

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
JUNE 23, 2009**

Pursuant to adjournment of the regular City Council meeting held June 2, 2009, and the call of the Mayor, the Driggs City Council met in regular session **Monday, June 23, 2009**, at 7:00 p.m. A roll call was taken and present were council members: George Mosher, Dan Powers, Greer Jones and Colin Dye, Mayor Louis Christensen, Planning and Zoning Administrator Doug Self, Public Works Director Jared Gunderson and City Attorney Stephen Zollinger. Mayor Christensen led the Pledge of Allegiance.

**SHERIFF TONY LIFORD**

Sheriff Liford began a discussion with the Council regarding the contract between the City of Driggs and the Teton County Sheriffs Department. He stated that it was estimated to cost \$76,000 per year to have a deputy. He felt the coverage that the City of Driggs was getting currently exceeded the coverage stated in the contract that was for one day a week plus one hour during the school year, and 40 hours a week during the summer months.

Sheriff Liford stated that he would like to separate the school contract from the City of Driggs. He stated that he was requesting \$60,000 from the City of Victor to have a dedicated officer patrol 12 months out of the year, 24 hours a day. He wanted the Driggs City Council to consider doing the same.

Sheriff Liford continued to state that it was not realistic or reasonable to assume the sheriff's office was only patrolling one day a week plus one hour during the school year and 40 hours a week during the summer, as stated in the contract.

Council Member Powers questioned how much money was generated from tickets for the city. Amy Smith, City of Driggs Financial Officer, stated that approximately \$14,000 for the past 8-9 months was collected for the city.

Discussion of changing the speed limits began. Sheriff Liford also stated that a grant was received to obtain a Lidar. He specifically stated that he wanted to make sure the community knew that writing citations to increase revenue was illegal. He stated that of the 1300 people that were stopped in Victor since January, only about 300 were issued tickets. He concluded by asking the Council to consider his request for the next fiscal year.

**MINUTES TO REVIEW**

Council Members reviewed the minutes. There was a discussion regarding the Huntsman Springs Park and was determined that the minutes were correct.

**Council Member Mosher made a motion** to approve the minutes of the June 2, 2009 City Council Meeting. 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 June 3, 2009 through June 23, 2009. Council Member Dye seconded the motion. The motion carried unanimously.

Amy Smith, City of Driggs Financial Officer presented the Council with a 9-month review of the budget. She stated that at this point, if property tax revenues were paid, the general fund should not see a deficit. Those funds should be received in the middle of July.

Ms. Smith continued to state that at this time she was unsure if the City would be able to set aside money for future park improvements. The Resort Tax was close to budget at this time and the road fund would have to have money transferred into it, as usual. The Water Fund should “break even” and the sewer revenues should be close to the actual budget, with the exception of the connection fees.

Ms. Smith concluded by stating that staff was very conservative with expenditures and that a draft budget would be presented to the Council the second meeting in July with a Public Hearing scheduled for the second meeting in August.

## **NORTH SOUTH PATHWAY PRESENTATION BY ROB RAMSEY**

Rob Ramsey, with Civil Science, began a presentation regarding the North South Pathway Project. He stated there were three alternatives. Option #1 was a no build alternative, required by the Idaho Transportation Department. Option #2 was the Transportation alternative, which followed the Transportation Master Plan. This pathway would begin at Creekside, following the city easement and up to the Steward property, just south of Teton Valley Realty. The path would head east along the property boundaries changing to a northern direction until it reached the sidewalk behind Wells Fargo Bank. It would then turn east again along Teton Ave and go to Lion’s Park. The path would head north on 2<sup>nd</sup> Street passed the elementary school and continue along the west edge of the school to Harper Street. It would extend along First Street to Ross Avenue and back to Highway 33.

The third option was the Short alternative, which would begin at Creekside on the west side of the highway, having a crossing further up. Instead of coming along the Stewart Property, the path would come to Short Street and then to first, following the same route as the Transportation alternative.

Mr. Ramsey stated that an Open House was offered, as well as individual meetings that were scheduled with property owners. The greatest concern of the community that was heard was the crossing at Creekside Meadows regarding safety of pedestrians.

