

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
SEPTEMBER 21, 2010**

Pursuant to adjournment of the City Council meeting held September 7, 2010, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, September 21, 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, City Financial Officer Amy Smith, and City Attorney Stephen Zollinger. Mayor Daniel Powers led the Pledge of Allegiance.

MINUTES TO REVIEW

Council Members reviewed the minutes from the City Council Meeting. Council Member Mazalewski made a few corrections.

Council Member Mazalewski made a motion to approve the minutes of the September 7, 2010 City Council Meeting as corrected. Council Member Mosher 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 8, 2010 through September 21, 2010. Council Member Dye seconded the motion. The motion carried unanimously.

UPDATE FROM KATHY RINALDI

Kathy Rinaldi began a discussion of 1000 North and the maintenance responsibility of the road. She stated that roadside posts were installed and in order for the county to plow the road, those posts would have to be removed. She questioned if the City could plow the 5th Street easement for the high school from Ross to 1000 North. Mr. Self stated that the 5th Street easement was never deeded to the county or the city and was not built according to city standards. Therefore, it was not a city street and not the responsibility of the City to plow.

Ms. Rinaldi stated that the County and the City should meet to ensure that the road maps for each are correct. A snowplow agreement should also be devised. She also suggested that the School District be involved in those discussions. She stated that the school would need to deed the easement to either the county or the city so that funds could be obtained for maintaining it. Ms. Rinaldi stated that the County would plow 1000 North. Jared Gunderson stated that the city could not plow the 5th Street easement because the city did not have the correct equipment and because it was the school districts property, not the City's.

Ms. Rinaldi questioned if the pathway would connect Shoshoni Plains to Ski Hill Road behind Miller Ranch Subdivision. Mr. Self stated that the property owner was not willing to have a pathway along that section. Stephen Zollinger also stated that because it was an easement the only section line right would be granted to a road but not a pathway. Council Member Mazalewski stated the City might want to determine the cost of hauling the extra materials versus the cost to build the road to county standards. Mayor Powers felt that a gravel road in that area would be a “high speed short cut to avoid town,” and that it may not be in the best interest for neighboring owners to pursue that idea.

Council Member Mazalewski asked for clarification regarding weed control through the county, as the city had received a lot of complaints. Ms. Rinaldi explained the process stating that if a complaint comes in, Ben Eborn (Teton County Extension Officer) was supposed to write a letter to the property owner. If nothing was done about the weeds, the county would spray them and charge the owner for the work. Ms. Rinaldi stated that if the extension office were not able to handle the issue due to a lack of resources, the County would be willing to allocate more resources. However, Mr. Eborn has stated he was able to handle the workload. Mr. Self stated that all city complaints were coming back to him and that he was acting on them, not Mr. Eborn. Mr. Eborn had stated to Mr. Self that he was too overwhelmed to deal with many of the complaints.

Council Member Jones stated the city should also work on a dog ordinance. Ms. Rinaldi stated the County was writing one and would be reviewing it in November.

ORDINANCE 317-10: FLOOD DAMAGE PREVENTION ORDINANCE – SECOND READING

Mr. Self stated he had not received any further comments. Mayor Powers questioned if Friends of the Teton River had reviewed the ordinance. Mr. Self stated they had not see the final draft, but had helped work on it.

Council Member Jones made a motion to consider Ordinance 317-10: Flood Damage Prevention Ordinance second read. Council Member Mosher seconded the motion. The motion passed with all in favor.

PLANNING AND ZONING REPORT

Huntsman Springs – 8 Month Extension Request on Road Way Striping

Mr. Self stated that Huntsman Springs had submitted a request to extend the deadline for road stripping in the subdivision. The current deadline was October 1, 2010 and they would like to extend that to June 1, 2011 so the stripping could be done in the spring. Given the low traffic levels, Mr. Self did not feel this should be a concern.

Council Member Mazalewski made a motion to approve the request to extend the road-stripping deadline for Huntsman Springs from October 1, 2010 to June 1, 2011. Council Member Mosher seconded the motion. The motion passed with all in favor.

Head Start conditional Use Permit Fee – Waiver/Reduction Request

Mr. Self stated that the Head Start preschool had been operating since 1998 or 1999 and had never received a conditional use permit, which would have been necessary according to the ordinances at that time. In order for Head Start to satisfy the state day care licensing standards, a zoning conformance letter must be issued. Mr. Self explained that he could not issue that statement until a conditional use permit was applied for. Head Start was willing to apply for the conditional use permit, but was asking for the fees to be waived or reduced as much as possible.

Mr. Self felt that if the staff time were excluded, it would take approximately \$200 to publish and notice the public hearing. Mayor Powers felt the applicant should be charged the actual cost of materials and staff time. It was estimated that cost would be approximately \$400 and if the actual cost was less, the city was willing to refund the unused funds.

Council Member Mosher made a motion to allow Head Start to have a conditional use permit expense of no more than \$400 and allowing a refund, if actual costs are lower. Council Member Jones seconded the motion. The motion passed with all in favor.

Mr. Self returned the discussion to Huntsman Springs stating they would like the City's opinion of the streetlights for the county portion of the subdivision. Mr. Self stated that the county did not feel the placement of streetlights was necessary in that section. The subdivision ordinance requires streetlights unless the Planning and Zoning Commission recommends a waiver, which has been done for other subdivisions such as Retail and Shoshoni Plains. Mr. Self stated that even at full build out, the lights didn't seem necessary. The Council agreed that the lights were not necessary.

