

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
OCTOBER 5, 2010**

Pursuant to adjournment of the City Council meeting held September 21, 2010, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, October 5, 2010**, at 7:00 p.m. A roll call was taken and present were council members: Greer Jones, Colin Dye, George Mosher, 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.

**AMENDED AGENDA**

**Council Member Mosher made a motion** to amend the agenda to include the Appointment of a Deputy City Clerk. Council Member Jones seconded the motion. The motion passed with all in favor.

**APPOINTMENT OF DEPUTY CLERK**

Mayor Powers stated that due to the absence of the City Clerk, a Deputy City Clerk needed to be appointed. He wanted to appoint Kreslyn Schuehler to the position.

**Council Member Jones made a motion** to appoint Kreslyn Schuehler as Deputy Clerk. Council Member Mosher seconded the motion. The motion passed with all in favor.

**MINUTES TO REVIEW**

Council Members reviewed the minutes from the City Council Meeting.

**Council Member Mosher made a motion** to approve the minutes of the September 21, 2010 City Council Meeting. Council Member Dye 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 September 22, 2010 through October 5, 2010. Council Member Mosher seconded the motion. The motion carried unanimously.

**ORDINANCE 317-10: FLOOD DAMAGE PREVENTION ORDINANCE – THIRD READING**

Doug Self stated that after the last reading, he received comments from Friends of the Teton River and Harmony Design and had incorporated the revisions in the draft presented to the Council. Mr. Self felt the ordinance needed more work and did not feel the third reading should take place.

**Council Member Mosher made a motion** to table the third reading of Ordinance 317-10: Flood Damage Prevention. Council Member Dye seconded the motion. The motion passed with all in favor.

## **PLANNING AND ZONING REPORT**

### **Discussion of Proposal to Repeal City Code Title 5, Chapter 3 (Dogs)**

Mr. Self stated that both the city and county had dog ordinances, which made it confusing for the sheriff to enforce. Mr. Self explained the differences between the two ordinances, including voice control as stated in the county ordinance. Council Member Jones did not feel that voice control was enough to control some dogs. Mr. Self suggested that elimination of duplication be done between the two ordinances.

Mr. Self questioned the number of dogs the City would allow. At the present time, the City allowed 2 dogs per residence and the county allowed 5 dogs. Council Member Jones stated he felt more than 2 dogs could be allowable, if they were under control. Council Member Mosher felt that increasing the number to 3 dogs would be agreeable, but also stated that the environment in the city was different for dogs than in the county.

Mr. Self stated that the community wanted to know whose code was being enforced and who to call if there was a problem. Both codes included fees and licensing and shouldn't be duplicated. Mr. Self stated he would work to maintain the differences and figure out how to eliminate the confusing issues.

### **Discussion of Retail Liquor Sales – Allowed Hours**

Mr. Self stated that hours of sale for liquor by the drink was stopped at one o'clock am in the city of Driggs. The Royal Wolf would like to request that it be changed to two o'clock am. Mr. Self felt this would just be for The Royal Wolf as all other establishments in the city closed earlier in the evening. The owner of the business felt that it was their obligation and responsibility to observe those in their restaurant and determine whether to serve them or not. This was not determined on whether they closed at one or two o'clock am. The council felt the Teton County Sheriff should be informed and provide an opinion.

### **Main Street Improvement Project**

Mr. Self presented information to the Council. The Council received all of the written comment that had been submitted prior to the meeting. Mr. Self, Mayor Powers and Ben Burke from the Idaho Transportation Department had a meeting on Monday, October 4, 2010 to discuss 11 items that were being required or recommended by ITD. Mr. Self reviewed these items with those in attendance (Please see Mr. Self's staff report for details).

Discussion began regarding the sidewalk on the west side of Main Street from 300 Main until the wetlands were encountered. Council Member Mosher felt the sidewalk should be on the east side due to the lack of a crosswalk. If ITD was not willing to do a crosswalk, the sidewalk should be placed on the east side of Main Street for safety.

Mr. Self stated he was in favor of all of the changes and recommendations by ITD. He further reviewed an email received from Council Member Mazalewski. Mayor Powers also felt that ITD did a good job of listening to the public comments. He felt there were a lot of comments from people who wanted to see downtown more pedestrian oriented and those that didn't, and stated that ITD did well in striking a balance between the two.

