

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
FEBRUARY 3, 2009**

Pursuant to adjournment of the regular City Council meeting held January 20, 2009, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, February 3, 2009**, at 7:00 p.m. A roll call was taken and present were council members: Greer Jones, George Mosher, Dan Powers and Colin Dye, Mayor Louis Christensen, Public Works Director Jared Gunderson, Planning and Zoning Administrator Doug Self and City Attorney Stephen Zollinger. Mayor Christensen led the Pledge of Allegiance.

MINUTES TO REVIEW

Council Members reviewed the minutes. Council Member Mosher and Council Member Powers voiced corrections to be made.

Council Member Mosher made a motion to approve the minutes of the January 20, 2009 City Council Meeting as corrected. Council Member Dye 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 January 21, 2009 through February 3, 2009. Council Member Jones seconded the motion. The motion carried unanimously.

CHRIS HARRIS- 7:15PM

Chris Harris voiced concerns with the Snow Removal Letter that was mailed to residents. He felt the letter was threatening and should have been distributed during the summer to better prepare property owners when the snow started to fall. The snow is now packed and hard to remove. He stated the letter was only directed to a small area and not the whole city as the Ordinance covers. He continued to state that most sidewalks in the town are not clear and was concerned for the school children that did not have cleared sidewalks to walk to and from school. He concluded by stating that if the letter was written in the summer or fall, he could have begun to remove snow as needed.

Council Member Powers replied stating that the reason the letter was sent in the winter months was due to the fact that snow removal on sidewalks was becoming a problem. He apologized for the tardiness and tone of the letter.

Stephen Zollinger addressed the liability and stated that generally insurance companies will place liability on the "adjacent property owners" to maintain the area that provides public access to their property. Chris Harris stated that the City needed to be enforcing the ordinance for the entire city and not just the few streets mentioned in the letter. Zollinger stated he felt the city was concerned with the entire area but given "their

limited resources they chose to address the areas of higher concern.” He continued to state that “selective enforcement” was allowed by law.

Council Member Dye did not feel it should be the property owner’s responsibility to maintain public right of ways. Zollinger stated that it was the city’s responsibility to provide community services and one service they provide is roads. If the roads are “arbitrarily accessible” and “only available when it’s convenient to the citizen” then the road is not providing its service to the community.

Chris Harris stated that he was unable to clean it and could not afford to pay someone to do so. Jared Gunderson stated that if a work order was filled out, the sidewalk could be cleaned by the city. Chris responded stating that he would not “mind trying to keep it clean” after the existing snow was removed.

Council Member Jones stated that a message in the utility bills regarding removal of snow should be sent out in the fall. Doug questioned if another letter should be sent out in response to the concerns that were heard. Zollinger responded stating, “Just don’t issue the tickets.” If a letter is sent remanding the ability to issue tickets, then the ordinance should be repealed.

LINDSEY ASSELIN SHORT PLAT SUBDIVISION – CREATING TWO LOTS FROM W1/2 N1/2 SE1/4 AND NE ¼ - 7:25PM (7:42pm)

Troy Barry spoke, representing the applicant, Lindsey Asselin. The property is approximately 2.5 acres and zoned ADR1.0. Troy explained the location, access and existing structures. The well will have shared maintenance between both property owners and both have septic tanks.

Doug Self stated after speaking with the Fire Marshal, the International Fire Code requires a 24-foot wide improved road with a turn around that could be placed at the end of the road. Discussion of where the road should be placed began. The safety of public access for the Fire Marshal and regulations of the Health Department, as well as the future improvements for water and sewer were factored into the discussion.

Doug Self stated the Planning and Zoning Commission recommended approval with the conditions that a clear legal access to Lot A is provided, the plat contains the required identification and descriptive data, the Health Department find the sanitary restrictions are satisfied, and that a 30-foot road easement is placed on the north boundary of the property. Doug stated there was no public comment at the Planning and Zoning meeting and no further public comment had been received.

Council Member Powers made a motion to recommend approval of the short plat subdivision for Lindsey Asselin with the conditions legal access to Lot A is provided, the Health Department find the sanitary restrictions are satisfied and approval from the Fire Marshal for a 24-foot wide road. Council Member Mosher seconded the motion. The motion passed unanimously.

AIRPORT REPORT-TEMPORARY ROCK CRUSHER FOR RECONSTRUCTION PROJECT

Tom Hunter represented the Airport Board. Mayor Louis Christensen started by stating that the engineer of record was HDR Engineering and is in their final year of their contract with the airport. HDR Engineering estimate for the work on the airport was approximately \$450,000. Toothman Ortman bid the engineering work at \$507,000.

Mayor Christensen further stated that with the amount of excavation that will take place on the runway, it would make sense to keep a rock crusher on site to reduce the amount of truck traffic on and off the property and to keep the impact down.

Due to the short timeframe of the project, the work hours will be 2 8-hour shifts beginning around 7am, 5 or 6 days a week. Notification to the surrounding neighbors would be given.

Dan Deraps was concerned with the noise and lights that may occur during this time. Mayor Christensen stated that water would be used to keep the dust down and most work would be during the daylight hours.

Council Member Mosher asked Tom Hunter if he felt this was appropriate to move forward with. Tom stated that it was a “work in process” and Lillian Bowen will be working out the details but he anticipated that crushing may start prior to closing the airport but was unsure.

Jared Gunderson was concerned with the use of water and asked that it be accounted for if they “tapped into the city water.” Stephen Zollinger stated that the Council needed to decide if the engineering company needed to place water use in the bid.

Council Member Powers made a motion to approve the temporary rock crusher for the airport runway and direct the engineering company to include reasonable dust and noise mitigation and that the water being used is accounted for. Council Member Jones seconded the motion. The motion passed unanimously.

