

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
OCTOBER 19, 2010**

Pursuant to adjournment of the Special City Council meeting held October 8, 2010, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, October 19, 2010**, at 7:00 p.m. A roll call was taken and present were council members: Jay Mazalewski, Greer Jones, Colin Dye, George Mosher, Mayor Daniel Powers, Planning and Zoning Administrator Doug Self, Public Works Director Jared Gunderson, Financial Officer Amy Smith 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 Meetings.

Council Member Mosher made a motion to approve the minutes of the October 5, 2010 City Council Meeting. Council Member Jones seconded the motion. Council Member Mazalewski abstained from the vote. The motion passed unanimously.

Council Member Mosher made a motion to approve the minutes of the October 8, 2010 City Council Meeting. Council Member Mazalewski seconded the motion. The motion passed unanimously.

CLAIMS REVIEW

Council members reviewed the claims.

Council Member Mosher made a motion to approve the claims as presented dated September 29, 2010 through October 19, 2010. Council Member Mazalewski seconded the motion. The motion carried unanimously.

YEAR END FINANCIAL PRELIMINARY REPORT

Amy Smith presented information to the Council. She stated that the primary purpose of the review was to request budgeted fund transfers from the general fund to the road fund and from the resort tax fund to the water and sewer fund and the general fund. Ms. Smith further explained the transfers and reviewed the balances each fund would have after the transfers.

Council Member Mazalewski questioned if the water rate increase had helped. Ms. Smith stated that over the last 4 months, there was \$52,000 more in revenue from that increase.

Council Member Mazalewski made a motion to transfer from the general fund to the road fund \$90,000 and to transfer from the resort tax fund \$19,000, putting 50% to the general fund, 25% to the water fund and 25% to the sewer fund. Council Member Mosher seconded the motion. The motion passed with all in favor.

ORDINANCE 317-10: FLOOD DAMAGE PREVENTION ORDINANCE – THIRD READING – TABLED FROM OCTOBER 5, 2010

Mr. Self explained the changes that had been made, stating most were the result of comments from Harmony Design and Friends of the Teton River.

Council Member Jones asked for a definition of “insurable buildings.” Mr. Zollinger stated that “accessory structure” does not include “insurable buildings” in its definition within the Zoning Ordinance and that there should not be two different definitions.

Mr. Self reviewed the other ordinance definitions and a discussion of the “watercourse” began. Mr. Self questioned if it was to include intermittent streams and Mr. Zollinger felt it did, but was concerned regarding the statement “permanent channel.”

Mr. Self stated he had not included vegetation removal standards or setbacks as it appeared those issues would have a lot of research included, with a study of the entire water system and drainage basins. He suggested that an amendment be added to the ordinance once that study and research took place. He felt that the landowners would want to be involved and that it should also go through the Planning and Zoning Commission.

Council Member Jones made a motion to adopt Ordinance 317-10 with the few corrections discussed. Council Member Mosher seconded the motion. The motion passed with all in favor.

PLANNING AND ZONING REPORT

Discussion of Retail Liquor Sales – Allowed Hours

Mr. Self explained that this discussion was a continuation from the previous Council Meeting. The Council had asked to gain the opinion of the Sheriff regarding this matter. Tony Liford, Teton County Sheriff, spoke to the Council. He stated that the department did not care to see liquor being served longer than it had to be. However, he didn’t want to be the deciding factor and impact the business. He questioned who the restaurant was looking to serve by staying open longer and was concerned because the food service ended at 10:00pm, leaving customers without food for 4 hours before closing.

Sheriff Liford then addressed the concern that the officers have not been seen in the Driggs city limits as much as in the past. Sheriff Liford stated that the department had fewer deputies at this point and was currently working on hiring and training new deputies. He stated there had been 732 hours per month, on average, in the city limits and that there were always two deputies on the clock during the night shifts due to safety.

The Council concluded that the applicant should be present to help answer some questions regarding their request to have their establishment serve alcohol later than 1 o’clock in the morning.