Aaron Little spoke stating that in addition to his written comments, he spent the afternoon talking to business owners along Main Street. He appreciated the parking changes that were made from Ashley to Wallace Avenues but felt that there continued to be a majority of those in the community that had not been contacted about these changes. He further stated that similar changes should take place from Little to Short Avenues. He was opposed to narrowing the street and widening sidewalks if it meant losing parking spaces. He read comments from Sue Williams, business owner of O'Rourkes, stating that she understood the need to beautify the city but did not want to lose more parking. She felt her business had lost patrons due to the existing parallel parking in front of her business.

Max Woolstenhulme spoke, stating he was opposed to parallel parking to the south of Little Avenue. He moved his business to acquire more parking and felt that parking was a premium. He concluded by stating he was glad to see Main Street would be improved, but felt the timing was bad due to the economy. The construction, he felt, would hurt businesses next summer.

Wayne Hartshorn stated he was pleased to see the improvements that had been made. He felt that if the state did not plow Main Street during the winter months, the city would be faced with a real problem. He encouraged the Council to make the necessary changes to allocate the plowing of Main Street to the State.

Mayor Powers responded to the public comment. He stated that the City had received a number of positive comments from business owners who see this project as a benefit. He felt the goal of the project was to get people to stop instead of just driving through the city. He concluded by stating that the elimination of the bulb outs would ensure that the state would maintain Main Street during the winter months.

Council Member Dye felt that the removal of diagonal parking in front of Milk Creek Grill and The Wardrobe was devastating. Mr. Self responded stating that additional spaces could be added to that area. Mayor Powers reminded the Council that it is an "all or nothing deal."

Council Member Mosher questioned if the six additional spaces on Geordie Gillet's property (Local Yocals) had been approved. Mr. Self stated that it was a good interim solution, but the whole property was for sale and therefore may not be available in the future. The concept was to allow parking in that area but it would not be public parking. Mr. Self further stated that the only way to ensure that parking be included in the plans for ITD was to revise the deed and present that to ITD within a couple of days. He

further stated that another solution would be to enforce the parking time restrictions on Main Street.

Mayor Powers read Council Member Mazalewski's comments. There was a discussion regarding the bulb outs. Council Member Mosher did not think the city should include those if the state would not plow Main Street.

Mayor Powers reminded the Council that some spaces would be lost due to the new standards and setbacks. Mr. Self explained the location of those spaces.

Mayor Powers stated there were a lot of businesses that were thriving in downtown and the city needed to encourage off-street parking. Mr. Self stated he spoke to the owner of Milk Creek Grill and there was no concern providing the city enforced the parking limits on Main Street. Mayor Powers felt that if the ITD plans were approved, the city would have to implement the parking restrictions to ensure the parking time was limited.

Council Member Dye was concerned with losing the parking spaces and felt that it was hard enough to get around downtown during the winter. Mr. Self stated that the city had a "win-win opportunity" and "I'm begging that you don't let this slip away." He felt the concerns could be addressed further after the approval of the plans.

Roxanne Sanchez stated that vehicles with trailers would not be able to parallel park. Mr. Self rebutted stating that vehicles with trailers would not be able to park in a diagonal space either and either way would have to go to a public parking lot.

Stephen Zollinger stated that the community needed parking and needed to have public signs to show where the parking was so visitors could access those areas. He further stated that employers needed to ensure that employees were not parking in businesses prime parking spots.

Council Member Jones suggested adding more parking at City Hall. Mayor Powers felt that the parking spaces that existed were not used as often as they could be and felt that in the future increasing the number of spaces was an option.

The Council discussed tabling this item until Council Member Mazalewski was able to attend. Council Member Mosher also requested clarification regarding the sidewalks and when the state would begin to enforce the new standards and setbacks for parking spaces. He felt Council Member Mazalewski's input was critical and didn't want to make a decision without the entire Council present.

The Council agreed to reconvene to discuss the Main Street project on Friday, October 8, 2010.

## **PUBLIC WORKS REPORT**

### **Pump Test Reports**

Jared Gunderson stated that a test was done on the Teton Creek and Valley Centre wells and they met the water requirements.

The problems with the sewer line between 2<sup>nd</sup> and 3<sup>rd</sup> Streets and between Little and Fremont Avenues would be resolved, as Parkers was coming to camera the line and figure out where the services were located.

