

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
MARCH 15, 2011**

Pursuant to adjournment of the City Council meeting held March 1, 2011, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, March 15, 2011**, at 7:00 p.m. A roll call was taken and present were council members: Greer Jones, Colin Dye, George Mosher and Jay Mazalewski, Mayor Daniel Powers, Planning and Zoning Administrator Doug Self, Public Works Director Jared Gunderson and City Attorney Stephen Zollinger. Mayor Powers led the Pledge of Allegiance.

MINUTES TO REVIEW

Council Members reviewed the minutes from the previous City Council Meeting. Council Members Dye requested context be added to the minutes.

Council Member Jones made a motion to approve the minutes of the March 1, 2011 City Council Meeting as amended. Council Member Mazalewski seconded the motion. The motion passed with all in favor.

CLAIMS REVIEW

Council members reviewed the claims.

Council Member Mosher made a motion to approve the claims as presented dated March 2, 2011 through March 15, 2011. Council Member Mazalewski seconded the motion. The motion carried unanimously.

AUGUST CHRISTENSEN – DOG ISSUES

August Christensen spoke to the Council. She felt it was important for the citizens of Driggs to feel safe when walking down the streets. She stated that at this time, she did not feel safe due to the problem of unleashed dogs roaming the neighborhoods. Ms. Christensen stated she would like to work with the City of Driggs, the Teton County Sheriff, and the community to make changes to ensure safety of pedestrians. She proposed that public awareness be increased possibly with notices in the water bills and/or through ads in the newspaper encouraging people to make reports to the sheriff department. Ms. Christensen stated she understood animal control was not an option, but felt there were other ways and suggested that the City of Victor and the City of Driggs join forces. She also suggested fees collected in violation could be used for a part-time animal controller.

Tony Liford, Teton County Sheriff, also spoke to the Council. He stated that one of the first items to be cut from the budget was for a full-time animal controller. There was an attempted to have a volunteer, but the opportunity did not work. He understood the issue had become a matter of quality of life for those in Teton County, but stated his department was not equipped to deal with the issues. Sheriff Liford explained that in 2010 there were 153 calls regarding dogs, 68 were lost or found, 68 were for barking or unattended dogs and 8 dogs were taken to the shelter. He concluded by stating at one

time it was discussed funding animal control through the county or cities because it was a specialty operation.

Council Member Jones questioned if the cities should adopt animal control ordinances instead of having them under the county. Sheriff Liford stated that most of the time the offense was not citable because they were unable to locate the dog's owner.

Council Member Mazalewski questioned the cost for a full or part-time animal control officer. Sheriff Liford stated they budgeted \$90,000 for a full-time controller and equipment. He reminded the Council that the City of Tetonica was licensed and should be doing animal control themselves.

Stephen Zollinger explained that the highest fine imposed could be up to \$1,000 but would be up to the Judge to implement and he felt the end result would be closer to \$300. Sheriff Liford stated that the purpose of licensing dogs was to aid in returning dogs and not enforcement of control. He concluded that he would research the cost and let the Council know the essentials needed and what it would cost.

Ms. Christensen stated that if money was an issue, there were other ways to implement control. Mayor Powers felt that enforcement would be the answer to the problem. Sheriff Liford stated that if the city wanted to enforce licensing, it should be more available to obtain at places such as vets, shelters, and cities and not just with the county. He also suggested that the licensing program be available to the sheriff's office so they could work to ensure dogs were returned to their owners as soon as possible.

RESOLUTION 263-11 REMOVAL OF OLD CITY RECORDS

Council Member Jones was concerned about destroying old building plans. Kreslyn Schuehler explained that they were residential plans, not commercial plans, and were only destroyed two years after a Certificate of Occupancy was issued.

Council Member Mazalewski made a motion to approve Resolution 263-11 with the change to amend Building Plans to Residential Building Plans. Council Member Jones seconded the motion. The motion passed with all in favor.

FALL RIVER FRANCHISE AGREEMENT

Mayor Powers stated that Fall River had offered to give the city an annual franchise fee of .25% based on the total power costs in the City of Driggs. The streetlight meters were reviewed and it was agreed that each light would be charged based upon the number and wattage. This would save the city approximately \$14,000 a year.

Fall River requested a longer term than 10 years. If the City was willing to have a term of 50 years, Fall River would consider reducing the cost to bury overhead lines by 10%, equating to \$6,200. Mayor Powers suggested a term length of 30-35 years with the option to review the agreement every 10 years.

Council Member Mazalewski did not feel it would be worth extending the agreement to 50 years and suggested sticking with an agreement that lasted 30 years.

Council Member Mosher felt that the future Council Members should be left with an option to negotiate and agreed if the agreement were longer, that would not be as easy. He further stated that in the past Fall River was unwilling to negotiate, but felt they were more receptive at this time.

Council Member Mazalewski would like to see a clause in the agreement stating that negotiations or mitigation could be used if either party disagreed.

Mr. Zollinger stated that as soon as the attorney for Fall River reviewed the document, a public hearing would be scheduled. Thirty days after the public hearing, there must be a vote with 3 of the 4 Council Members approving the agreement and all being present.

NORTH/SOUTH PATHWAY REVIEW

Mayor Powers stated he met with Anne Callison and Beth Byrd regarding the pathway scheduled to cross in front of the Sawmill Townhomes on First Street. Mr. Self stated that a letter had been drafted confirming the mitigated items the City was agreeing upon.

Ms. Callison had concerns regarding the tree replacement and the seam treatment between the asphalt driveway in the Sawmill Townhomes and the pathway. Council Member Mazalewski felt that the tree replacement should be specific and Ms. Callison suggested that if the trees need to be replaced they are done so with 15-20 foot trees of the same species, except for the weeping birch tree which could be replaced with something half its size.