MIMIMUM STANDARDS FOR FIXED BASED OPERATORS (FBO)

Tom Hunter stated that currently there was no more city property to place another FBO. The concern was having an FBO with a Thru-the-Fence Lease. The FAA has stated that there cannot be any Thru-the-Fence FBO’s due to the possibility of a negative economic impact on the airport. So unless more property is obtained from the City, there is no room for another FBO. Council Member Powers questioned if an FBO could be established at an existing hanger. Zollinger stated that it could happen, but it would be “complicated based on the standards.”

Tom Hunter stated the FAA was very strict in what could and could not be done. The FBO Standards were based on the FAA regulations.

Zollinger reviewed the document and stated that Section 2, subsection 2 regarding fuel farms needed to have language added to state, “or have a contract for the use of existing tanks,” to include the existing FBO.

The document was tabled until the City Attorney could review the document.

TABLED ITEMS – SHOSHONI PLAINS, PHASE V – PRELIMINARY PLAT APPROVAL EXTENSION REQUEST

Mayor Louis Christensen stated that the item should be tabled again as no new information was received.

Council Member Mosher made a motion to table the preliminary plat approval extension request until the next City Council meeting. Council Member Jones seconded the motion. The motion passed unanimously.

PLANNING AND ZONING REPORT

Doug passed out a map indicating the sidewalks that had not been cleared of snow as of the meeting. He further explained the locations that continued to have issues with snow removal. Doug will make personal contact with the remaining property owners to discuss the issues.

Council Member Jones questioned if the signs for Leo Garage could be removed. Doug stated he would look into that issue.

Doug referred to the work plan for the Planning and Zoning Commission. He stated the commission wanted to prioritize and work on the base data in the Comprehensive Plan, establishing an annexation plan, and renegotiating the Area of Impact. They also wanted to establish a regulation for accessory dwelling units and address temporary use standards, as well as develop a lighting standard in the subdivision ordinance.

A stimulus package was submitted for the 5th Street sidewalk and for an overlay for 5th Street, Ross Avenue and Wallace Way Subdivision. If another project can be submitted, South 5th Street and Johnson Avenue may be proposed.

PUBLIC WORKS REPORT

Jared Gunderson presented the lighting shade that was being used in the city street lights. He explained the type of wattage that other cities were using. He stated the wattage being used was very similar to others. He discussed the different type of lights that could be used and the glare that may be produced from each.

Jared was concerned as to where “the line is drawn for public safety.” Discussion of the types of cones that could be used and a possible reduction in wattage took place. Council Member Dye questioned if lighting could be on a motion censor.

Jared went on to report that Dylan was attending the Master Gardening class. The road grader was fixed. Sidewalks would be cleaned as time became available. They will open the sidewalks up one time and then it was up to property owners to keep them clean.

Council Member Powers questioned how much water was being wasted from those that have to run their water to prevent frozen pipes. Jared explained that not all homes were running water but he felt about 50% of the water usage was due to this. Council Member Powers stated that he felt a lot of water could be saved by informing only those that should run their water of the need to do so.

Ralph Mossman stated the Planning and Zoning Commission was reviewing the lighting standards. He stated the wattage appeared to be greater than needed. Discussion of the type of optics being used began.

MAYOR'S REPORT

Reid Rogers presented information to the Council regarding the project that will go into the Community Center. Reid gave the Council a handout regarding the timeline of events that have taken place. He also reported the individuals that are on each committee involved so the "Council can see it's not just a couple of people involved."

Two grants have been applied for, one of which has been funded. Idaho Department of Transportation, government entities in Boise including the Governor, and National Geographic in Washington DC have had involvement in the process.

Because Reid did not want to dictate what was to go into the building, he asked the community for input. To date, he has received 8 sets of plans. Reid explained that certain entities needed to be constructed under the federal grant. However, Reid stated that several other options were open, as those required items were "small." He emphasized that no plan had been approved at this time and there had not been any discussion as to who may stay or who may move into the building. "There has been no choosing of favorites."

Reid explained the involvement of National Geographic and the Geotourism Center. With this center, tourism is "sure to increase," and more jobs may be provided. The Smithsonian Institute may also be involved in the design of the interior.

He concluded by stating that everyone involved has gone through "enormous pains and has not been prejudiced about what is going on." He will continue to keep the City Council updated as to what is occurring and asked that phone calls be made if someone had any concerns before allowing "things to become sneaky and ricochet back and forth."

Mayor Louis Christensen informed the Council Members that a tax increase for beer and wine would be imposed. The increase would raise \$95 million, which would go toward the treatment programs.

The Seniors West of the Teton would like to extend an invitation to their Valentine's Special to the Council Members. They questioned if people could bring a bottle of wine with them. Mayor Christensen posed the question to Zollinger. He stated that if the bottle of wine was going to be sold, a distribution license would have to be obtained.

Council Member Mosher made a motion to allow alcohol consumption at the Seniors Center providing all ordinances and laws are followed. Council Member Dye seconded the motion. Council Member Mosher, Council Member Powers and Council Member Dye voted in approval. Council Member Jones voted in opposition. The motion passed with majority in favor.

Mayor Christensen discussed topics that occurred at AIC in Boise.

EXECUTIVE SESSION

Council Member Dye made a motion to go into executive session at 10:06pm pursuant to Idaho Code 67-2345(f). Council Member Powers seconded the motion. Adams took a roll-call vote: Dan Powers, aye; Greer Jones, aye; George Mosher, aye; Colin Dye, aye. The motion carried unanimously.

The Council came out of executive session at 10:43pm.

Council Member

ADJOURNMENT

Council Member Mosher made a motion to adjourn. Council Member Dye seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:45pm.

ATTEST:

Sonya Adams, City Clerk

Louis B. Christensen, Mayor