

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
DECEMBER 7, 2010**

Pursuant to adjournment of the City Council meeting held November 16, 2010, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, December 7, 2010**, 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 Daniel Powers led the Pledge of Allegiance.

MINUTES TO REVIEW

Council Members reviewed the minute from the previous City Council Meeting.

Council Member Mosher made a motion to approve the minutes of the November 16, 2010 City Council Meeting. Council Member Dye seconded the motion. The motion passed with the majority in favor. Council Member Mazalewski abstained from the vote due to his absence at the previous meeting.

CLAIMS REVIEW

Council members reviewed the claims.

Council Member Mosher made a motion to approve the claims as presented dated November 17, 2010 through December 7, 2010. Council Member Dye seconded the motion. The motion carried unanimously.

MARY ANN BROWN – EASTER IDAHO PUBLIC HEALTH / SMOKE FREE PLAY GOUND AREAS

Ms. Brown presented information to the Council requesting that the City of Driggs make the playground areas smoke free. She discussed the dangers of smoking and stated that the playgrounds would become a clean safe environment where adults could be role models by not smoking where children play. She concluded by stating that the Health Department would provide the signs and felt two signs should be posted at each park.

Council Member Mazalewski questioned if the ban was for the playgrounds or the entire park. Ms. Brown wanted to focus on the playground areas and shelters, but stated the City could chose to do the entire park. Mr. Gunderson felt the entire park should be included.

Council Member Mosher questioned how this would be enforced. Ms. Brown felt that people would adapt to the changes. Mr. Gunderson stated that with alcohol enforcement at the Skate Park, either the sheriff or parents handle the situation.

Stephen Zollinger stated a Resolution to finalize this could be ready for the next Council Meeting.

Council Member Jones made a motion to direct Stephen Zollinger to draft a resolution for smoke free parks. Council Member Mosher seconded the motion. The motion passed with all in favor.

KATHY RINALDI – COUNTY UPDATE

Council Member Mazalewski asked for an update regarding the county weed ordinance. Ms. Rinaldi stated that a meeting with Ben Eborn was scheduled for January to discuss the resources and plan for next summer. Council Member Mazalewski requested to know when that meeting would take place.

Mayor Powers informed those in attendance that the Area of Impact Boundary review would be heard at the Planning and Zoning Commission meeting tomorrow night. Doug Self stated that once those recommendations were made, a joint meeting between the Board of County Commissioners and the City Council would be scheduled. Ms. Rinaldi requested that the area of impact be fair, predictable, simple and easy to administer.

Ms. Rinaldi asked that the city be represented with the Henry's Fork Watershed Council, as it would affect water use. She stated the next meeting was in Rexburg.

Mayor Powers discussed the plan to request pushing back the deadline for the 5309 Transit funding for the Start Garage, as there was a possibility that the funding would not be available.

Mr. Self stated that he was working with the county to update and review the area of impact application process.

BEN BURKE – MAIN STREET ITD PROJECT AND AGREEMENTS

Mr. Burke presented information to the Council. He passed out the Cooperative Agreement for Maintenance of State Highway 33 between ITD and City of Driggs. He explained that the highway was divided into three sections. Because the city limits were different in 2004 when the contract was first written, a few changes needed to be made. The curb and gutter would be moved further south by 200-400 feet. The snow plowing system would remain the same.

Council Member Mosher made a motion to approve the updated Cooperative Agreement for Maintenance of State Highway 33 between ITD and City of Driggs. Council Member Mazalewski seconded the motion. The motion passed with all in favor.

Mr. Burke explained that there was a section consisting of 5 feet that could not be called a sidewalk and so he questioned how the Council wanted to design this section. He suggested stamped concrete and asked for a color choice. Council Member Mosher questioned if a color should be used as the color variation may deteriorate over time. Mr. Burke stated that the area could be finished like a sidewalk but it could not be called a sidewalk. Mr. Gunderson was concerned with pavers, as they would cause an issue with snow removal. Mr. Burke concluded the discussion by stating the decision should be made within two weeks.

Mr. Burke presented a draft agreement for the water line replacement. He explained that the agreement should be signed and then a check for the engineer's estimate should be drawn. Mr. Burke concluded his presentation by stating that the agreement would be finalized by the end of the week.

VICTOR WATER / SEWER AGREEMENT

Scott Fitzgerald, Mayor of the City of Victor, spoke to the Council. He stated that the sticking point of moving forward with the agreement was the trunk line between the two cities. He felt it was hard to justify the cost to their citizens and in his view the trunk line could be viewed as a benefit to both cities, which ties the whole plan together. Mr. Fitzgerald stated he looked at what was best for the whole valley, minus the cost analysis and geographic detail, and felt that the system should be bundled as a regional system.

Mr. Fitzgerald felt that it made sense to cost share all of the components of the system. The City of Victor was willing to share their connection fees and put them into a fund just for plant costs. He questioned if the Council was willing to think about this and stated if so, the details could be worked out.

Council Member Jones felt it made sense to partner with the City of Victor. Council Member Mosher questioned how it would proceed since Stephen Zollinger just presented information to a judge for judicial confirmation. Mr. Zollinger stated that what was being discussed was joint ownership verses availability. The City of Driggs takes the effluent from areas other than political jurisdiction and that was a regional concept, according to DEQ. He further stated that the problem with the judicial confirmation was that the City of Driggs was borrowing the entire amount. Mr. Fitzgerald responded stating that the City of Victor was not looking to gain ownership.

