting Minutes as presented.
- b. To approve the Disbursements as presented.
- c. To approve the Special Event Application- Teton Valley Foundation, Human Foosball Tournament as presented.

Councilman Wells call for the vote. The motion showed all in favor. The motion carried.

Matters from Mayor, Council & Staff

Councilman Frohlich gave an update on 82 S Main Street, they will have a meeting and will brainstorm ideas. Councilwoman Absolon reported on the "What's Our Vector" event and stated that she will be gone the October 12 meeting.

The dashboard included items related to planning permits and applications, the upcoming URA and Planning Commission meeting dates, and the Treasurers monthly report.

Visitors:

Suzie Bushong, Doug Aslin, - 61 S Beryl Street, made public comment on the abandoned house. The backdoor doesn't close, there are broken windows, mold, and are inquiring about what can be done. Herb made staff comment that he will look into what are next steps are.

Recess to Executive Session to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need in accordance with Idaho State Statute 74206(a). A motion was made by Councilman Frohlich and seconded by Councilwoman Absolon to enter into executive session at 8:50P.M. Councilman Wells called for a roll call vote. Councilman Green- In Favor, Councilman Frohlich- In Favor, Councilman Wells- In Favor, Councilwoman Absolon- In Favor. The motion carried. A motion was made by Councilman Frohlich and seconded by Councilman Green to adjourn from executive session at 9:01 P.M. Mayor Potter called for a roll call vote. Councilman Green- In Favor, Councilman Frohlich- In Favor, Councilman Wells- In Favor, Councilwoman Absolon- In Favor. The motion carried.

Adjourn. A motion was made by Councilwoman Absolon and seconded by Councilman Green to adjourn the meeting. Councilman Wells call for the vote. The vote showed all in favor. The motion carried. The meeting adjourned at 9:01PM.

City of Victor

ATTEST:

Michelle Smith, City Clerk

Jeff Potter, Mayor

Minutes:MS-09/26/2018