

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
MARCH 17, 2009**

Pursuant to adjournment of the regular City Council meeting held March 3, 2009, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, March 17, 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, and 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 Jones and Council Member Powers made corrections.

Council Member Mosher made a motion to approve the minutes of the March 3, 2009 City Council Meeting with the stated corrections. Council Member Jones 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 March 4, 2009 through March 17, 2009. Council Member Jones seconded the motion. The motion carried unanimously.

**ORDINANCE 303-09 AMENDMENT TO BUILDING CODE ADOPTION
ORDINANCE – RADON MITIGATION REQUIREMENT DISCUSSION**

Doug presented information to the Council. He stated there were several different options to mitigate radon that homeowners could use. Those were found in Appendix F of the International Residential Code.

Council Member Mosher questioned if this ordinance could be applied to commercial uses as well. Doug explained that the radon section in the code was found in the International Residential Code. More research would need to be completed in order to figure out if commercial uses could also be held to this standard. Council Member Jones stated that some commercial buildings have residential uses and more would be expected as the mixed-use zones were developed.

Doug suggested the header read, “All new construction to be radon resistant in accordance with adopted building codes.” However, in the body of the ordinance, the International Residential Code reference needed to remain, as that was where Appendix F could be located.

Council Member Powers made a motion to consider Ordinance 303-09 first read. Council Member Mosher seconded the motion. The motion passed with all in favor.

Stephen Zollinger found information on the Internet regarding radon testing for commercial use. He stated it had “not been considered for commercial” use. However, it should be looked into further and decide if language should be added regarding mixed-uses. It was discussed that the International Residential Code would apply to a commercial building with residential uses. Zollinger suggested the Council look requiring schools to have radon mitigation as well.

URBAN RENEWAL AGENCY REPORT – REID ROGERS

Reid Rogers spoke to the Council. He gave an interim report to the Council regarding the Teton Scenic Byway Project. He stated all information dealing with this project could be found at the Teton Valley Chamber of Commerce office.

He explained how funding would be provided. The Gem Community Grant would provide approximately \$50,000 for infrastructure matters in the southeast block of the Urban Renewal district. The Community Development Block Grant was expected to provide \$500,000.

Reid went on to discuss the structural issues affecting development. He stated much consideration needed to be taken regarding the roof, due to the load levels and the structural ability to have a second floor. Energy efficiency, code limits to expand or remodel, and advanced lighting technology have all been discussed.

Functionality of the location was talked about. Reid stated that the construction for the interior space at the Community Center might be able to tie into the reconstruction of Main Street by the Idaho Transportation Department, as to not disturb ground twice. Parking, signs, crosswalks, infrastructure and ingress and egress have been studied as well.

Community input had been taken. Reid stated a lot of responses have requested more public space for things such as the gymnastic center, Subs for Santa, Teton Arts Council, etc. These requests were heard at a meeting on March 12, 2009. Ideas were presented and eventually that information would be presented to the City Council. Some other ideas that may be included were a National Geographic Geotourism MapGuide Project, Native American and/or Mountain Men exhibits, local Art, the Moran and Jackson Museum, a Visitor’s Center, a gift shop, a café and/or restrooms.

In summary, Reid stated that a “great deal of time and effort” had gone into planning and coordination. One and a quarter million dollars of infrastructure would be done for the City of Driggs if this project were to be completed.

Council Member Powers questioned what other funding had been obtained to cover the budgeted project. Reid stated several other sources including a Highway Grant and money from the Urban Renewal Agency would be included.

PLANNING AND ZONING REPORT

Doug presented a letter from Mark Rockefeller regarding the 300 Main Water Mitigation asking to be removed from the agenda. Mark was retracting his request and had agreed to pay the remainder of the credit granted.

Mary Jo Llewellyn and Tom Anderson are laying two 6-inch sewer lines in the interior of Block 19, Driggs Townsite, as this area does not have existing access to the city sewer system. They were requesting consideration to wave hookup fees. Doug continued to state that an easement was needed and would be acquired. Doug reminded the Council that past considerations and waivers had been granted.

Council Member Mosher stated that now the Council had a “problem of precedent.” He stated that each situation was different and that this should be looked at as an individual case and not be granted just because it had been done in the past. Doug stated that due to space a septic tank could not be used if the property were to be developed.

Council Member Mosher questioned if land had to be purchased for the easement. Doug stated that at this time he did not have that information. Stephen Zollinger stated that information would be helpful in determining if there are mitigating factors to grant this request.

Council Member Mosher made a motion to table this request until the next council meeting in order to obtain more information. Council Member Jones seconded the motion. The motion passed with all in favor.

Doug gave an update regarding the stimulus funding. He stated the Governor of Idaho had decided to put all of the funding into the state transportation department. Doug will keep information that was gathered because it was recommended to the Idaho Transportation Department to “do everything to preserve roads.”

