

City Council Meeting

March 13, 2019

Victor, ID

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

Mayor & Council: Jeff Potter, Tim Wells, and Molly Absolon. Dustin Green called in. Will Frohlich was absent.

Staff: Olivia Goodale, Ryan Krueger, Tyler Steinway, Rob Heuseveldt, Joanna Burkhart, Herb Heimerl, and Michelle Smith.

Mayor Potter announced that the March 27th city council meeting has been cancelled due to spring break.

Visitors. Barb Dery representing the Victor Urban Renewal Agency gave an update on the VURA end of year report related to the revenues that have come in in 2018 and the estimated revenue projection for the next couple years. Updates on the new mobility west report and the viable projects which include the breaking up of the superblock downtown, the depot district, and enhancing the dogwood and main intersections.

Public Hearing/Action Items.

Public Hearing: SD2018-01, The Summit Final Plat. Ryan Krueger confirmed that proper notice has been given and that supporting materials are complete. No Council members declared a conflict of interest. Ryan Krueger made staff comment regarding the steps and approvals that have been completed for the subdivision final plat to create eight buildable lots consisting of 31 townhouse units located at approximately 8455 S 1000 W. Discussion was made regarding the density of the project.

Gary Schnell, representing Trail Creek West, LLC, made public comment regarding the timeline of the project, and is requesting a fee waiver for the modifications that need to be made, the previous planner lead them in the direction they were going, and now they must do a modification. Ryan suggested that council approve the fee request tonight. Discussion followed regarding the fee waiver request and what lead up to why the request is being made and the initial staff fees and time and if there is a possibility of doing a reduction of fees vs a complete fee waiver. Discussion was made regarding the development agreement and the amendment that will need to be made.

A motion was made by Councilman Wells and seconded by Councilwoman Absolon that having concluded that the criteria for approval of a final plat found in Title 10, Article 14.5.10.D.9 have been met, I move to approve the final plat for The Summit as described in the application materials submitted on February 14, 2019, and subject to the findings of fact & conclusions of law listed in the staff report and the conditions of approval listed below for the hearing date of March 13, 2019.

General Conditions of Approval

1. The applicant shall be solely responsible with compliance to these conditions of approval, all applicable development requirements, and all previous land use decisions rendered for this project site location included Planning File No. SD2018-01 except where noted herein.
2. A sign permit shall be submitted and approved prior to the installation of the entry sign indicated on the building permit plans.
3. The park dedication requirements of LDC Art. 12.6 for the code in effect at the time on Concept Plan approval, which specifies a multiplier for calculating park space in lieu of a fixed percentage of land dedication, shall be met in subsequent phases and any subsequent phase shall not receive Final Plat approval until the required land dedication or payment-in-lieu has been received by the City of Victor. This Condition of Approval shall be reviewed for compliance with Conditions #9 and #16. If future phases of the subdivision are not developed, this condition shall apply to any future development of this portion of the site regardless of the parcel's ownership or inclusion in The Summit subdivision. Moreover, the dedication of land shall be required to calculate the total land dedication inclusive of all residential units included in the current phase. Conditions of Approval to be Addressed in the Modification of a Final Plat Application