Council Member Dye questioned the reasoning for having the pathway follow 2<sup>nd</sup> Street. Mr. Ramsey stated that the Transportation Master Plan stated that street for the route and

he felt it connected a lot of social places such as the parks, the school and the hospital. He further stated that students should be educated regarding stopping before moving forward in the crosswalks.

Council Member Powers questioned if the path would be striped. Mr. Ramsey was not sure, but stated that it would be wide enough to accommodate two lanes.

He further stated that the Idaho Transportation Department (ITD) may have issues with the wetlands and therefore the path did not follow Highway 33 on the west side. He also stated that if the crosswalk was moved further north it might be a safety issue, as people usually expect crosswalks at intersections and not in the middle of the block.

Council Member Powers questioned if a tunnel under Highway 33 was an option. Mr. Ramsey responded stating that it was not because of problems with ground water, drainage and expense.

Mr. Ramsey stated that his recommendation was for the transportation alternative. He felt construction would be scheduled to begin next summer and that he was prepared to submit a concept plan to ITD.

Council Member Dye stated that as a cyclist, he felt the Short alternative would be easier due to the number of 90-degree turns and having less stopped conditions to cross roads. Council Member Mosher felt the transportation alternative would have less issues with property owners.

Mr. Ramsey passed out information to the Council regarding the estimated project costs. He stated that a right-of-way would have to be purchased from the school and the Stewarts for the transportation alternative.

Mr. Ramsey was asked to explain how the 2011 Main Street project would influence this pathway. He stated that everything south of Short Street would have to have total reconstruction due to bad subsurface conditions. He further stated that ITD might approve the transportation alternative easier because the public had already approved the Transportation Master Plan.

Council Member Powers questioned how snow removal would be handled. Mr. Ramsey stated that it would be up to the City to determine if the pathway would be kept as a cross-country path during the winter or if it should be cleared.

Mayor Christensen stated he was inclined to follow the Transportation Master Plan. Council Member Mosher agreed.

Reid Rogers, Teton Valley Chamber of Commerce, stated that the Scenic Byway Committee was "having a conversation regarding the crosswalk at Creekside" and felt there should be some coordination. He stated having the pathway on the west side of the

highway was favored and stated that if there was something that he could help with to solve the property issues, he would assist.

Council Member Dye stated he felt he had a good history of bike transportation. Council Member Jones stated that the pathway would be in town and didn't feel it should be developed for people to "cruise through." Doug Self questioned what turning radius would be better for Council Member Dye. Mr. Ramsey stated that ITD recommended straight 90-degree turns and reminded the Council that this was intended to be a "recreational pathway."

The crossing at Creekside was discussed. The Council wanted to include a "bouncing ball" warning light and agreed that it should be priority even if the pathway on the north had to be shortened to accommodate this.

**Council Member Powers made a motion** to direct Civil Science to proceed on the transportation alternative and include whatever was necessary to make the crossing at Creekside safer, including shortening the pathway if needed. Council Member Powers, Council Member Jones and Council Member Mosher voted in favor. Council Member Dye voted in opposition. The motion passed with the majority in favor.

#### **GREG SUTTON – 35 NORTH 5<sup>TH</sup> EAST**

Greg Sutton stated that at this time he was not asking for a reduction in his bill due to the water leak. He questioned why a MXU was not put in when the new streets were done. Jared Gunderson, Public Works Director, stated that as new homes were put in the radiometers were installed.

Mr. Sutton stated that his initial request for a reduction in the water bill was due to the damage the leak caused to the house. He stated that he wanted to explain the circumstance and continued to state that because he was registered as a business and paid \$25 a year, he felt installing MXU's for businesses should be a priority.

Council Member Powers stated that a policy should be developed regarding leaks and how they should be handled so it didn't have to be decided on a case-by-case basis. Council Member Mosher stated that in the past the Council decided to review the leaks on a case-by-case basis.