PUBLIC WORKS REPORT

Jared Gunderson stated that Sunrise Engineering was checking on the numbers to see if using the water line for hydropower production was feasible per a request from the Council. At this time Jared has asked that the work be stopped because it was not in the budget. Discussion regarding the static pressure and total flows began. It was determined that using the main water line probably was not feasible. However, Jared stated he would do some of the work to obtain the needed information.

Jared presented the proposed regional wastewater treatment plant plan. He explained that the cells would be below ground, hiding most of the plant. He also presented the influent flow meter data, which showed the flows over the course of a month.

Street sweeping was discussed. This will resume on Sundays.

The County has agreed to demolish the city storage sheds in exchange for the water and sewer connection fees for the Courthouse. Jared stated the remainder of the exchange

could be achieved with obtaining gravel. He looked into the price and felt that approximately 700 yards of gravel would equal the remainder of the even exchange.

Council Member Dye questioned why the streetlights on 5th Street were still on at 8:30am. Jared stated those could be rewired, but would have to be done so by an electrician. Council Member Dye asked if those lights could be set on a timer. Council Member Powers responded stating that if that was done, the timer would have to be changed every month or so due to the change in daylight. At the Councils request, Jared would look into the cost of a timer.

MAYOR'S REPORT

Resolution 242-09

Mayor Louis Christensen stated that the State of Idaho is offering to grant \$17,000 as part of a match from the FAA grant to expand the runway.

Council Member Mosher read Resolution 242-09.

Council Member Mosher made a motion to approve Resolution 242-09. Council Member Jones seconded the motion. The motion passed with all in favor.

Cinema Discussion

Mayor Louis Christensen stated that a couple of the Council Members wanted to readdress the Cinema Center. Council Member Dye stated he didn't have a problem with two rows of parking and "hated to see this go to Victor." Council Member Jones stated that he received several comments from the community stating they were upset because they did not realize they would be able to speak at the previous meeting. Council Member Powers rebutted stating that all City Council meetings are open to the public. Council Member Jones stated he felt the "vocal people pressure us to do things."

Council Member Powers stated that the community had "every opportunity to take part in the design standards," a process that "went on for years." He continued to state that he felt the Council should have a very good reason if overturning the appeal, "other than 'I don't have a problem with the parking in front.'" Council Member Powers stated that the City needed to plan for the future.

Council Member Jones questioned where the downtown area stopped as he felt the cinema location was "a long way out of downtown." Council Member Mosher asked Council Member Jones if he voted in favor of the Comprehensive Plan at the time of its development. Council Member Jones replied that he did vote in favor of the Comprehensive Plan.

Council Member Powers stated that the Council was only asking Bruce Simon to move his building 30 feet to the west and further stated that the plan he presented did not have parking in the rear or places for loading and unloading deliveries.

Parking on Highway 33 and the safety issues were discussed. Council Member Powers stated that Jackson had more traffic in their downtown area and continued to maintain walkability. He also stated that several businesses around Jackson and other areas had parking in the rear of the buildings and appeared to function “just fine.”

Mayor Louis Christensen stated that a letter was received from Bruce Simon. The Council acknowledged their review of it. He continued to state that he was “watching” a theater in Blackfoot that is about to close because they couldn’t get people to attend. The capacity of what the film developers’ wanted was not being met.

Council Member Jones felt that the City of Driggs “seemed to loose a lot of businesses to Victor because we are hard to work with.” Council Member Powers questioned what businesses had been “lost to Victor.” He felt that the City was doing “a lot to encourage” development and did not want to relax on the design standards. He concluded by stating that Mr. Simon’s characterization that the City of Driggs was not friendly to business was wrong.

Doug Self stated that that King’s was a good example of how the City and staff work closely with developers. He stated that with help from the City a good site was found. Upon proceeding through Design Review, Mr. King felt there were good standards and easily went through the process. Trappers Fish and Chips was another example Doug gave to the Council, stating that the Design Review Advisory Committee revised their plans to save the applicant money. He concluded by stating that several options were given to Bruce Simon to make his design work with the standards and he chose not to incorporate them.

Council Member Mosher stated that the design standards were well laid out and not taking advantage of them and the ideas presented was unreasonable. He felt Bruce Simon could have redirected his thinking prior and should have taken into consideration the procedures and standards before “jumping into the project.”

Proclamation for Arbor Day

The Mayor read the proclamation for Arbor Day, which will be held on May 16, 2009.

Proclamation for Fair Housing

The Mayor read the Fair Housing Proclamation, which will be during the month of April.

EXECUTIVE SESSION

Council Member Dye made a motion to go into executive session at 9:33pm pursuant to Idaho Code 67-2345(f). Council Member Powers seconded the motion. Schuehler 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 9:39pm.

ADJOURNMENT

Council Member Greer made a motion to adjourn. Council Member Powers seconded the motion. The motion passed with all in favor and the meeting was adjourned at 9:39pm.

ATTEST:

Sonya Adams, City Clerk

Louis B. Christensen, Mayor