

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
MAY 19, 2009**

Pursuant to adjournment of the regular City Council meeting held May 5, 2009, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, May 19, 2009**, at 7:00 p.m. A roll call was taken and present were council members: Greer Jones, George Mosher, Dan Powers, Mayor Louis Christensen, 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 made a motion to approve the minutes of the May 5, 2009 City Council Meeting. Council Member Jones seconded the motion. The motion carried unanimously.

CLAIMS REVIEW

Council members reviewed the claims. Council Member Powers requested that Calico Sky pay for the streets signs that have not been installed in the subdivision and had been ordered by the city.

Council Member Mosher made a motion to approve the claims as presented dated May 6, 2009 through May 19, 2009. Council Member Jones seconded the motion. The motion carried unanimously.

FOOD BANK PRESENTATION-ROTARY CLUB OF TETON VALLEY

Maren Erickson and Brian Gibson presented information to the Council regarding the food bank. Maren stated that due to the economic situation, it made it necessary to supplement the food bank. The Rotary Club has been involved, along with Saint Francis of the Tetons to help sponsor the food bank. In 6 months, the Rotary Club had applied for seven grants, of which two had been received.

The food bank had Spanish-speaking volunteers to assist on distribution night. The Rotary Club had tracked demographic information of approximately 3,000 people who used the services of the food bank since November 2008. Ms. Erickson stated her plea was to ask the municipalities to assist with a monetary donation and/or to volunteer on distribution nights.

Council Member Powers questioned if the food bank needed a one-time donation or would the need be ongoing. Ms. Erickson stated that either would be appreciated.

Council Member Jones questioned if the Boy Scouts had been involved. Ms. Erickson responded, stating that they have been asked to do their food drive twice a year. She stated food was also received from the Idaho Food Bank. However, they charge for

shipping, which causes higher rates to get canned foods. At this time, Ms. Erickson estimates the food bank was serving 200 people a week.

Brian Gibson requested the Council look at the funds in the future to see if any could be donated to the food bank. He also stated the city could put a note in utility bills, asking customers to donate money. Mr. Gibson stated a goal of \$5,000 each year would be appreciated from each of the municipalities.

Mr. Gibson continued by stating that they are “outgrowing” their space at the church and that there was not enough room to sort food more than a few weeks ahead of schedule. Council Member Powers questioned how much space would be needed. Ms. Erickson stated 900-1,200 square feet would double the space they were in now. Council Member Powers stated that the Community Center might be available. However, the food bank would have to be responsible for the utilities. The Stock Lumber building was also suggested, as they were going out of business.

Mr. Gibson questioned when he could “follow-up” with the Council to determine their commitment. Mayor Christensen stated that the annual budget took place around August.

BRUCE SIMON-CREEKSIDE MEADOWS AND CREEKSIDE TTS

Bruce Simon spoke to the Council. He felt the Development Agreement between the City of Driggs and Creekside Meadows stated the city was to improve and maintain the park. At this time the city had not maintained the park and therefore, Bruce Simon was terminating the dedication for the park and leasing it back to the Home Owners Association.

Doug Self responded stating that at the time the Development Agreement for Creekside was contracted, the city reviewed it on a case-by-case basis to determine if they were able to maintain a park. He continued to state that it might not have been made clear that it was a city park because it was never deeded as a city park.

Stephen Zollinger informed Mr. Simon that the land could not be used for any structures because it was deeded as open space. He continued to state that the Development Agreement stated that the city had 5 years to make it a public park or the land could be returned to use as a private park. The Home Owners Association had a legal right to expect that land to be used as open space based on the plat. In order to change the use of the land, an application for a plat amendment would have to be approved. Mr. Zollinger concluded stating that he was “frustrated with the ill-feelings” Mr. Simon was conveying as it had always been the Councils position to develop the park if the money was available to do so.

Mr. Simon went on to state that the city was not maintaining the bike path. Mr. Zollinger stated that the bike path was never dedicated to the city and therefore they were unable to take over the maintenance of it. He explained to Mr. Simon that the engineer did not dedicate the path correctly on the plat.

Mr. Self replied to the discussion. At this time, the turn lanes into and out of Creekside Meadows that were supposed to be completed by the developer, as stated in the Development Agreement, were never finished. Mr. Simon stated he was not prepared to discuss this topic.

Mr. Zollinger stated that once the dedication was done for the bike path, the city would take responsibility for it. He further explained that if Mr. Simon gave his assurance that a correct dedication would be recorded, the city would begin to maintain the path. Bruce stated that he would dedicate the bike path to the City of Driggs.

Mr. Simon then went on to present information to the Council regarding the cinema and where the utilities were located. He “hoped the City would take over some financial responsibilities.” He continued to state that the City was “neglecting to do the first thing when you plan and that is to figure out where the infrastructure is.”

He gave the City Council three options; to move the water line at the city’s expense and have the cinema on the highway as required by the regulations, move the water line to the back of the property and buy the easement, or allow the cinema to be built as proposed.

Council Member Powers stated that the Council gave Mr. Simon a directive to allow for some parking in front of the building, which would allow for the cinema to be built. Mr. Simon responded stating, “That is not acceptable to me.”

Doug Self reminded the Council that the application was remanded back to the Planning and Zoning Commission and the Design Review Advisory Committee to review a site plan. At this time, the applicant had not submitted any new information.