Main Street Improvement Project – Street Lights

Mr. Self stated that the Council should decide on what type of streetlights they would like to see on Main Street. Ben Burke, from the Idaho Transportation Department, stated the city could choose what type of lights and where the placement of those lights should be.

Mr. Self explained the criteria that he wanted the Council's opinion on; up lighting and glare. He further explained the different types of lights, which included semi and full cutoff. He explained that one type would push the bulb up further and would classify as a cutoff light, cutting the cost in half because the existing poles could be used. The full cut off fixtures would not be able to use the same poles and equipment, but would produce no glare.

Mayor Powers reminded the Council that the city did not want to light the street, just the sidewalks and parking areas. Mr. Self stated that with a full cutoff fixture, the city would need more fixtures because the light would not travel as far. He further stated the initial cost of the lights would be taken care of by ITD, but that the city would need to be aware of the maintenance cost for whatever fixture they chose.

Council Member Mazalewski stated he would like to have full cutoff fixtures as that was what the ordinances have expressed was necessary. Jared Gunderson stated that the parts for the lights along Main Street would be different from the lights along Little Avenue. He felt it would be nice for the lights to be uniform and explained that if they were different the city would have to keep stock for both fixtures.

Council Member Mazalewski questioned if the spacing would eliminate trees along Main Street. Mr. Self did not think this would be the case and stated the city should avoid levels below 1-foot candle.

Mr. Self concluded his report by explaining the recent Planning and Zoning activities and stated that the Teton Indoor Sports Academy had invited the Council to see a Gym Show.

2011 COMMUNITY DEVELOPMENT BLOCK GRANT

Mayor Powers stated the grant was due at the end of November and would have more information for the Council at a later date. He stated the city hoped to use half of the grant for the Main Street water line project and if that were not possible, the money would be used for the sewer upgrade project.

PUBLIC WORKS REPORT

Jared Gunderson stated that he spoke to the Sheriff regarding the cop car the city had. Sheriff Liford was willing to swap the DARE vehicle for the city's cop car. It was determined that Mr. Gunderson had enough money in the budget to repaint the DARE vehicle.

Council Member Mosher made a motion to authorize Jared Gunderson and the Mayor to trade vehicles with the Sheriff as discussed. Council Member Dye seconded the motion. The motion passed with all in favor.

Mr. Gunderson questioned if the city wanted to do a ribbon cutting for the 5th Street pathway. Mayor Powers would work on that event.

Mr. Gunderson stated that Scott Rogers would like DEQ to look at the lagoon ponds before the material was placed in them, as they may not have to dredge the lagoons. The ice rink was discussed and it was suggested to put it on the Hokin lot at Depot Avenue and Main Street. Mayor Powers felt it was a good idea but was concerned that the children would have to cross Main Street. Mr. Gunderson stated he would have a discussion regarding this with the schools.

VICTOR SEWER AGREEMENT

Herb Heimerl, attorney for the City of Victor, spoke to the Council. He felt the core of the confusion between the two cities stemmed from the definition of a truck line and the connections to it. He read to the Council the portion in the current agreement that stated both parties would contribute to the truck line upgrade. Mr. Gunderson explained how the truck line ran and where the City of Driggs hooked into it.

Mr. Zollinger stated that when funding was obtained, it did not include the line that ran from the east to the west and that the only truck line involved in the agreement was the one that ran north and south. Mr. Heimerl questioned if the City of Driggs had any ERU users hooked to that line. Mr. Gunderson explained that only 2-3 customers were connected. Mr. Zollinger stated those customers are considered county users.

Mayor Powers voiced an example stating that if Victor were a subdivision that needed more capacity, the city would not upgrade the line. It would be the responsibility of said subdivision. If Victor was to put in a line that would be more than what was needed, the city may partner to share some of that cost, Mayor Powers stated. He concluded that Victor should pay to upgrade the trunk line because the City of Victor had the need to do so.