#### **LAND EXCHANGE**

Stephen Zollinger stated that Hunstman Springs had formally completed three parks; the playground, the park to the north and the asphalt pathway along the eastern boundary that parallels the ditch.

Huntsman Springs would like to transfer ownership of the parks to the city of Driggs. The Development Agreement stated that daily maintenance would remain with the Home Owners Association. As equipment needed to be replaced, the City of Driggs would be responsible for replacing it.

Mr. Zollinger stated that the proposal was to fulfill the donation of funds to the city that was equal to the amount of the purchase price. He was asking for approval of the existing agreement and stated the City was fulfilling the terms of the agreement that was stated at the beginning of the development. Mr. Zollinger explained that Huntsman Springs would like to have the City own the parks because for the City to insure the parks are much less expensive than it would be for Huntsman Springs.

**Council Member Mosher made a motion** to approve the Huntsman Springs parks according to the Development Agreement contingent on the funds being available for purchase. Council Member Jones seconded the motion. The motion passed with all in favor.

## **PLANNING AND ZONING REPORT**

### **Bear Run Final Plat**

Jeff Snyder from Nelson Engineering presented information on behalf of the applicant. He stated the preliminary plat was presented at the end of 2007. The project consisted of 10 acres to the west of Shoshoni Plains Subdivision, Phase 4.

Mr. Snyder informed the Council on a few changes that were made to the plat that include changing the cul-de-sac to a hammerhead to better accommodate the lots and changing the interior lots to twin home lots while the exterior lots would be single-family lots. The pathway through Bear Run Subdivision would connect to the pathway system in Shoshoni Plains. Mr. Snyder discussed the open space and bridge that would be built over the canal.

Council Member Dye questioned if the developer was willing to participate in the improvements for 100 North. There was a discussion as to if the impact fees for this development would assist. Mr. Snyder stated that he had informed the developer about a possible reduction in impact fees if paid in advance and at this time has not heard as to how the developer wanted to proceed.

Council Member Powers questioned if the parks requirement was met. Mr. Snyder responded stating that the pathway and the open space to the north of the property met the requirement.

Council Member Dye stated he wanted to ask the developer to contribute to the improvements of 100 North. Doug Self stated that he felt the bigger concern was requiring this development to improve the road for emergency vehicles. Mr. Zollinger stated that the City could require the developer to improve the part of 100 North that was adjacent to his property and to improve the entire road to the highway for emergency vehicles, which may only require grading.

Mr. Snyder questioned when this would need to be completed. Council Member Dye stated that he wanted to see it done before building permits would be issued. Mr. Snyder replied stating that information could be added to the Development Agreement.

**Council Member Dye made a motion** to approve Bear Run Final Plat with the conditions that the developer improves 100 North to the Fire Marshal Standards. Discussion arose as to the wording of the motion.

**Council Member Mosher made a motion** to approve Bear Run Final Plat with the conditions that the developer will complete 100 North to the standards of similar developers in the area that was directly adjacent to the property and bring 100 North to emergency vehicle standards to the west of the development to Highway 33 prior to building permits being issued. Council Member Jones seconded the motion. The motion passed unanimously.

### **Red Barn PUD**

Doug Self reported that the PUD for Red Barn had expired. A request for extension was submitted on June 8, 2009. Due to the change in the City Council Meeting, the Council should continue to hear this request. Mr. Self reminded the Council that if significant changes were presented the application would have to be resubmitted to the Planning and Zoning Commission.

**Council Member Jones made a motion** to approve the extension request for Red Barn. Council Member Mosher seconded the motion. The motion passed unanimously.

### **Western Heritage Timbers**

Western Heritage Timbers have been asked to submit a CUP (Conditional Use Permit) and been given a deadline by the county, after which they will be removed from the premises. Mr. Self and Ted Hendricks, owner of the building, has made numerous attempts to contact the company with no success.

### **Shoshoni Plains Parks**

The timeline for the Shoshoni Plains parks has expired. Mr. Self stated that he was working with Mr. Zollinger to see how to handle the situation and may begin to look at grants to the park improvements.

