City Council Meeting

December 10, 2025 **Victor, ID**

Victor City Council met in regular session in the Council Chambers in City Hall at 138 N Main Street at 6:00 P.M. Upon roll call the following were found to be present:

Mayor & Council: Will Frohlich, Emily Sustick, Amy Ross, Stacy Hulsing, and Sue Muncaster.

Staff: Jeremy Besbris, Jasmine Griffin, Kim Kolner, Nate Beard, and Michelle Smith via zoom. Jeff Bower, legal representative via zoom.

Consent Calendar:

A motion was made by Councilor Muncaster and seconded by Councilor Hulsing to approve the consent calendar including items a-e, excluding b and c, as presented with the following motions:

a. To approve the November 12, 2025 Regular Meeting Minutes as presented.
b. To approve the November 13, 2025 Special Meeting Minutes as presented.
c. Disbursements
d. To approve the Authority to Settle Nuisance Abatement Matter as presented.
e. To approve the Authorization of Matching Funds for the Victor Skatepark as presented.

Mayor Frohlich called for a vote. The vote showed all in favor. The motion carried.

b. November 13, meeting minutes to reflect the correction from the planning and zoning recommendations to show RC in place of RS-16. A motion was made by Councilor Muncaster and seconded by Councilor Sustick to approve the November 13, 2025 special meeting minutes with the amendments. Mayor Frohlich called for a vote. The vote showed all in favor. The motion carried.

c. Disbursements- Mayor pulled Invoice #87465 (City of Victor – J1028-07: Sewer Judicial Confirmation) for clarification. The Mayor asked council if Driggs requested Stephanie's presence at the meeting and asked who is responsible for covering the related cost. The Mayor requested to see if the expense can be shared between Driggs and Victor. A motion was made by Councilor Muncaster and seconded by Councilor Sustick to approve the Disbursements as presented excluding the Invoice 87465 for City of Victor - J1028-07: Sewer Judicial Confirmation. Mayor Frohlich called for a vote. The vote showed all in favor. The motion carried.

Councilor Muncaster requested that the record reflect that, as of this date, the city has paid Smith Curry Law a total of $82,725.00.

Work Session.

Wastewater Treatment Plan Discussion. The Council held a work session for the purpose of asking questions. No staff presentations were given. Driggs Mayor August Christensen was invited to participate in a discussion regarding the wastewater treatment plant and to provide clarifications.

Driggs' Mayor Christensen, representing Driggs, made public comment providing a review of wastewater treatment plant cost comparisons and capacity considerations. It was clarified that construction of a standalone wastewater treatment plant for the City of Victor is estimated at $35 million, including land acquisition and engineering-design services. The City of Driggs' standalone plant design is estimated at approximately $16 million, reflecting the use of existing infrastructure. The potential of a joint wastewater treatment plant was also discussed, with an estimated capital cost of approximately $34 million (excluding off-site costs). The cost difference between the Victor and Driggs standalone options was noted as primarily attributable to capacity requirements and reuse of existing assets. Cole Pendell, a Victor public works operator explained that with the request for further testing, the city conducted UCMR 5, which includes PFO's, PFOA and lithium sampling at all our water sources as well as the water effluent at our sewer interceptor. All those tests came back as 'non-detect'.

Public comment was opened. Concerns were raised regarding wastewater plant costs, ratepayer impacts, plant design, staffing, and trunk line upgrades. Commenters emphasized exploring collaborative options, legal review, and careful consideration of operational and environmental impacts. Public comments were heard from Kristy York, Michael Marlin, Marian Ruzicka, Erick Kraska, Cindy Reigel, Peter Werth, Ashley Colletti, Anna Trentadue, Steve Landus, Carol Kowzowski. Public comment was closed.

Design capacity was also discussed. The Council further discussed the trunk line upgrade between Victor and Driggs, which is projected to cost between $15 million and $20 million and is anticipated to be necessary within the next decade, if Victor's waste continues to be sent to Driggs, due to the line currently operating at approximately 85% capacity.

Operating costs and staffing are concerns driving the consideration of a joint plant. Mayor August Christensen highlighted that while capital costs are similar for Driggs, operations and maintenance (O&M) costs would be lower with a joint plant due to shared staff and resources. Driggs will need about three

full-time staff for a stand alone plant, and a joint plant would require four combined staff. Victor assumes its stand alone plant will require two operators..

Victor is developing internal training programs to prepare staff for higher certifications before plant operation. The example of the Garland plant showed efficient staffing with three part time public works staff, including one operator specialized in sludge processing, supported by monitoring alerts.

