

MINUTES OF THE CITY OF DRIGGS
JUNE 2, 2009

Pursuant to adjournment of the regular City Council meeting held May 19, 2009, and the call of the Mayor, the Driggs City Council met in regular session **Monday, June 2, 2009**, at 7:00 p.m. A roll call was taken and present were council members: George Mosher, Dan Powers and Greer Jones, Mayor Louis Christensen, Planning and Zoning Administrator Doug Self, Public Works Director Jared Gunderson and City Attorney Stephen Zollinger. Mayor Christensen led the Pledge of Allegiance.

MINUTES TO REVIEW

Council Members reviewed the minutes. The Council decided that members should be listed when voting 'aye' or 'nay' in a split vote decision.

Council Member Mosher made a motion to approve the minutes of the May 19, 2009 City Council Meeting with the stated corrections. Council Member Jones seconded the motion. The motion carried unanimously.

CLAIMS REVIEW

Council members reviewed the claims.

Council Member Mosher made a motion to approve the claims as presented dated May 20, 2009 through June 2, 2009. Council Member Powers seconded the motion. The motion carried unanimously.

Mayor Christensen stated that the Community Center building was eligible for the Gold LEED Certification with 40 credits. He asked the Council approve funds to complete the application process.

Council Member Mosher made a motion to approve fund for the LEED application in the amount of \$1,750. Council Member Powers seconded the motion. The motion carried unanimously.

JOHN LETHAN - GRAND TETON CANAL COMPANY

Harvey Walker, who is part of the Board of Directors for the Grand Teton Canal Company, spoke on behalf of John Letham. He stated there were few problems with the easements and ditches on developments in the Valley. He explained to the Council the importance of maintaining the canals and the reasons for the easements. He felt the Kings Store needed a bigger setback from the canal and asked that all future developments require the Grand Teton Canal Company approval on the preliminary plats.

Council Member Powers questioned how big easements should be. Mr. Walker stated "the law states as big as you need them to be." He further explained that they would aggressively protect the easements.

Doug Self stated that the best way to solve the problem would be to submit development plans to the Canal Company.

Mr. Walker reminded the Council that they would like to work with the cities to ensure that canals are maintained before development occurred to not cause issues later.

ANNA TRENTADUE – VALLEY ADVOCATES FOR RESPONSIBLE DEVELOPMENT

Anna Trentadue spoke to the Council. She reviewed the beliefs and mission statement of Valley Advocates for Responsible Development (VARD). She stated she was present on behalf of the community regarding the airport and how the City of Driggs was proceeding with airport negotiations.

With ongoing negotiations between the City and the FAA, it was her understanding that a Corrective Action Plan (CAP) had been drafted. She stated that although there may have been early public hearings regarding the CAP, she was told no future hearings would take place. She felt the City of Driggs finalized the CAP in an Executive Session and adopted the plan out of session. The Through-the-Fence Agreements were “up in the air and the bottom line is that people will be profoundly affected.”

Ms. Trentadue further stated that she felt records were closed because the City was concerned that airport residents might sue. However, she believed that residents would sue the City because they hadn't been given access to records or information.

In her presentation, Ms. Trentadue defined the Executive Session process and asked the Council provide a written basis as to why the Council executed an Executive Session regarding the CAP. In her opinion, there was no pending litigation and she felt it did not warrant a discussion in a closed portion of the meeting.

She further stated that everyone had a right to public records and that all records in Idaho were open to the public. She stated a “blanket closure on all of the airport records” was unacceptable. She wanted a public hearing to be considered to ensure due process. Ms. Trentadue stated that the community was wondering what was happening and felt it would be “wise to bring the community in.”

Council Member Dye stated he felt this issue had not been discussed at City Council on a regular basis. Ms. Trentadue stated she spoke to Council Member Powers who stated that it had been discussed. It was determined that discussion took place at the last City Council meeting.

Stephen Zollinger, the City Attorney, stated that at this time only one written request for information was submitted. He explained that the Corrective Action Plan was a pending document that was involved in discussions between the FAA and the City of Driggs. Mr. Zollinger further explained that the City of Driggs was in default of a contract with the FAA. However, the city was not in violation of open meeting laws as it was “responding to a contractual demand.”