### **Corrective Action Plan**

Mr. Self questioned if the CAP needed to be approved. Mr. Zollinger stated that the Council should formally acknowledge that the City of Driggs was prepared to take actions stated in the Corrective Action Plan. However, he stated the CAP was not a contract or a new agreement.

**Council Member Jones made a motion** to acknowledge the corrective action plan by bringing the City back into compliance with grant assurances. Council Member Mosher seconded the motion. The motion passed with all in favor.

### **PUBLIC WORKS REPORT**

Jared Gunderson reported that the Fox Creek Apartment meter would be rebuilt and the City should receive more revenue due to the improved meter.

Mr. Gunderson stated that EPA would like the City to submit samples 5 times a week. However, there were negotiations and the City would submit samples 3 times a week. Mr. Gunderson seemed to feel that the samples would assist the City.

Public Works will spray the parks. The City Park would not be done as there was a tournament using it.

## **MAYOR'S REPORT**

### **Reid Rogers**

Reid Rogers spoke in regards to the Community Center building. He suggested that the City obtain a grant (which he would assist with) to get the LEED Certification completed and work on the energy shell of the building. Then he felt it was in the City's "best interest" for a "good portion" of the building to be turned into a Community Center including several rooms that would have the ability to expand into larger spaces. He felt this would provide for smaller community projects as well as being able to accommodate a place for weddings or conventions. A possible grant through the USDA might be able to be obtained.

Mr. Rogers stated the Geotourism section would be displayed in the addition to the building. He wanted to make sure the Council wanted to move forward in this direction before he pursued grants. The Council discussed this and felt it was something that should be done.

### **Aspen Flooring**

Aspen Flooring was requesting a reduction in their rent. Council Member Dye questioned if there was another business interested in moving into the Industrial Building. At this time, the Mayor was unaware of any. The Mayor also stated that the same charge was being applied to all business in the building; a cost by square footage.

Council Member Mosher stated the point of the Industrial Building was to help business and felt a reduction in rent was appropriate. Doug Self asked the Council if they were prepared to reduce the rent for others.

**Council Member Powers made a motion** to reduce the rent to \$700 for Aspen Flooring for 6 months. Council Member Mosher seconded the motion. The motion passed unanimously.

### **Agricultural Extension Agent-Ben Eborn**

Mayor Christensen reported that Ben Eborn was requesting a reduction rent in exchange for cleaning the building. Jared Gunderson stated that Ben and his employees do a lot of work for the building currently. Council Member Dye felt it was fair to reduce their rent by the amount that was paid for cleaning.

**Council Member Mosher made a motion** to reduce the rent for the Agricultural Extension Agent to \$400 with the cleaning of the facility and offices of Public Works and

the hallways at the Industrial Building. Council Member Jones seconded the motion. The motion passed with all in favor.

**Bill Cole**

Mayor Christensen explained the letter submitted by Bill Cole regarding a water leak. Mr. Cole was asking to have his water bill reduced or have the City install a MXU. The Mayor stated the cost of the MXU was approximately \$150.

**Council Member Mosher made a motion** to install a MXU at the Bill Cole property. Council Member Dye seconded the motion. The motion passed with all in favor.

**ARRA Grant**

Mayor Christensen stated that the Council needed to approve proceeding with the ARRA Grant for the Driggs Reed Memorial Airport.

**Council Member Mosher made a motion** to proceed with the ARRA grant. Council Member Jones seconded the motion. The motion passed with all in favor.

**Special Meeting**

A Special Meeting was scheduled for June 29, 2009 at 6:30pm to review appraisals for land needed for the airport runway project.

Mr. Zollinger reviewed with the Council the procedures for an Executive Session and the reasons behind them. He wanted to ensure the Council understood the importance of not forwarding information to the public regarding the information presented in Executive Sessions.

**EXECUTIVE SESSION**

**Council Member Jones made a motion** to go into executive session at 11:17pm pursuant to Idaho Code 67-2345(f). Council Member Dye 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 11:25pm.

**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 11:25pm.

ATTEST:

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Sonya Adams, City Clerk

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Louis B. Christensen, Mayor