Outstanding financial and legal issues remain a barrier to immediate collaboration between Victor and Driggs. Victor has paid approximately $82,725 to Smith Curry law firm, with disputes over billing for meetings and services still ongoing.
There are unresolved issues around initial cost adjustments totaling about $350,000, and disagreements over how much each party should pay for the trunk line costs estimated between $500,000 and $1 million.

The concept of a tolling agreement (or pause on statute of limitations) was proposed by legal counsel to allow negotiations without litigation risk, but Driggs' council majority requires assurances that Victor will not sue if a partnership proceeds.

Both cities face tight deadlines and must decide quickly whether to pursue partnership or independent paths. Mayor August Christensen set a clear deadline of January 28, 2026, for Victor to decide whether to rejoin the joint plant effort and provide Driggs with a detailed proposal by then.

If Victor declines, Driggs will proceed with their standalone plant and plan for the split logistics and trunk line management. Mayor August Christian explained the Department of Justice (DOJ) consent decree requires Driggs to finalize 60% plant design by March 13, 2026, which constrains timing for decisions and negotiations.

A future meeting between both councils was proposed to share the same information, discuss governance preferences, and clarify financial responsibilities. The council agreed that mediation is the next best step to work through lingering disputes and build trust, with a draft tolling agreement to be prepared by December 15, 2025, aiming for a special meeting soon after to review it.

Environmental impact and community acceptance remain key factors in the decision-making process. The newer treatment plants with Class A effluent technology are designed to minimize odor and environmental impact, with examples toured showing near-zero smell and small footprints compatible with residential areas. Driggs is exploring water reuse options including irrigation and water recharge. This would require a Class A plant and an additional $6 million investment, which would be pursued with grants to limit ratepayer impact.

Discussions included different governance options for shared wastewater services and their implications. The distinction between a Joint Powers Agreement (JPA) and a Joint Powers Authority (also JPA) was explained, with the latter creating a separate legal entity with a governing board representing both cities. Sharing a permit for wastewater discharge is only possible under a Joint Powers Authority, requiring a new legal structure and board with representatives from both cities plus a neutral member.

Victor council members expressed interest in understanding financial responsibilities under both partner and customer models, where customers pay fees but do not share ownership or capital costs.

The council is considering early creation of a joint board to guide negotiations and oversee future operations, enhancing public trust and collaborative decision-making.

No action was taken at this time.

Action Items.
Ordinance O648 – Code Amendments to Chapter 1 of Title 7- Kim Kolner, Planning Director made staff comment regarding the purpose of this action item is for the Council to consider the proposed draft ordinance regarding Title 7 Chapter 1 Building Regulations. Kim reviewed amendments pertaining to Municipal Code regarding building permits, radon requirements, certificates of occupancy, fees, and exemptions.

A motion was made by Councilor Sustick and seconded by Councilor Hulsing to move to waive the first reading of Ordinance #O648, to read it by title only, and to waive the second and third Ordinance readings. Mayor Frohlich called for the vote. The vote showed all in favor. The motion carried.

A motion was made by Councilor Sustick and seconded by Councilor Hulsing to approve Ordinance #O648, an ordinance of the City Council of the City of Victor, Idaho amending and restating Chapter 1 Building Regulations of Title 7, to the Victor Municipal Code regarding building permits, radon requirements, certificates of occupancy, fees, and exemptions; allowing for this ordinance to be published; providing for an effective date; and repealing all ordinances, rules and regulations, and parts thereof, in conflict herewith.

Mayor Frohlich called for a roll call vote. Councilor Ross- In Favor, Councilor Muncaster- In Favor, Councilor Hulsing- In Favor, Councilor Sustick- In Favor. The vote showed all in favor. The motion carried.

A motion was made by Councilor Hulsing and seconded by Councilor Muncaster to move the next action item to the bottom of the agenda. Mayor called for a vote. Councilor Ross- Opposed, the other three in favor. The motion carried.

