

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
AUGUST 17, 2010**

Pursuant to adjournment of the City Council meeting held August 3, 2010, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, August 17, 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, 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 corrections.

**Council Member Mosher made a motion** to approve the minutes of the August 3, 2010 City Council Meeting. Council Member Mazalewski seconded the motion. The motion passed unanimously.

**CLAIMS REVIEW**

Council members reviewed the claims.

**Council Member Mazalewski made a motion** to approve the claims as presented dated August 4, 2010 through August 17, 2010 with the condition that money be transferred from the Resort Tax Fund to the LID Bond Fund. Council Member Jones seconded the motion. The motion carried unanimously.

**MGO EVENTS LLC RECYCLING PROPOSAL – 7:15PM**

Dave Hudacsko and Aaron Hamby presented information to the Council regarding their business. WGW Events, LLC would like to expand into a curbside pick-up recycling company. The business would serve the entire county by accepting recycled materials curbside. At this time, the business would accept all recycled materials the transfer station currently accepts and may expand in the future.

Council Member Mazalewski questioned how the materials would be picked up. Mr. Hudacsko explained the mode of transportation that would be used and stated that customers would receive bins for the recyclables.

Mr. Hudacsko explained the service could begin as early as September if everything was approved. Mr. Hamby provided those in attendance with the website, stating that at this time sign-up for the services was being taken. The website was [www.theradrecyclers.com](http://www.theradrecyclers.com). Mr. Hudacsko further explained the cost of the service and stated that customization could be worked out if needed for bigger companies or households.

Council Member Mazalewski questioned how pick-up would work during a snowstorm, as he was concerned that bins would be hit by snowplows. Mayor Powers suggested that customers understand that bins should not be placed outside at night during the winter since plows run during the night hours. Mr. Hudacsko stated this could be done and felt that information could be placed on the labels for the bins.

Mayor Powers concluded the discussion by stating the business must obtain a Business Registration from the City and if a franchise agreement was desired, that could be accomplished as well.

**PUBLIC HEARING TO CONSIDER COMMENTS ON THE ENVIRONMENTAL INFORMATION DOCUMENT CONCERNING THE AMENDMENT TO THE FACILITY PLAN FOR THE TETON VALLEY REGIONAL WASTEWATER FACILITY UPGRADE – 7:30PM**

Scott Rogers from Aqua Engineering was present to provide information to the Council and public. He stated there was no new information and after the hearing the EID Amendment would be sent to DEQ. Mayor Powers provided the Council with the Engineering Service Proposal. Mr. Rogers felt that the samples recently taken were back to normal and further explained another alternative, which was to use an existing lab first before spending the money on lab equipment.

The Public Hearing was opened at 7:35pm. There were no comments and the Public Hearing was closed.

**PUBLIC HEARING FOR THE IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT – 7:35PM**

Diane Temple with Nelson Engineering provided information to the Council regarding the Gem Grant. She stated that Nelson Engineering was hired to write and submit two grants. She was proposing to amend the wastewater design contract from \$17,050 to \$42,537.50 and reviewed the reasoning for this. Mayor Powers stated that Nelson Engineering wrote off a lot of time in the amount of approximately \$30,000. Ms. Temple stated that she felt there was some inefficiency but that the amended amount was “solid.”

Council Member Jones questioned what was missed in the first proposal that caused this increase in funds. Mayor Powers stated that it was due to several issues such as the extension of the project, more time spent with administration of the grant, and some insufficient budgeting. He felt the revisions were appropriate.

Council Member Mosher questioned if the changes were approved by the Council and not just by the former Mayor Christensen. Mayor Powers stated he had not reviewed past minutes to ensure these changes had been brought to the Council.

Mayor Powers stated that the City had about \$10,000 left over from the Gem Grant that could be put toward this amendment. Council Member Mazalewski questioned if the Council approved the line item amendment in October. Ms. Temple states she gave Mayor Christensen a memo outlining the request but was not aware if it was approved at

a City Council meeting. Council Member Mosher felt this should have been something that was brought to the Council but did not want to delay payment because of something that was internal and not under the control of Ms. Temple.

**Council Member Mosher made a motion** to approve the request from Nelson Engineering to adjust the wastewater design contract with the proposed amendment from \$17,050 to \$42,537.50. Council Member Jones seconded the motion.

Council Member Mazalewski requested that the Council approve all payments and amendments. He stated that he understood this was not done under the current Mayor but wanted to be clear about the process for the future.

The above motion was passed with all in favor.

Ms. Temple began to explain the Block Grant and what it entailed. She explained the draws to date, as well as the future project costs, would total approximately \$500,000. HK Construction was over budget due to reasons, which included adding more details in the project and including Option 1, which increased the budget by \$23,000. Ms. Temple reviewed the regulatory requirements and stated that the final construction walk-through had been completed.

The Public Hearing was opened at 8:02pm. There were no comments and the Public Hearing was closed.

#### **HERON'S EDGE PLAT VACATION**

Doug Self provided the public comment that was received from Teton County Assessor, AW Engineering and an email to Peter Estay from Property Auction Manager. Mr. Self reminded the Council that the application for a vacation had been tabled several months ago and that there was some concern from Mr. Estay that a new buyer would purchase property without understanding the situation. Mr. Self stated that the only concern the City should have was that the property continued to be vacant, was on a scenic corridor full of weeds and could be sold without infrastructure or bonding in place.