4. The applicant shall submit Final Documents as specified in LDC Articles 13.3.15 and 14.5.10.D.7 prior to recordation of the Final Plat. Two (2) mylar copies of the Plat and one (1) paper copy of the plat, inclusive of the required signature blocks, shall be submitted for review and certification by the City following expiration of the appeal period for this decision. These shall be submitted within six (6) months of this decision. The required Final Improvement Plans and the Final Covenants, (Conditions), and Restrictions (CC&Rs) shall be submitted in accordance with Conditions #10 and #15.
5. The Certificate of Owners on the Final Plat shall be updated to state that Lot 6 cannot be developed for residential purposes in the future as specified in the Site-Specific Conditions of Approval contained in the Notice of Decision (5/1/18) for the Preliminary Plat.
6. The applicant shall submit a party wall agreement in the Modification of a Final Plat application as required in LDC Art. 14.5.12.C.1.
7. The applicant shall meet the requirements for the townhouses as listed in LDC Art. 14.5.12 in the Modification of a Final Plat application.
8. The applicant shall update the plat to demonstrate compliance with the Preliminary Plat approval Site Specific Condition of Approval #8 contained in the Notice of Decision (5/1/18). This condition reads as follows – “8. Bighorn Trail and Pronghorn Trail shall be dedicated as public roads.” These roads shall be dedicated to the City of Victor with a Right-of-Way width of 60 feet and shall be constructed to the standards of the Neighborhood Local cross-section, as defined in LDC Art. 12.4.13.C, prior to the issuance of all Certificates of Occupancy for the project site.
9. If the applicant is proposing to create all lots of record in the Final Plat as currently proposed (i.e. the designation of Lot 1 as a lot of record in lieu designating it simply as a future phase), all standards for subdivision development, inclusive of open space dedication, and all other relevant LDC standards shall be met for in the application for modification of the Final Plat. The applicant is instead encouraged to indicate Lot 1 as a future phase of development and not a lot of record at this time. Furthermore, the applicant shall include this information in an updated Master Plan (see Condition #16) to be submitted and recorded concurrent with the modified Final Plat. Conditions of Approval to be Addressed Prior to or Concurrent with Recordation of the Modified Final Plat.
10. The applicant shall submit Construction Drawings and Final Improvement Plans as specified in LDC Articles 12.1.4.C and 14.5.10.D.10. The applicant shall also submit the completed City of Victor public improvement checklist for portions of system in this phase of development. These reports are required to include the Public Works Director’s sign off and acceptance. The City shall inspect and accept these improvements prior to recordation of the modified Final Plat. These documents shall be submitted and approved within six (6) months of this decision.
11. The applicant shall submit documents in accordance with LDC Art. 14.5.10.D.11 prior to recordation of the modified Final Plat. These shall be submitted within six (6) months of this decision.
12. The applicant shall submit a proposal for warranty and guarantee financial as established in LDC Articles 12.15 and 12.16 prior to the recordation of the modified Final Plat. All streets and public improvements must have a warranty guaranteeing the work against defects for a period of two (2) years from the date of final acceptance. The guarantee must continue until 2 years from the date of final acceptance of the improvement last completed. The warranty must list the City of Victor as a beneficiary. A warranty surety must be provided in an amount of 10% of the estimated value of the warranted improvements. The surety must expire six (6) months after the expiration of the warranty period.
13. The applicant shall document compliance with Site Specific Condition of Approval #2 from the City Council Notice of Decision for the Preliminary Plat dated 5/1/2018 prior to recordation of the modified Final Plat.
14. If outdoor service areas are to be installed at this site, these areas shall be shown an updated site plan. If the applicant intends for each individual unit to address trash and recycling individually, the Covenants, Conditions, and Restrictions (CC&Rs) shall be updated to include this information. All onsite service areas shall be developed the modified plat.
15. The Covenants, Conditions, and Restrictions (CC&Rs) shall be updated to specify the expectations for maintenance of the onsite private street, Caribou Court, prior to recordation of the modified Final Plat. The amended CC&Rs shall be recorded concurrently with the modified Final Plat.

16. The applicant shall submit and record an updated Master Plan as specified in LDC Art. 14.5.10.C.2.f concurrent with the recordation of the modified Final Plat.
 17. Prior to recordation of the modified Final Plat, all easements shall be recorded with Teton County.
 18. The applicant shall dedicate a public access easement for the public pathway along Trail Creek prior to recordation of the modified Final Plat. The associated instrument number for the pathway easement along Trail Creek shall be included on the Final Plat prior to sign off by the Planning and Zoning Administrator.
 19. City Council approval of the modified townhouse lot size standards shall be required prior to the recordation of the modified Final Plat.
 20. The applicant shall demonstrate that the private street (Caribou Court) meets all standards required for such roadways as established in LDC Art. 12.4.4, including snow storage and the requirements for platting the private street as a separate parcel of record. The applicant may propose alternative methods for compliance with this standard, such as offsite snow storage. The Planning and Zoning Administrator shall determine that compliance with this condition has been met prior to the recordation of the modification of the Final Plat. The Planning and Zoning Administrator may require that alternative compliance methods be included in the Covenants, Conditions, and Restrictions (CC&Rs) or other binding document.
- Conditions of Approval to be Addressed Prior to the Issuance of Certificates of Occupancy for Project Site
- Prior to the issuance of Certificate of Occupancies for this project site, the applicant shall submit and receive an approval for an application for a Modification of a Plat – Significant Changes (Major) as established in LDC Art. 14.10.3.D. The modified Final Plat shall be recorded with Teton County, ID, and all aforementioned and subsequent conditions of approval shall be met prior to the issuance of Certificates of Occupancy for this project site.
22. The Development Agreement for the subdivision shall be amended to state the city will allow for recordation of the modified Final Plat prior to the completion of improvements. The Development Agreement shall specify the timeline for installation of the required improvements. The financial guarantee shall not be released until City has inspected and authorized that the improvements meet the required standards. Furthermore, no Certificates of Occupancy for this project site shall be granted until the amended Development Agreement has been recorded with the County and the required improvements have been installed.
 23. A lighting plan shall be submitted, inclusive of photometric data and lighting spec sheets, prior to the installation of outdoor lights to demonstrate compliance with LDC Art. 11.4. The lighting plan shall be reviewed for compliance with LDC Art. 11.4 prior to the issuance of Certificates of Occupancy.
 24. The applicant shall install a buffer on the northern boundary of the property where the RM-2 zone borders the RS-5 zone in accordance with the LDC Art. 11.2.2 prior to the issuance of Certificates of Occupancy.
 25. The applicant shall submit an updated site plan that displays all ADA parking. This condition shall be satisfied prior to the issuance of any Certificates of Occupancy.
 26. The applicant shall submit confirmation that the USPS Post Master has approved the location of the required onsite cluster box or boxes (mailbox).
 27. The applicant shall be required to demonstrate that street trees have been installed along all public streets as outlined in the appropriate street section referenced in the LDC 12.4.12 or provide evidence of City of Victor authorization for an alternative design or location for installation of street trees prior to the issuance of the of the Certificates of Occupancy.
 28. The applicant shall submit documentation that all electric and telecommunication lines have been installed according to LDC Art. 12.5.5 prior to the issuance of Certificates of Occupancy.
- Mayor Potter called for a roll call vote. Councilman Green- In Favor, Councilman Wells- In Favor, Councilwoman Absolon- In Favor. The motion carried.