Council Member Jones stated, “It’s not an option to move the water line.” Jared Gunderson, Public Works Director, stated that would be an expense of approximately \$70,000.

Council Member Powers clarified Mr. Simon’s request by stating the building would either have to be toward the highway or toward the east property line. Mr. Simon stated, “Admit that you made a mistake.” Council Member Mosher rebutted stating that the mistake was where the water line was placed, not how the zoning of the area was developed. Council Member Powers stated, “We have a standard and need to adhere to it or change the standards.” Mr. Simon suggested the city amend the regulations to state, “unless existing utilities prohibit” the placement of buildings according to the standards.

WATER RATE INFORMATION

Jason Linford from Sunrise Engineering presented information to the Council. He stated that an analysis of the water rates would be completed with the budget information Amy Smith provided based on the fixed and variable expenditures.

He began a discussion regarding ERU's (Equivalent Residential Units) and stated that based on the expenses and the amount of ERU's, the City should be collecting \$40.50 for water instead of the current \$23.10.

One option that was discussed was having those that use the most water, pay the most, increasing overage charges. Council Member Powers asked that the usage from the last couple of months be used as an example for each of the options discussed.

Mr. Linford stated that he felt those that shut their water off for a specific time period should continue to be charged a base rate as those ERU's are still connected to the system. There was also a discussion as to if the vacant lots with stub-outs should also be charged a base fee until connected.

Mr. Linford stated he felt the best option was to increase the charge for overage use and would "plug in the numbers" to show what the potential income would be. Council Member Mosher strongly disagreed with "giving away 20,000 gallons of water," and felt that the city should limit those that would receive this extra water in order to run their taps during the winter months, as not all users needed to do so. Mr. Zollinger stated the city would have to figure out what water lines were dug correctly to ensure there would not be frozen pipes during the winter months.

A discussion of the high water use by commercial customers was discussed. Mr. Zollinger suggested using a bell curve and stated he was in favor of Option #1. Doug Self suggested charging a base rate and \$1 for every thousand gallons used over 5,000. Mr. Linford also suggested the connection fees be increased at the time of the rate increase.

SEWELL'S ROASTED CORN ON THE COB APPROVAL

Scott Sewell presented information to the Council. He stated that after speaking with Doug Self and reading the regulations, he was requesting approval from the Council to have his corn roasting business present in residential areas for events such as sporting games, lunch for the high school students, etc.

Mr. Self stated that the current standards state that, "there shall be no stopping or standing in the road right-of-way in any business district." At this time, the applicant was "just running this past the Council." He concluded that a few complaints had been heard about the people in the street holding signs for the business. The City Council requested that action be stopped and Mr. Sewell stated he would "take care of it."

Mr. Sewell also stated he had a concern with parking as people were parking along Main Street for longer periods of time than the 2-hour limit. Options that could be perused by Mr. Sewell were discussed.

EXECUTIVE SESSION

Council Member Jones made a motion to go into executive session at 9:20pm pursuant to Idaho Code 67-2345(f). Council Member Mosher seconded the motion. Schuehler

took a roll-call vote: Dan Powers, aye; Greer Jones, aye; George Mosher, aye. The motion carried unanimously.

The Council came out of executive session at 10:29pm.

APPROVAL OF NON-PROFIT BEER/WINE PERMIT FOR THE DEMOCRATIC SUMMER PICNIC

Council Member Powers made a motion to approve the non-profit beer/wine permit for the Democratic Summer Picnic. Council Member Mosher seconded the motion. The motion passed with the majority in favor.

PLANNING AND ZONING REPORT

Doug Self stated he was currently working on when and what parks would be open to the public in Huntsman Springs. He was also trying to resolve the unfinished park in Shoshoni Plains Phase 4 and had been in contact with Clair Rood, the developer for Shoshoni Plains.

There was a discussion regarding the chip seal for Little Avenue, as the grant was not approved. Doug felt the Council should come up with criteria to rank road projects.

PUBLIC WORKS REPORT

Jared Gunderson stated that Public Works would shut their cell phones off the week of June 1st to allow them to work on flushing the line between Driggs and Victor.

The EPA had stated that samples from Wood Creek were supposed to be collected. At this time, those samples have not been collected, as Jared was unaware in the need to do so. He stated the lagoon may “go into violation this summer” but that DEQ was willing to work with the City regarding this issue.

MAYOR’S REPORT

Dan Brown, the Prosecuting Attorney, will be going into private practice. There was discussion as to if the Council would like to hire Kathy Spitzer or look for another prosecuting attorney. Stephen Zollinger stated he would also ask those he knew as well.

Information from Aqua Engineering was passed out to the Council. Mayor Christensen stated that this would be inserted into the Wastewater study for the MSABP plant.

The Council Meeting for June 16, 2009 would be moved to June 23, 2009. The Planning and Zoning Meeting would then be moved from June 23, 2009 to June 30, 2009.

Council Member Jones questioned if the sign for Leo’s Auto could be taken down. Doug replied stating that it could be requested but that the City cannot enforce that action be taken at this time.

ADJOURNMENT

Council Member Jones made a motion to adjourn. Council Member Mosher seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:56pm.

ATTEST:

Sonya Adams, City Clerk

Louis B. Christensen, Mayor