Mr. Estay discussed his concerns with the Council. He requested to record a letter written by the City in December 2009 or not recognize the property as a subdivision.

Mayor Powers questioned what purpose recording the letter would do. Stephen Zollinger stated that any letter written by a government agency was public and it didn't serve any legal purpose at all. He also stated that the interpretation of the code from Arnold Woolstenhulme was not correct. Until the ownership of the land was resolved, the county won't validate sales and it's just a plat. The subject letter stated that until the obligations of the Developers Agreement were resolved, the City wouldn't recognize Heron's Edge.

Mr. Estay stated that the County would not recognize the subdivision and needed information from the City. Mr. Zollinger stated that the City and County were not linked

and that the City approved the subdivision according to City Ordinances. He further stated that the City accepted the plat but Mr. Estay had not completed any of the requirements in the Developers Agreement. The City does not have to acknowledge dedications and can't undo the subdivision unless a vacation was presented. Mr. Zollinger stated that the Council should not take initiative to vacate the plat. Future buyers are buying property as is, according to Idaho Law, Mr. Zollinger stated.

Mr. Zollinger concluded the discussion by stating the plat had already been recognized by the City and explained the process.

**APPROVAL OF BEER AND WINE CATERING PERMIT FOR GAME ON, LLC FOR BIG HOLE MUSIC BENEFIT 8/28/10 (BENEFIT WAS RESCHEDULED FROM A PRIOR APPROVAL DATE/PERMIT)**

**Council Member Dye made a motion** to approve the beer and wine catering permit for Game On, LLC. Council Member Mazalewski seconded the motion. The motion passed with all in favor.

**SEWER RATE DISCUSSION**

Mayor Powers stated that Teton Creek Resort was the only complex being charged individually by the unit for sewer. He felt the current rate system should be revised, as there was a large difference in the way these types of complexes were being billed.

It cost \$389,000 to run the sewer system for one year for residential users, according to Mayor Powers. This equaled to about \$40 per unit for all users. Most residential users pay \$31.50 in city limits and \$47.25 outside of the city limits.

Mayor Powers felt there were two ways to address the issue. He stated the City could bill all users according to the water connection line or could review it based on a per unit analysis. The second option would potentially bill all users of this type at \$30 a month.

Greg Prebish, President of Teton Creek Resort, spoke to the council. He questioned why individual owners of the complex were being billed and requested to be billed per building. He did not feel it was fair to bill each owner, as some are single units with two sinks, one toilet and one shower.

Council Member Dye questioned what the rationale was behind charging these units less. Mr. Prebish stated that most of the units are smaller and are only permanently occupied 10% of the time. Council Member Dye reminded those in attendance that the system needed to be maintained for 100% occupancy. Mr. Prebish responded by stating that there was only 1 pipe out of each building, not 15 as indicated by the method of billing.

Mayor Powers felt it was in the best interest of the City to bill per building but also felt it needed to be equitable. He further stated that the problem with seasonal use was that the representative amount for high season flow was being based on measurements taken in October and May. Mr. Zollinger added that the City must build infrastructure for the

highest potential used, generally when the seasonal users are in town, as they usually drive the cost of infrastructure. He concluded by stating that any change in the rate would have to be done to include a public hearing.

Mayor Powers stated that taking on more debt to build a new plant might not reduce rates. However, Mr. Zollinger stated, the rates would be fair across the board.

### **PUBLIC WORKS REPORT**

Jared Gunderson presented a timeline for the sewer plant process. A final design would be completed and by November 2010, Mr. Zollinger felt papers could be submitted to the court for judicial confirmation. Construction would begin in 2011.

Mr. Gunderson explained that samples for re-oiling Johnson were not to his satisfaction. Mayor Powers stated that if the City did each lane to ensure the road was dry before allowing vehicles, it became a bigger expense and would take four days.

Mr. Gunderson stated that sprinklers would be placed on the Hokin lot before sod was laid. The extra material at the airport was not moving very fast, according to Mr. Gunderson. Mr. Zollinger questioned if the material could be hauled to the lagoon without causing environmental problems. Mr. Gunderson stated he felt it could be moved within one month. Discussion of the different projects that the material could be used for began.

### **MAYOR'S REPORT**

#### **Planning Grant**

Yellowstone Business Partnership was applying for a regional planning grant. There was no cash match involved but the City would need to come up with an in-kind staff match. The grant would help revamp ordinances and the Comprehensive Plans of the County and cities to ensure they all work with the new County plan.

Mayor Powers stated there was not a good response for a music series this fall so he felt it was a good idea to help the Art Walk during the off site. He stated he committed to helping promote it by running ads in the paper that would be approximately \$280 a week. He would like to support it for two more weeks. Council Member Mazalewski suggested also putting an ad in the Jackson Hole Daily.

Mayor Powers stated that Eastern Idaho Technical College would like to do a pilot-nursing program at the old Ford Garage. Ted Hendricks would also like to use part of the building for bus transportation. He was requesting a letter of support to find funding. The Council agreed a letter of support should be written.

### **EXECUTIVE SESSION**

**Council Member Jones made a motion** to go into executive session at 10:56pm 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 11:18pm.

**ADJOURNMENT**

**Council Member Mosher made a motion** to adjourn. Council Member Mazalewski seconded the motion. The motion passed with all in favor and the meeting was adjourned at 11:19pm.

ATTEST:

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Sonya Adams, City Clerk

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Daniel J. Powers, Mayor