Council Member Mosher questioned if the contractor, HK Contractors, was aware of this agreement. Mr. Self stated that HK Contractors was not, but the ITD Project Engineer was. Mr. Zollinger concluded the discussion by stating that nothing in the agreement would be atypical of what HK Construction had already signed to do the project.

PLANNING AND ZONING REPORT

Dreamchasers Lease Proposal for Community Center Space

Mr. Self read from his staff report stating that, “instead of leasing to private entities with no real mention in the lease about the actual use, the city could officially designate space in that area of the building as a Recreation Center and have a desired set of recreation services that it would seek out providers for. An arrangement that is longer term and specific on provision of public recreation opportunities will allow tenants to make improvements and allow the city to avoid being seen purely as competitors in the market of commercial floor area.”

He suggested looking at leases of 10 years or more and transfer space over to a Recreation Center. Mr. Zollinger stated that this idea would require the city to open the space up to all entities, increasing the potential for the current tenants to lose the space to another business.

It was suggested that a committee be developed to determine what uses should be included in the center. Mr. Self suggested that other community members be involved with the community, including commercial property owners.

Jay Batchen, owner of Dreamchasers, spoke to the Council. He proposed moving their facility to the Community Center because it was harder to compete with those that were not paying full commercial rates. The need of space for this business was simple and would be easy to move equipment and store around the perimeter, to allow for the same space to be used for other events. Mr. Batchen stated they had a need to act quickly to find a new space and were talking to other building owners as well. He explained the other uses that were available for the community and understood that the retail portion of their business would not be allowed in the community center.

Mayor Powers felt that creating a committee would take longer to establish than the timeline Mr. Batchen was requesting.

The Trick Pit

Matt Prindle and Skyler Hansen were present to provide the Council with information regarding their proposal. He stated their business would provide a place for extreme sport enthusiasts to practice and/or train for their sport. Being indoors would allow the use of the facilities all year and would provide a safe place to practice with reduced injury.

Mr. Prindle stated they would focus on keeping the environment drug-free and provide a place for teenagers to congregate in a safe environment.

Mr. Hansen explained the equipment that would be used and the space needed for their business. He felt this business would help give children in the community something to do. Mr. Hansen stated they would like to work with the Teton Indoor Sports Academy and would not interfere with the space they currently have. They would like to begin their business in the summer.

Mayor Powers stated the city should figure out what the community wants to see in the center before perusing this idea. The Council felt the business was a good idea and suggested forming it as a non-profit.

Teton Creek Maintenance – Infrastructure Protection Proposal and Funding Request

Mr. Self reviewed the description of work that Friends of the Teton River developed for Teton Creek. The concept would be to split the costs of creek maintenance and restoration to protect the bridge and water lines. Mr. Self stated he devised an estimate of the cost by taking 50% of mobilization costs and 100% of costs in Area C and D next to the bridge. Mr. Self's proposal had the city paying a slightly higher cost and he suggested splitting the total cost in half. He explained that this was not budgeted and

therefore Friends of the Teton River and Creekside Meadows would appreciate any money put toward the project.

Council Member Mazalewski questioned if this would be an annual project. Mr. Self stated the particular project would not be. However, Creekside Meadows had been saving money to work on portions of the creek each year.

Mayor Powers stated he reviewed the budget with Ms. Smith and felt there was a way to pay for the project. A six-month budget analysis would be presented at the next Council meeting. The Council could then determine what, if any, money could be spent toward the project.

Main Street Project

Mr. Self reported that the low bidder for the Main Street Project was HK Contractors. Mayor Powers suggested the project be started as soon as possible to gain acceptance from the community. Mr. Self stated he may switch the construction schedule and have the west side of Main Street done first to try and not impeded the retail stores during 4th of July weekend.

PUBLIC WORKS REPORT

Mr. Gunderson stated the Public Works Department would be attending training in Pocatello at the end of the week.

Mr. Gunderson stated he would grade Cemetery Road, as it was getting hard to travel over. He presented plans on the road from the County Engineer and stated bids should be received to install the railings and felt that a speed limit should be determined for the bridge. The Council discussed reducing the speed limit to 25 miles per hour. The differences between the metal and wooden railings were also discussed.

Mayor Powers stated the City of Driggs would receive the Waster Water Treatment Plant of the Year Award on March 17, 2011.

Mayor Powers reviewed the layout of the sewer trunk line and informed the Council about which sections would have to be reviewed more closely due to flatter slopes to ensure all material gets to the lift station. Mayor Powers felt that a discussion with Scott Rogers was needed and that the City may want to reconsider where they maintain control of the trunk line. He felt that the City of Driggs should maintain control of the line where Rocky Road and Ironwood Subdivision were connected.

MAYOR'S REPORT

Urban Renewal Agency Office Lease

The Urban Renewal Agency was using the extra office in City Hall and Mayor Powers stated staff felt the space should be leased to keep an official distance between the City and the URA. Mayor Powers proposed charging them \$100 a month for the use of the space, phone and Internet services and the copier. The Council gave Mayor Powers a direction to negotiate the rate.

EXECUTIVE SESSION

Council Member Jones made a motion to go into executive session at 9:44pm pursuant to Idaho Code 67-2345. Council Member Mazalewski seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mosher, aye; and Council Member Dye, aye; Council Member Mazalewski, aye. The motion carried unanimously.

Council came out of Executive Session at 10:20pm.

ADJOURNMENT

Council Member Jones made a motion to adjourn. Council Member Mazalewski seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:21p.m.

ATTEST:

Sonya Adams, City Clerk

Daniel J. Powers, Mayor