

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
MAY 18, 2010**

Pursuant to adjournment of the City Council meeting held May 4, 2010, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, May 18, 2010**, at 7:00 p.m. A roll call was taken and present were council members: George Mosher, Jay Mazalewski, Greer Jones and Colin Dye, Mayor Daniel Powers, Planning and Zoning Administrator Doug Self, City Attorney Stephen Zollinger, and Public Works Director Jared Gunderson. Mayor Daniel Powers led the Pledge of Allegiance.

**MINUTES TO REVIEW**

Council Members reviewed the minutes from the City Council Meeting. Council Member Mosher made a correction to the minutes.

**Council Member Jones made a motion** to approve the minutes of the May 4, 2010 City Council Meeting. Council Member Mazalewski seconded the motion. The motion passed unanimously.

**CLAIMS REVIEW**

Council members reviewed the claims.

**Council Member Dye made a motion** to approve the claims as presented, dated May 5, 2010 through May 18, 2010. Council Member Mosher seconded the motion. The motion carried unanimously.

**UPDATE FROM KATHY RINALDI**

The Comprehensive Plan Committee met with the presence of approximately 40-50 people from the community in attendance. Ms. Rinaldi felt that most voiced concerns regarding the way in which the cities would mix their plans with the county plan. She concluded by stating that she felt the majority of the revisions would be done by consultants and should be complete within 1½ years. Mayor Powers felt the Area of Impact contract between the County and City of Driggs should be updated. Mr. Self stated that would be done this summer.

Discussion of the Cemetery Road Bridge began. Ms. Rinaldi stated that a guardrail was not going to be put it and that the speed limit would be 25 mph. The City Council had great concerns with this. Mr. Self stated that the speed limit should not be 25 mph since the road to the west of the bridge was 35 mph and the road to the east of the bridge was 45 mph. It was felt that asking people to slow to 25 mph was unreasonable. It was also felt that guardrails should be placed on the bridge. Further discussion would take place between Louis Simonet, the City and the County.

**CLAIR ROOD – SHOSHONI PLAINS**

Clair was present to address the Council. He gave a brief background of the project and stated that Phase 4a had been completed, except for the park. Phase 4b was re-platted

after the economy showed a demand for smaller lots. There has been no lot sales since 2007. Mr. Rood stated the loan with the bank had been paid off and all construction had stopped. He stated to fix the gazebo that had been knocked down, to complete the restrooms, and soccer field it would be approximately \$175,000. At this time the development was unable to borrow money and personal finances were not in place to finish the work.

Mr. Rood then discussed the improvements that had been done for the city, which included installing a water and sewer main, stating that under the contract the City should reimburse the development 70% for the water main and 100% for the sewer main. He concluded by stating that due to the concerns and problems within the development, he would be willing to forgo the reimbursement from the City, which was approximately \$480,000 if the City would take the park, and make the necessary improvements.

Mayor Powers questioned the letter of credit that was no longer available. Mr. Rood responded stating that he was unaware of this issue and was not prepared to discuss it at this time. Stephen Zollinger stated that money was withdrawn without following the stipulations that the City must also sign any withdrawal. The City was presented with an irrevocable letter of credit stating that the funds would remain on deposit and only be drawn with the City of Driggs' signature. When the City went to withdraw funds to fix the issues, there were no funds.

Mayor Powers felt that the money in the irrevocable letter of credit should be the money that was used to finish the park. Mr. Zollinger stated that when Washington Federal presented the letter of credit, it stated that the park funds would be included.

Mayor Powers questioned if there were other outstanding issues. Jared Gunderson, Public Works Director, stated that the streetlights and street signs needed to be fixed. Mayor Powers stated the weed control also needed to be a priority as it was stated in the Development Agreement as the developer's responsibility. Mr. Rood stated he would take care of the lots that the development still owned.

Mayor Powers stated that the offer to forgo the reimbursements was something for the Council to consider. However, the City did not have the money to finish the park at this time.

Council Member Mazalewski questioned the process for the reimbursement for the sewer main and felt that in 10 years, the City may or may not be paying the developer for those that connected to the system due to the failed economy. Mayor Powers suggested doing an analysis of what the City could afford to put toward the park versus what the "real potential gains of forgoing the clawback" was.

Council Member Mazalewski then voiced his concerns regarding the letter of credit requirement. He felt that it was not a security and should, in the future, require applicants to receive a bond or have a cash deposit. Mr. Zollinger stated that the policy had since changed and those types of securities were required.

Mr. Rood stated that at this time, he could only commit to the weed control. He felt that if the banks knew there was an interest in lots, they may be willing to lend money in the future, but not at this time.