Mr. Fitzgerald further explained the concept and stated that any collection fees obtained in the "red zone" would be collected and put into the "regional pot." He felt that the cities boundaries for the system should be clearly define and anything outside of those would be considered a regional area. Mr. Zollinger stated that the current agreement would need minimal changes to make this occur and felt this concept would simplify things.

Mayor Powers were concerned that the reason the trunk line needed to be upgraded was because of the flows from Victor and not because of the connections along the trunk line. Mr. Zollinger responded and felt that "legally, the concept works."

Council Member Mazalewski stated he liked the concept, but wanted to ensure that there was equality. He felt that Jared and the Public Works Director of Victor should discuss the issue and work out the finer details.

Mayor Powers did not feel it was fair to split the cost for the upgraded trunk line. Mr. Fitzgerald stated that if the Council felt that way, the concept would not work. Mr. Zollinger reminded the Council that some time in the future, this might benefit Driggs.

The subject switched to the meter for Victor. Mayor Powers stated that in 2009, the meter for Victor at 3500 South was not giving accurate readings. The billing for the year was based on that meter. When the meter at the south lift station was reviewed, there was a difference of \$16,000. Mayor Powers questioned if the Council wanted to credit Victor with a lump sum or spread the funds out over time. He further stated that the meter that displays the accurate numbers should be used, versus using the meter required by the agreement.

Council Member Mazalewski made a motion to authorize the Mayor to credit the City of Victor the appropriate amount of overcharge of sewer fees based on the adjusted amounts. Council Member Dye seconded the motion. The motion passed with all in favor.

PUBLIC WORKS REPORT

Mr. Gunderson stated that the Rural Water Association was going to work on the Source Protection Plan at no cost.

Mr. Gunderson found two plow trucks for \$16,000. He stated the trucks were clean and would be a benefit to the city. He further stated that purchasing plow trucks was included in the budget.

Mr. Gunderson stated that there were no volunteers to help with the ice rink at this time. Council Member Mazalewski volunteered to help.

Mr. Gunderson concluded his report by stating that businesses along Little Avenue need to be aware that when employees park along the road, there are not parking spots for patrons. He has received complaints from business owners.

PLANNING AND ZONING REPORT

Mr. Self began his report by stating that a net metering agreement with Fall River for the solar panels at the sewer lagoons was developed. The changes made included the change limit on the capacity. The panels would be certified by a licensed engineer and should be able to start operating by next week.

Council Member Mazalewski made a motion to authorize the Mayor to enter into the Fall River Agreement with one change that the peak generation capacity be increased to 39kw. Council Member Jones seconded the motion. The motion passed with all in favor.

Grand Targhee Resort – Driggs Shuttle: Information and Support Request

Mr. Self passed out the Grand Targhee Resort Shuttle and Fees. He stated they would ask for the City's support at the next Council meeting, as they were not able to cover operating costs through fees.

Valley Centre Park – Request from Owner to Accept Dedication of Park As Is

Travis Thompson called about the roads in Valley Centre and was informed that the roads were still private. He was going to begin working on a Home Owners Association to charge to maintain the roads. Mr. Thompson questioned if the city wanted the park in Valley Centre. Mr. Self reminded the Council that the last agreement was that the baseball diamonds be improved. This was not complete and Mr. Self questioned if the Council wanted to own the land as the park was very minimal.

Council Member Mazalewski stated that the Parks and Recreation Committee did an assessment of that park and there was no baseball diamond, the underground irrigation needed repair, trees were not in good shape, the jungle gym was in fair condition, the ground surface under the gyms needed material, and there were a lot of weeds.

Mr. Self stated that the City received an additional \$5,000 in revenue since the area was annexed. Council Member Mazalewski stated he would prefer to have the park under the City's control because he felt it would only get worse. He further stated that the city would be able to do improvements as money became available.

Mayor Powers suggested an estimate of the improvement cost be done and then a decision could be made. Council Member Mazalewski felt that if the city maintained the weeds and the jungle gym, it would be better and further improvements could be made, as the city was able, so long as it was city owned.

Council Member Mazalewski made a motion to authorize Doug Self to have Travis Thompson draw up a transfer agreement for the park with the condition that Mr. Thompson pays any back taxes that may be outstanding. Council Member Mosher seconded the motion. The motion passed with all in favor.

MAYOR'S REPORT

Mayor Powers explained that Resolution 257-10 was a combination of taking to previous water and sewer resolutions and combining them to include the winter allowance. He questioned if the water allowance should be 10,000 gallons no matter the size of the line. The Council felt that 10,000 gallons was adequate for each size and did not feel that an extra water allowance should be given to those with bigger water lines.

Council Member Mazalewski made a motion to approve Resolution 257-10 with the changes that the winter allowance be a 10,000-gallon allowance for all line sizes. Council Member Mosher seconded the motion. The motion passed with all in favor.

Mayor Powers stated that the water line upgrade grant was not received. The City had budgeted enough to do the reconstruction zone but not for the overlay piece of Highway 33.

Stephen Zollinger stated that the judicial confirmation would be January 18, 2010 at Teton County Court.

Council Member Mazalewski stated he would not be attendance at the December 21st of January 4th meetings and would like to telephone in.

ADJOURNMENT

Council Member Jones made a motion to adjourn. Council Member Dye seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:08pm.

ATTEST:

Sonya Adams, City Clerk

Daniel J. Powers, Mayor