Mr. Self was concerned with the amount of time it took for Teton Indoor Sports Academy to clean up from the insulation. He asked that the Council consider reducing the rent for that business. Mayor Powers would discuss the issue with business owner, Cheri.

PUBLIC WORKS REPORT

Mr. Gunderson stated that the pathway projects were beginning. The O and M meters were found and some of the timers would be replaced to use batteries, reducing the cost of operating them. Mr. Gunderson stated that a few cities had offered to give the employees and council members a tour of their sewer plant. He needed a head count of those that want to attend.

Mr. Gunderson stated that he would sweep streets on Thursday night. Council Member Mazalewski questioned if stripping on 5th Street could be done by thermo-plastic. Mr. Gunderson stated that it could, but that a depression in the road would have to be done first.

PUBLIC HEARING – AMEND THE 2010 BUDGET AND ORDINANCE 319-10 AMENDING SAID BUDGET

Amy Smith stated that the budget amendment was necessary to appropriate funds that would be received by the city this year. The general funds, sewer fund and airport funds were affected due to grants received.

Mayor Powers opened the Public Hearing at 8:12pm. There were no comments and the Public Hearing was closed.

Council Member Mosher made a motion to suspend the rules and read by Title only Ordinance 319-10. 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 319-10. Council Member Mazalewski seconded the motion. The motion passed unanimously.

AIRPORT BUDGET DISCUSSION

Ken Koster Letter

Mayor Powers stated the City had received a letter from Ken Koster regarding the appropriateness of the City asking the Airport Board to pay a portion of the sheriff's contract.

Mr. Koster spoke to the Council. He stated he felt there was a trend starting that was not appropriate. The airport had been self-sustaining and had functioned by the Board members volunteering their time. Mr. Koster felt that the property taxes paid by property owners should include fire protection and sheriff services. He did not understand how 10% of the sheriff's contract could be charged to the Airport Board since there were no streets, no traffic and the ability to get onto the airport property was controlled by a gate. He further stated that the sheriff's office had been given 5-6 cards to access the gate and they had never accessed the airport. Mr. Koster stated that the airport was a contributor to the entire valley and employed approximately 44 people. The airport brought people to the valley instead of Jackson Hole, Mr. Koster stated.

Mayor Powers responded stating that the City was asking the Airport Board to pay 5% of the contract and not 10%. He further stated the charge was not to protect the property but to protect the asset. Mayor Powers stated there was an economic benefit of the airport but that the airport itself was a disproportional benefit to its users and explained that other funds have also contributed to the sheriff's contract.

Mr. Zollinger stated that every taxpayer paid for a fixed level of law enforcement. The City elected to have a higher level of service and had an additional \$60,000 contract to receive specific services from the sheriff. The portion of the contract charged to the board was devised by totally the city's assets and determining how much each entity represented within the city.

Yuki Kobayashi questioned if this charge was 5% for a half year as stated on the invoice. Ms. Smith stated that the total charge was 5% for the year. Mr. Zollinger stated the Council understood it was a confusing invoice.

URBAN RENEWAL – DISTRICT BOUNDARY AMENDMENT-

Hyrum Johnson, Chairman of Urban Renewal, presented information to the council regarding the expansion of the Urban Renewal District. He explained that the request came from outside of the Board and since there was a chance legislation would change in the future, now was the time to increase the district. He stated that the Urban Renewal Agency had the ability to create funds that the city could not generate which allowed other projects to occur. Recent projects that had the agency involvement included the sewer line and the future geotourism center.

Council Member Mazalewski questioned if the property owners were contacted. Mr. Johnson replied that they were not at this time, but felt public hearings would have to be scheduled. Mr. Johnson felt that property owners in the existing district seem to be glad to be included.

Council Member Mazalewski questioned what would happen if property values decreased. Mr. Johnson was unsure and stated he would find out. Council Member Mazalewski stated he wanted to ensure there was a buffer for the agency.

Mayor Powers read the Resolution.

Council Member Mosher made a motion to approve the Urban Renewal District Expansion Resolution 255-10. Council Member Mazalewski seconded the motion. The motion passed with all in favor.

Waiver of annual Loan Payment

Mr. Johnson stated that the city gave the Urban Renewal Agency a loan to begin the agency of \$30,000. He requested to waive the fee of \$5,000 for this year or next year to help offset the \$20,000 cost to expand the district. He further stated that if the City was willing to delaying the payment, the agency would appreciate that as well. Council Member Jones asked that Amy Smith review the city's ability to delay the payment.

COMMUNITY CENTER UNFINISHED SPACE DISCUSSION-

Rick Baldwin presented the Council with 5 sketch drawing layouts to review, which included the major assets the community wanted to see in the north end of the Community Center. A public forum had been scheduled for September 28, 2010 at City Hall.

The Council reviewed and discussed the sketches. Council Member Mazalewski felt that 5 drawings were plenty to show the community. Mr. Baldwin stated that he would have a three dimensional program for the forum.

MAYOR'S REPORT

Proclamation

Mayor Powers read a proclamation declaring October 3-9, 2010 as Long-Term Care Rights Week.

Council Member Jones made a motion to approve the proclamation. Council Member Dye seconded the motion. The motion passed with all in favor.

EXECUTIVE SESSION

Council Member Dye made a motion to go into executive session at 9:18pm pursuant to Idaho Code 67-2345(d). 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 9:25pm.

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 9:26pm.

ATTEST:

Sonya Adams, City Clerk

Daniel J. Powers, Mayor