Mayor Powers welcomed the public to make comments directed to the Council.

Erica Rice felt the Council was doing a good job of addressing the concerns. She stated weed control, lack of streetlights, and street signs that were spelled wrong, were issues that needed to be fixed. She also felt that either the City or a Home Owners Association should be responsible for the park as it was a “major part of the property value in Shoshoni Plains.”

Anna Trentadue spoke, stating that if the City entered into an agreement with a developer, there should be bonding for re-vegetation and replacement of soil. She concluded by questioning where the money for the park disappeared to as the development was “almost completely sold.”

Karen Wertheim stated she paid a premium for a lot next to the park and was concerned with its development. At this time, she stated, children were still playing and there was barbed wire and chemical bottles in the area. She was disappointed in the oversight and stated that the developer did not follow through with the requirement that homes that were built had to go through a design review process.

Mr. Rood responded, stating that he would take care of what he could and would allow a Home Owners Association to be formed to give the neighborhood some control. Mr. Gunderson also stated that the water line needed to be flushed so that it remained fresh and did not have to be replaced sooner.

#### **SUNRISE ENGINEERING – JASON LINFORD**

Jason Linford reviewed the information provided to the Council in 2008 regarding the water system. He stated that there had been a minimal increase in ERU’s (Equivalent Residential Units) and the city had a lot of good sources for excess capacity. Rocky Mountain Environmental was looking into the water rights for the City of Driggs. Mr. Linford explained the water sources and water storage.

Mr. Linford began discussing growth rates and the lack thereof in the last couple of years. Mr. Self felt the development in the near future might increase by 1% and then climb slowly to 4%. Jason then explained where the water sources were and stated that in the future, improvements would be required depending on the growth rates, but at this time he was unaware of what those improvements would be and when they would happen.

Mr. Linford recommended installing generators on some wells, install a future storage tank, install well houses for wells, replace existing 2 inch or older water lines in town, and as future development happens, make sure developers install looping lines.

Mr. Linford explained the areas covered in each zone and stated that the majority of the sources are in Zone 3. Discussion of where another tank could be placed in the future began. An issue was pressure and getting water back up to the higher zones (Zones 1 and 2).

Mayor Powers stated this report would be adopted once the amendments for the water rates and finalization for the water rights was obtained.

#### **PUBLIC WORKS REPORT-**

Mr. Gunderson reported on the improvements to Johnson Avenue. He stated it was the result of trade work for material at the airport. He felt that the trees along that street should be trimmed as well. Mayor Powers stated that if they were not trimmed “aggressively” it might help control the speed that would enable the improvements to last longer.

Mr. Gunderson was concerned with the Cemetery Road Bridge, stating that the County received money to fix that bridge and were now stating they can’t finish the way it should be. He questioned why asphalt and safety elements were not included. He stated that HK Construction was going to do the chip seal for Little Avenue and may be able to continue to the bridge. Mr. Gunderson would get an estimate for this work.

The sewer project was moving forward and would begin soon. Mr. Gunderson stated that the ponds at the lagoons were being drained and that EPA wanted to know the future plans and timelines for the sewer plant.

Mr. Gunderson stated the cameraing for the sewer line would take place next week. The estimate was \$280 over the approved \$5,000.

**Council Member Mosher made a motion** to give Jared Gunderson the go ahead to fund the cameraing of the sewer line for the current update on the situation from 3500 South to the south lift station at \$5,280. Council Member Jones seconded the motion. The motion passed with all in favor.

Mayor Powers stated the pathway from Little Avenue to the Skate Park on 5<sup>th</sup> Street was being proposed. He felt there were more options and that the City would be able to use some of the material at the airport.

#### **ORDINANCE 314-10 TITLE 9 – ZONING AMENDMENT – TEMPORARY ON-SITE ROCK CRUSHING – 2<sup>ND</sup> READING**

Mr. Self stated that the hours of operations had been changed and the addition of the requirement for permitting had been added.

**Council Member Mosher made a motion** to suspend the rules and read by Title only Ordinance 314-10. Council Member Mazalewski seconded the motion. Schuehler took a Roll Call vote; Council Member Mazalewski, aye; Council Member Jones, aye; Council

Member Mosher, aye; Council Member Dye, aye. Mayor Daniel Powers read the ordinance by title only.

**Council Member Mosher made a motion** to approve Ordinance 314-10 as presented. Council Member Mazalewski seconded the motion. The motion passed unanimously.