Action Item: City Hall Facility and Lease. Olivia Goodale made staff comment regarding the history and recent concerns with safety issues at City Hall. Olivia reached out to the building inspector and fire marshal and requested that city hall be inspected. The inspection reports brought to light multiple safety concerns. Staff has found a temporary office space at 10 S Main and will continue to investigate the council chambers and if we are able to hold meetings at the current city hall. Further discussion followed with what it would

take to bring the current city hall up to date. Staff will investigate long-term options and present those to council at a later date.

Earl Giles, Teton County Fire Chief made public comment regarding the inspection that was performed and stated that there were multiple violations and safety issues found that address the fire walls separating shop and office areas, wiring, ventilation, means of egress, smoke alarms, electric panels and breaker boxes.

Further deliberation was made on doing 6-month lease and just having a flexibility with getting City Hall fixed up and budget funding. Rob stated that we are about 6 months out before staff is really going to have time to jump in to fixing the violations.

A motion was made by Councilwoman Absolon and seconded by Councilman Wells to direct staff to relocate City administrative/public offices to an alternative location due to safety concerns outlined in the fire and building inspection reports attached to the staff report and further approve the associated lease for Unit 101, 10 South Main Street, subject to approval and any minor changes made by the City Attorney. Mayor Potter called for a roll call vote. Councilman Green- In Favor, Councilman Wells- In Favor, Councilwoman Absolon- In Favor. The motion carried.

Consent Calendar:

A motion was made by Councilman Wells and seconded by Councilwoman Absolon to approve the consent calendar including items 1-4 as presented with the following motions:

1. To approve the February 27, 2019 Regular Meeting Minutes as presented.
2. To approve the Disbursements as presented.
3. To approve the LHTAC/Local Agreement for Highway 31 Safe Child Pedestrian Project as presented.
4. To approve the Placemakers Sculpture Park Property License Agreement as presented.

Mayor Potter called for a roll call vote. Councilman Green- In Favor, Councilman Wells- In Favor, Councilwoman Absolon- In Favor. The motion carried.

Matters from Mayor, Council & Staff

Councilwoman Absolon reported on TVTAP, Mountain Bike of the Tetons and the Teton Valley Foundation. Mayor Potter reported on the safe child pedestrian grant.

Mayor and Council Liaisons: This item was not discussed. It will be addressed when there is a full council present.

Dashboard. The dashboard included items relating to permits and applications for planning, baseline road asphalt overlay project, seasonal public works position, and the upcoming URA. and Planning meetings.

Adjourn. A motion was made by Councilman Wells and seconded by Councilwoman Absolon to adjourn the meeting. Mayor Potter called for the vote. The vote showed all in favor. The motion carried. The meeting adjourned at 8:10 P.M.

City of Victor

Jeff Potter, Mayor

ATTEST:

Michelle Smith, City Clerk