

MINUTES OF THE SPECIAL MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO HELD SEPTEMBER 25TH, 2017.

MEETING CALLED TO ORDER AT 6:30PM BY JAMES R. SMITH, MAYOR.

ROLL CALL SHOWED THE FOLLOWING PRESENT: JAMES R. SMITH, MAYOR
MITCHELL J. HART, PRES.
JON D. GOODE
ROBERT M. LAU
SCOTT K. GAMBLES

EXCUSED:

ALSO PRESENT: Alan Skinner, Director
Tausha Vorwaller, Clerk
Clyde Nelson, Attorney via telephone

The meeting was called to order by the Mayor to hear a report and recommendation from Councilmember's Hart and Lau who were assigned to meet with Mick McCullough of Soda Springs Hotel, LLC regarding his request for a waiver of the curb, gutter and sidewalk on the south side of the Cobblestone Inn & Suites development.

Councilmember Hart reported that he Councilmember Lau meet with Mick and Dee McCullough for an hour and 45 minutes and discussed at length the City's concerns and the McCullough's proposal and plans for the completion of the Cobblestone Hotel. Councilmember Hart stated he thought the meeting was productive and following these discussions with the McCullough's he moved to approve that the City of Soda Springs waive the requirement to install curb, gutter and sidewalks on the south side or back side of the hotel. The Hotel representatives have assured the City that the south side or back side of the Hotel will be developed and landscaped with quality material to ensure that the hotel ties-in sufficiently well with current road and infrastructure and as part of the waiver it is our understanding that they will accept the resultant liability and consequences and hold the city harmless resulting from the waiver granted. As the hotel is completed in the coming days; curb, gutter and sidewalk will be installed on the north side or front side of the Hotel. At the discretion of the Hotel; sidewalk, on the north side/front side of the Hotel is intended to be extended an additional 80 feet or so to tie-in the Hotel to the businesses to the east. Councilmember Goode seconded the motion and stated he would ask for an amendment to the motion expressing his concern about the wording "at the discretion" which implies they may not extend the sidewalk which he understood was a trade for waiving the improvement in the back.

The Mayor and Council discussed at length. Councilmember Goode suggested memorializing the City's understanding by sending the McCullough's a reply letter clarifying the agreement to waive the back improvements in exchange for them voluntarily extending the sidewalk the 80 feet in the front.

Attorney Nelson reviewed in detail his opinion of the necessary agreement that should be presented to Mr. McCullough. Councilmember Hart reported that Mr. McCullough is opposed to signing any agreement. The City Code requirements were discussed and the building permit application was reviewed showing that the checklist included with the application that spells out the code requirements including those for curb, gutter and sidewalk was not signed by the contractor who submitted the permit application.

Councilmember Lau stated he did not feel Mr. McCullough was opposed to signing a simple agreement or accepting a letter of understanding memorializing the agreement between the parties. Councilmember Lau also asked if the requirement to install curb, gutter and sidewalk applied to the same use of the property explaining that the property had a hospitality use previous and will continue to be the same use. Attorney Nelson explained because it is new construction it is required. If it would have just been a remodel of the existing building then it would not have been required.

The discussion continued and the motion was reviewed. Councilmember Hart withdrew his original motion and Councilmember Goode withdrew his second. Councilmember Hart then moved to approve that the City of Soda Springs waive the requirement to install curb, gutter and sidewalks on the south side or back side of the hotel with the Hotel representatives assuring the City that the south side or back side of the Hotel will be developed and landscaped with quality material to ensure that the hotel ties-in sufficiently well with current road and infrastructure and as part of the waiver it is the City's understanding that the Hotel will accept the resulted liability and consequences and hold the City harmless resultant from the waiver granted. As the hotel is completed in the coming days; curb, gutter and sidewalk will be installed on the north side or front side of the Hotel and in exchange for the City's waiver, representatives of the Hotel agree to voluntarily extend the north side/front side sidewalk, curb and gutter an additional 80 feet or so to tie-in the Hotel to the businesses to the east and all parties understand that the improvements are required to be completed before a certificate of occupancy will be issued. Councilmember Goode seconded the motion. All in favor, motion carried.

Attorney Nelson will prepare a reply letter clarifying the City's understanding of the agreement with Mr. McCullough of Soda Springs Hotel, LLC requesting his acceptance.

Councilmember Lau moved to adjourn the meeting at 7:00pm, seconded by Councilmember Goode. All in favor, motion carried.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL THIS 4TH DAY OF OCTOBER, 2017.

James R. Smith, Mayor

ATTEST:

Tausha Vorwaller, Clerk