The CAP is a document that requires the City to proposed what action will be taken to get out of default. Mr. Zollinger stated that the CAP was not a public discussion, but should be handled administratively, make Public Hearings illogical. He further stated that the City was not in negotiations with the FAA because the "FAA has control and we are in default on all grants" equally approximately \$17 million. Because of this, the FAA has stated they will not provide any future money to the City of Driggs until a CAP was approved.

Mr. Zollinger stated that the CAP did not fall under the open meeting law, as it was an administrative action. However, the CAP would be adopted in an open meeting. Ms. Trentadue questioned if the public would have the ability to comment on the CAP. Mr. Zollinger responded by stating that the CAP was being over formalized and that no action was taken by the Council other then to direct administration. The public can provide input but "it doesn't mean anything to the FAA," Mr. Zollinger stated. He further stated that residential uses were not allowed on property that would have direct access to the airport.

Mr. Zollinger concluded by stating that there was an inventory of 11-12 existing residential leases. The FAA's position is that at the "very minimum" the lease would not be extended at the end of the term. "We are as befuddled as anyone else," Mr. Zollinger stated and "crystal clear that their money is what made the airport."

Council Member Powers stated the Council had not gotten input from the Airport Board. Mr. Zollinger corrected Council Member Powers and stated that the Airport Board met with Mayor Christensen and himself and wanted the city to do as much as possible in order to receive the award for the runway project. The Airport Board did review the CAP.

Ms. Trentadue questioned what the benefit would be to close records to the public. Mr. Zollinger stated that the only record he would hesitate to release would be the CAP because it was still in draft form and fell under the Attorney-Client privilege. He further stated that all of the minutes from the City Council meetings and the Airport Board meetings were public and on the City's website.

Mr. Zollinger stated that public input was always welcome and that property owners were encouraged to speak throughout the process. He stated that airport property owners were "asked on more then one occasion to get involved with the AOPA." The City could either forfeit the money or take advantage of the \$7 million dollars.

Council Member Powers question how long the through the fence leases were. It was stated that they vary. However, the most recent request sent to the FAA asked that all leases "run their course" before action was taken.

Mr. Zollinger stated that the directive from the Airport Board and the City Council was to do whatever needed but not to sacrifice the funding. Ms. Trentadue asked if a public hearing could be considered. Mr. Zollinger questioned why, stating that he was not

implying that public interests were invalid but that “nothing they can say will affect the plan.” He further stated that if the City of Driggs did not take the money from the FAA, the hanger owners would lose because the airport would close. Ms. Trentadue questioned if the city had considered asking for outside help to fund the airport. Mr. Zollinger responded stating he had been in touch with several different airports and consulted a firm in Phoenix, which stated that it would be highly unlikely for the airport to change to a private airport and survive.

Mr. Zollinger stated that the city was “not done with attempts to try and protect the existing users.” He stated he was unaware of the benefit of a public hearing unless it was to discuss closing the airport. “The City owns the airport and has the ability to act on it,” stated Mr. Zollinger.

Ms. Trentadue questioned if the CAP could go back to the Airport Board since two members had resigned. Mr. Zollinger stated that the Airport Board is an advisory board and that he ‘did not want to give people a false sense of hope.’ He further stated that the City was about to lose \$7 million and did not have a lot of time to schedule meetings to discuss this plan.

PLANNING AND ZONING REPORT

Doug Self stated that the new business at the Idaho Film and Television Institute would be submitting a Conditional Use Permit. He was unsure if Teton County was going to act on the visible storage issue.

The North South Pathway project was moving forward. Broken Spur Plaza was going through Design Review and The Willows and Bear Run should be submitting final plans.

Grant Durtschi had requested an extension on the rezoning of the property along 5th Street. Council Member Powers stated he did not see a reason not to approve the extension. A discussion would take place with Mr. Zollinger upon his return to the meeting.

The final Centennial Logo was approved. However, Doug stated there was not a simple way to shrink it. He presented the logo that was on the side of the Public Works vehicles. The Council agreed to use this logo in the future.

Mr. Self passed his National Certified Planners test.