## **PLANNING AND ZONING REPORT**

### **Ross Avenue Right-of-Way - North Boundary Discussion**

The developers on the corner of 5<sup>th</sup> Street and Ross Avenue had presented their site plan for development and noted that there was a 16.5-foot space between the north end of the Driggs plat and the section line. The properties to the north of Ross Avenue were deeded to the section line and not the Driggs plat. Several of the homes along Ross Avenue are encroaching in the 20-foot setback from the section line. Mr. Self questioned if the Council would support an action to quiet title on the 16.5 feet. There are no utilities in the 16.5-foot space.

Mayor Powers felt it made sense not to have this as a right-of-way for the City. Mr. Self stated the Council should review the same issue on 5<sup>th</sup> Street. Mayor Powers did not feel having a wide right-of-way was in the City's interest. Mr. Zollinger stated the property owners should present an application to vacate the 16.5 feet and pay for the cost of noticing it for a public hearing.

Council Member Mazalewski felt that the entire Ross Avenue road should be reviewed. Mayor Powers and Council Member Mazalewski would review this and further information would be presented at the next Council meeting.

### **Short Street Alternative – North South Pathway**

ITD had encountered a number of obstacles and Mr. Self stated due to wetlands, it was felt that going through Short Street was the easiest to deal with. Council Member Mazalewski stated this allowed the pathway to come closer to downtown, which was an improvement.

**Council Member Mazalewski made a motion** to approve the pathway change from ITD going to Short Street in order to avoid the wetlands. Council Member Jones seconded the motion. Council Member Mazalewski and Council Member Jones voted in approval, Council Member Mosher and Council Member Dye voted in opposition.

Council Member Dye felt that the pathway should not go through the Pines Motel parking lot. Mr. Self stated that the pathway would not be on private property. Council Member Dye then questioned if there were other right-of-ways north of the wetlands that could be used. Mr. Self stated that there wasn't without having to purchase property and that there needed to be pedestrian connection to Short Street. The parking lot at the Pines Motel is on private property and will be between that and the parking on Main Street. The design would address the access to the Pines Motel.

Council Member Mazalewski withdrew the above motion.

**Council Member Mazalewski made a motion** to approve conceptual designs for the pathway to Short Street but wanted it to be noted that the Council wanted to review those designs prior to approval. Council Member Mosher seconded the motion. The motion passed with all in favor.

## **MAYOR'S REPORT**

### **Scenic Byway Agreements**

Council Member Dye stated that he was not comfortable with the emails that had been exchanged in which he felt attacks on the Mayor were unjustified. Reid Rogers responded stating that he had had conversations with the Mayor and felt issues had been resolved. He asked that the email Council Member Dye was referring to be forwarded to him so he may comment and explain his thoughts or feelings.

Council Member Dye stated that most of his constituents had been concerned that there shouldn't be another building added until the north side of the existing building is completed. Mr. Rogers stated he understood that concern and felt that the community needed further education to understand the history of the project and "how we got to the option."

The Council reviewed the Inter-Agency Agreement and the alternative to the Project Advisory Committee, adding members and changing voting power. Council Member Mazalewski felt that having a member from the community was a good idea.

**Council Member Mazalewski made a motion to approve the draft amendment to the Inter-Agency Agreement to change the Project Advisory Committee to a 5 member board consisting of 1 member from the City of Driggs, 1 member from the Urban Renewal Board, 1 member from the Chamber of Commerce, 1 member from the community and Reid Rogers as the Project Manager with a tie-vote only. Council Member Mosher seconded the motion. The motion passed with all in favor.**

### **Urban Renewal Priorities**

Mayor Powers stated that the Urban Renewal Agency had asked the City to comprise a list of projects that could be funded by the URA. He further reviewed the list and the Council Members discussed how they should be prioritized.

**Council Member Mazalewski made a motion** to approve the prioritization of the Urban Renewal projects in the order they were recommended. Council Member Mosher seconded the motion. The motion passed with all in favor.

### **Transportation Forum**

Mayor Powers informed the Council that the Transportation Forum would be held May 20<sup>th</sup>, 2010 at 6:30. He stated all interested transportation companies would give a short presentation regarding their services to those in attendance.

Mr. Zollinger reported that he would not be able to attend the City Council meeting on June 1, 2010.

**EXECUTIVE SESSION**

**Council Member Jones made a motion** to go into executive session at 10:00pm pursuant to Idaho Code 67-2345(f). Council Member Mazalewski 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 10:16pm.

**Council Member Jones made a motion** to direct Stephen Zollinger to resolve issues as discussed in the Executive Session. Council Member Mosher seconded the motion. The motion passed with all in favor.

**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 10:17pm.

ATTEST:

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Sonya Adams, City Clerk

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Daniel J. Powers, Mayor