Mayor Powers stated he had discussed with Ned Thomas the possibility of grading the rest of the pit run and then placing topsoil over it. At this time, he had not heard from him regarding this. Mr. Gunderson stated that the lagoons still needed to dry out and was hoping some of the material could be used to fill those. If a frost occurred, Mr. Gunderson felt using the material would be feasible. Mr. Gunderson also stated that some material could be used on 1000 North at Shoshoni Plains to fill the road. However, a manhole extension would have to be purchased.

#### **RAD RECYCLING CONTRACT**

Stephen Zollinger stated that the contract that was submitted to the City had legal issues that would have to be resolved. As it was drafted, it conflicted with the current trash pick up and it would have to be revised to ensure recyclables did not have to be isolated if a household chose not to recycle. Recyclables was not a health or safety issue at this time, according to the law, and so the city could not grant an exclusive franchise agreement. Mr. Zollinger stated that the problem with an exclusive contract was that no other entity could collect recyclables. The City could give a business registration and the business could be a preferred company.

Aaron Hamby stated that the motive was to have something from the city to support the business and secure their investment. Mayor Powers read Council Member Mazalewski's comments. Mr. Hamby and David Hudasko asked that the comments be emailed to them and they would respond to each as appropriate.

Council Member Mosher did not feel that the city could offer an exclusive contract because recycling did not constitute a public safety.

#### **SUNRISE ENGINEERING CONTRACT FOR MAIN STREET WATERLINE REPLACEMENT-**

Mayor Powers stated the current form was more of a work order as there was already an existing contract with Sunrise Engineering. Council Member Dye questioned the hourly rate shown. Mayor Powers felt that the rate probably included equipment.

There was concern the contract stated the drawings were owned by Sunrise Engineering. Mr. Zollinger stated that needed to be changed to state that the drawings were owned by the City of Driggs. Council Member Mazalewski's comments were read.

Mayor Powers stated that Sunrise Engineering had already been through the procurement process and to do another RFQ would delay the Main Street project. Mr. Zollinger felt

that most of the needed personnel would already be on the job for the Main Street project and requested that Sunrise Engineering personnel only be on the job by request.

**Council Member Mosher made a motion** to proceed with the contract request for the water line on Main Street with the adjustments discussed. Council Member Jones seconded the motion. The motion passed with all in favor.

#### **WASTE WATER TREATMENT FACILITY UPGRADE – PROJECT UPDATE**

Mr. Zollinger stated that after a meeting with Victor, the engineer and the Development Company a transmission upgrade was needed. Because of this, another public hearing would need to be scheduled. This should be rescheduled for November 2, 2010.

Mayor Powers stated that the City of Victor would pay all of the debt costs for their portion of the line and that DEQ had approved this change.

#### **COMMUNITY DEVELOPMENT BLOCK GRANT – WATER WATER INTERCEPTOR – FINAL REPORT**

Mayor Powers stated the original grant included Option 1, to extend the line. The estimated cost of savings was approximately \$15,000 to reduce the pipe from an 18-inch to a 15-inch pipe. Mayor Powers stated the actual saving was less and there were a number of changes. The total cost was \$297,438 and the grant would cover \$279,000 with a shortfall of \$16,438, which could come from the sewer reserve fund.

**Council Member Mosher made a motion** to pay \$279,000 from the grant and the remainder from the sewer reserves. Council Member Jones seconded the motion. The motion passed with all in favor.

#### **MAYOR'S REPORT**

##### **Community Center – Unfinished Space – Public Comment Review**

Council reviewed the public comments. Mayor Powers felt that the comments were not very different from what was seen in the water bill survey. He felt the best way to proceed was to do an RFQ on the Scenic Byway and Plaza and mention that the city was developing a concept plan for the north end of the building. He also stated that it would be noted that the person of choice may or may not be chosen to design the north end of the building.

Council Member Jones was concerned the city was going to “get in a position where we can't finish the north end of the building.” Mayor Powers felt there was language in the RFQ that stated the Scenic Byway could be put inside and/or outside so that architects can look at the full range of options and the budget.

#### **EXECUTIVE SESSION**

**Council Member Jones made a motion** to go into executive session at 9:29pm pursuant to Idaho Code 67-2345(f). Council Member Dye seconded the motion. Schuehler took a roll-call vote: 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 9:45pm.

**ADJOURNMENT**

**Council Member Mosher made a motion** to adjourn. Council Member Jones seconded the motion. The motion passed with all in favor and the meeting was adjourned at 9:46pm.

ATTEST:

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Sonya Adams, City Clerk

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Daniel J. Powers, Mayor