A letter would be sent to Bruce Simon regarding the Creekside pathway, stating that the City would not accept the portion of the pathway that has fallen into the creek or may fall into the creek. Friends of the Teton River should assess this.

PUBLIC WORKS REPORT

Jared Gunderson stated that he received bids regarding the demolition of the storage buildings. The bids range from \$3,000 to \$10,000. He explained that this was the next

step as the County had decided against doing the demolition in exchange for connection fees.

Council Member Mosher made a motion to approve the low bidder for the demolition of the city storage building behind the Black Hawk building. Council Member Dye seconded the motion. The motion passed unanimously.

Mr. Gunderson stated that the sewer cleaning was going great and that there was no major deterioration on the majority of the manholes.

Discussion regarding the sewer system began. Mr. Gunderson recommended that there be three stages to install the plant. It was questioned if the proposal could fit into the budget. Mayor Christensen stated that a “good portion could be placed in the project fund for the treatment plant.”

MAYOR’S REPORT

Mayor Louis Christensen referred the Council to a letter submitted by Greg Sutton requesting a refund on his water bill due to a leak. Council Member Mosher questioned why a refund would be given if the customer was aware of the leak, as stated in his letter.

Mr. Gunderson stated that a MXU was installed at the City’s expense for that property. At this time there was no leak credit and the customers were supposed to call Jared as soon as the leak occurs. Mr. Gunderson stated that Greg Sutton turned the water off by himself and reported it to the Public Works Department in May.

Council Member Mosher wanted Greg Sutton to attend the next Council meeting to get a better understanding of the request and reason for it.

Mayor Louis Christensen stated that Tony Liford, Teton County Sheriff, had asked to use the patrol vehicle that the City of Driggs purchased. He also would like assistance from the City in purchasing a Lidar. Mr. Zollinger stated that the City could not insure the vehicle with the Teton County logo on it.

Council Member Jones felt that if the patrol car were to remain in the city limits it would be justifiable to let the county use it. Council Member Powers suggested the City give the Sheriff’s office the vehicle instead of funding a Lidar. It was determined that the vehicle could be used by the Sheriff’s office if it were to remain in the city limits and have a bigger presence in the city.

Huntsman Springs was proposing a “mechanism” that would help maintain the parks in their subdivision by the city until the tax base was achieved, according to Mr. Zollinger. He continued to state that there was “nothing legally flawed with the request.” Huntsman Springs would be providing a donation received from various property owners for the City to buy the parks. The City would maintain the parks until tax revenues could be used. There were approximately 6 parks consisting of one acre each within the

subdivision. Mr. Self felt the parks should be open to the public as soon as the big equipment and machinery was moved.

Council Member Mosher made a motion to accept the proposal from Dave Huntsman representing Huntsman Springs to begin working on taking ownership of the parks in Huntsman Springs that are currently ready. Council Member Jones seconded the motion. The motion passed with all in favor.

Mayor Christensen had received a request for financial assistance for the summer program in regarding to the Firework display.

Council Member Powers made a motion to give \$1000 for the Fireworks. Council Member Jones seconded the motion. The motion passed with all in favor.

The LDS lease for the City Park was discussed. Mayor Christensen stated the church was asked to help install a sprinkler system for the park and at this time they were unable to financially contribute.

Council Member Jones made a motion to approve the lease agreement for the Driggs City Park as presented. Council Member Mosher seconded the motion. The motion passed unanimously.

Council Member Jones made a motion to approve the zone change extension as submitted by Grant Durtschi. Council Member Dye seconded the motion. The motion passed unanimously.

Mr. Zollinger gave a brief summary of the discussion that took place between the community members and himself outside the Council Chambers during the meeting. He stated he explained the process that the City had gone through and what measures had been taken to research the options.

Having a public forum was discussed to allow for the community to voice concerns regarding the airport. Mr. Zollinger stated that he felt it was better to provide accurate information then to have a public forum. Council Member Powers asked to be added to the Airport Board Agenda on June 17, 2009 for a public forum.

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 10:10pm.

ATTEST:

Sonya Adams, City Clerk

Louis B. Christensen, Mayor