Public Hearing.
Public Hearing: SD2025-10 – Preliminary Plat – 8470 S 1000 W – Cliffrose Management LLC. Kim Kolner, Planning Director confirmed that proper notice has been given and that supporting materials are complete. No Council members declared a conflict of interest. Kim made staff comment regarding an application applied for Preliminary Plat approval for the Evergreen Subdivision. This Preliminary Plat application proposes 37 lots (34 units=17 attached single family structures) with two roadways that loop through the site. Kim reviewed the Applicable criteria. Public comment was opened. Public comment was closed.
A motion was made by Councilor Muncaster and seconded by Councilor Sustick that having concluded that the Criteria for Approval of a Preliminary Plat found in Title 10, Article 14.5.10 have been met, I move to approve SD2025-10 for Preliminary Plat of Evergreen Subdivision as described in the application materials, subject to the Conditions of Approval in the staff report for the public hearing date of December 10, 2025. I further move to approve the associated development agreement in form approved by the City Attorney. Mayor Frohlich called for a roll call vote. Councilor Ross- In Favor, Councilor Muncaster- In Favor, Councilor Hulsing- In Favor, Councilor Sustick- In Favor. The vote showed all in favor. The motion carried

CONDITIONS OF APPROVAL

1. The applicant shall be solely responsible for compliance with these conditions of approval, all applicable development requirements, all federal state local laws, including Article 12 of the Land Development Code, and all previous land use decisions and the associated conditions rendered for this project site location.
2. The developer shall pay $33,761.32 to the City for their proportional share of the improvements made to lift station #2. This payment must be received by the City prior to the pre-construction meeting and the issuance of any construction or grading permits.
3. 3. The developer shall pay $6,140.00 to the City for their proportional share of the planned resurfacing of S1000W. This payment must be received by the City prior to the pre-construction meeting and the issuance of any construction or grading permits. In the event that the City does not make improvements to S1000W within 10 years of the date of this Agreement the City will return the payment to the Developer.
4. Any corrections noted by the City or County Engineer shall be corrected on the Improvements Plans and approved prior to issuance of any Permits.
5. No building permits shall be issued prior to the final plat for the development being recorded in addition to compliance with all other terms of the development agreement and municipal code. The Development's fire protection system shall be completed per the development drawings and operational per the City and Fire District's inspections and written approval before a building permit may be issued by the City.
6. A Guarantee shall be secured in accordance with Section 12.1.6 of the Land Development Code prior to the pre-construction meeting and construction of the approved Development Drawings.
7. All street signs are required to meet MUTCD-ISPWC.
8. The Developer will dedicate the park and open space to the public on the plat with a note that the homeowners association will be responsible for maintaining the park and open space to City park standards. The homeowner's association will not be responsible for making any capital improvement to the park and open space. The Developer will transfer the park and open space to the homeowner's association once it is created. The City will then agree to accept a deed for the park and open space from the homeowner's association with the reservation of a positive covenant of maintenance in the deed.

Public Hearing: Continued Public Hearing: Ordinance O645 LU2025-10 – Annexation/Rezone – South of 7000S between 500W & 1000W- City of Victor/Evans Kim Kolner, Planning Director confirmed that proper notice has been given and that supporting materials are complete. No Council members declared a conflict of interest. Originally noticed for November 13, 2025 and continued. Public comment was opened was opened and closed at the previous meeting held on November 13, 2025. Public comment will not be taken at this meeting and reopen council deliberation. No new material has been submitted. Kim made staff comment regarding shrinking or prohibiting uses, conditional use permit requirements. Further discussion between council was made regarding additional conditions to be added, that any CUPs be approved by City Council with P&Z as the recommending body, conditionally allowed scope of conditions, and keep RC zone.

A motion was made by Councilor Muncaster and seconded by Councilor Hulsing to continue Ordinance O645 LU2025-10 – Annexation/Rezone – South of 7000S between 500W & 1000W- City of Victor/Evans to January 14, 2026 @6Pm, where addition public testimony will be heard and a public hearing will be held, and further direct planning staff to update the staff report. Mayor Frohlich called for a roll call vote. Councilor Ross- In

Favor, Councilor Muncaster- In Favor, Councilor Hulsing- In Favor, Councilor Sustick- In Favor. The vote showed all in favor. The motion carried.

Resolution R587, A Resolution to Seek Judicial Confirmation to Incur Debt for Wastewater Improvements- A motion was made by Councilor Muncaster and seconded by Councilor Hulsing to continue the action item to the January 14th meeting at 6pm. Mayor Frohlich called for a roll call vote. Councilor Ross- In Favor, Councilor Muncaster- In Favor, Councilor Hulsing- In Favor, Councilor Sustick- In Favor. The vote showed all in favor. The motion carried.

Matters from Mayor, Council & Staff.
A link was provided for the Treasurer's Monthly Report and Pending Applications & Projects

Adjourn. A motion was made by Councilor Muncaster and seconded by Councilor Sustick to adjourn the meeting. Mayor Frohlich called for the vote. The vote showed all in favor. The motion carried. The meeting was adjourned at 10:52 P.M.

City of Victor

Will Frohlich, Mayor

ATTEST:

Michelle Smith, City Clerk

Minutes: MS 12102025