The agreement stated that each party should pay to upgrade the trunk line by a ratio of the amount of users hooked to that line. Mr. Zollinger explained that Driggs had pre-committed to use some of that capacity for county users. If anything caused the line to fail, it was the effluent from Victor because of the small amount of users Driggs had hooked to the line, Mr. Zollinger stated. Driggs has lost the ability to sell any additional connections to this line. The City of Driggs did not need the expansion, the City of Victor did.

Brent Douglas, Victor Council Member, stated that the City Council had approved the sewer agreement with the intent that the City of Driggs would pay for half of the trunk line. Mr. Zollinger stated those changes were not acceptable by the Driggs City Council. He felt the solution was to figure out how to resolve the trunk line inadequacies.

It was discussed that a new line would be installed parallel to the old line. Mr. Zollinger felt that the engineers should review and research the best option for all. The City

Council asked that the same engineer be used for the entire length of the line to do a survey. Mr. Gunderson stated that it would cost each municipality approximately \$1300.

It was determined that the as-builts were not correct. Council Member Mazalewski requested that a survey be done and then options could be sorted through.

The intent of the Driggs City Council in regards to the agreement was that the cost sharing of the trunk line should be as it was described in the 1999 Agreement.

MAYOR'S REPORT

Urban Renewal Agency Board Appointments

Mayor Powers stated that Kathy Rinaldi was willing to be reappointed to the Commission. He further stated that he had another candidate, but had not heard from them at the time of the meeting.

Council Member Mosher made a motion to reappoint Kathy Rinaldi to a 3-year term. Council Member Mazalewski seconded the motion. The motion passed with all in favor.

Art Walk Support

Mayor Powers stated that the city sponsored ads for the Art Walk each month as the city had \$10,000 budgeted for economic development. He questioned if the Council wanted to continue the sponsorship and at what level they wanted to be involved. He further suggested that the city could match what the local businesses raised to a maximum dollar amount. Council Member Dye felt that was a good idea and Council Member Mosher believed that businesses should be more involved as they were the ones benefiting for the walk. It was determined the city should finish the year by sponsoring the ads in the newspaper and at the beginning of the year to do a match of up to \$250.

Danya Brown's Water Bill

Mayor Powers explained that Ms. Brown was very angry about her water bill and the stand-by fee she was being charged. She had asked for the water to be turned off as the house was going through a foreclosure. She was currently being charged the \$27 a month stand-by fee. Mr. Zollinger stated that the stand-by fee was really a fee to ensure access of the system. Mr. Gunderson stated there was an option to remove the meter. However, whoever occupied the house next would have to pay for the installation fee of approximately \$550.

Mr. Zollinger stated that Ms. Brown might be legally prohibited from removing the meter from a house in foreclosure because it would devalue it.

Mayor Powers questioned why a connection fee would not be charged to the next occupant if the meter were pulled. Mr. Zollinger stated that it could be charged. It was discussed that if someone was removed from the system in this manner, they needed to be informed that the city did not have an obligation to give them water if there was not capacity at the time of hookup.

Mayor Powers stated that the community had not been in favor of the \$65 fee to turn the water service on or off. The Council determined that the fee was not unreasonable considering the time it took for staff to complete the process.

Council Member Mazalewski reminded the Council that the Winter Allowance Map had not be included in the previous resolution and should be. Mr. Zollinger stated that a public hearing was not necessary, but could be done if the Council chose to do so.

Mayor Powers stated a snowplow summit would be held during the Council Meeting on November 16, 2010.

EXECUTIVE SESSION

Council Member Mazalewski made a motion to go into executive session at 9:50pm pursuant to Idaho Code 67-2345(f). Council Member Dye seconded the motion. Schuehler took a roll-call vote: Council Member Mazalewski, aye; Council Member Jones, aye; Council Member Mosher, aye; and Council Member Dye, aye. The motion carried unanimously.

The Council came out of executive session at 10:04pm.

ADJOURNMENT

Council Member Mazalewski made a motion to adjourn. Council Member Jones seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:06pm.

ATTEST:

Sonya Adams, City Clerk

Daniel J. Powers, Mayor