



CITY OF DRIGGS
COUNCIL MINUTES
February 19, 2013

Pursuant to adjournment of the City Council meeting held February 5, 2013, and to the call of the Mayor, the Driggs City Council met on February 19, 2013 at 7:15 p.m. Present: Council President Mosher; Council Members Dye, Jones, Mossman; Mayor Powers. Also present: City Attorney Zollinger, Planning and Zoning Administrator Koehler, Community Development Director Self, and Public Works Director Gunderson. Powers led in the *Pledge of Allegiance*.

Approval of Minutes

- February 5, 2013: **Jones moved to approve the January 22, 2013 minutes as presented. Mossman seconded.** Motion carried.

Approval of Claims

- Questions:
 - Association of Idaho Cities [City Officials Day: Powers]
 - Rudd & Co [Interim Audit]
 - Teton County [Huntsman Springs Survey]
 - Draco [FSE Snow BI]
 - NRC Chemical Enterprise [510R Radio Unit]
 - Credit Bureau of Eastern Idaho [Collection Fees]
 - Aerzen USA Corp. [WWTP Turbo Blower]
- **Mosher moved to approve Claims dated February 6-February 19, 2013 as presented. Dye seconded.** Motion carried.

Banner Application: Teton Valley Community Animal Shelter (JoAnn Scoggin)

- Scoggin asked the Council to approve the animal shelter's banner application to display under the canopy at City Hall even though its fundraising event will not occur within City limits. The event will be at the Wildwood Room on March 16, 2013 starting at 5:00 p.m. in Victor. Scoggin reminded the Council that the shelter provides service for all of Teton County. She also requested that the Council waive the banner fee.
- **Jones moved to approve the Chili Cook Off banner application from the Teton Valley Community Animal Shelter, waiving the application fee, & providing for banner display from March 2-16, 2013. Mossman seconded.** Motion carried.

Teton Scenic Byway Visitor Center (TSBVC) Exhibit Committee Coordinator Contract

- Self outlined the proposed contract for coordinator of the TSBVC exhibit committee. Coordinator responsibilities will include recruiting members, working with the byway design team, and facilitating meetings. Contract costs will be reimbursed by the Driggs Urban Renewal Agency. Self then introduced Cynthia Rose, proposed coordinator.
- Rose spoke of her goals for the committee, including getting good/knowledgeable people to volunteer and work for free, investigating high-tech displays, and obtaining additional funding

- Council questions/concerns focused on Rose doing more work than what was written in the scope of work. Self suggested adding one additional bullet point ‘perform additional services for the committee as requested by the PAC’ to Exhibit A to mitigate concerns over additional work. Zollinger did not express any concerns with the contract or suggested addition.
- **Mosher moved to approve the TSBVC exhibit committee coordinator contract including the one change noted above, with Cynthia Rose as coordinator. Jones seconded.** Motion carried.

Resolution 282-13: Land Use Application Fees: Area of Impact

- Self explained that the proposed area of impact land use fees will be the City’s portion of fees Teton County charges for land use applications within the City’s area of impact. City fees were calculated based on actual costs and are a reduction of current fees. Teton County is responsible for all advertising, notifications, etc. There is an exception noted for City fees that applicants will be responsible for the cost of engineer reviews for proposed public water and sewer improvements. Zollinger confirmed that a reduction of fees does not require a public hearing.
- **Mossman moved to adopt Resolution 282-13: Land Use Application Fees: Area of Impact. Mosher seconded.** Motion carried.

Resolution 283-13 Park User Fees: Youth

- Self explained that this resolution will reduce established adult participant park fees to encourage use of the City’s park facilities by those 18 and younger. One wording change was requested from ‘desires to not discourage’ to ‘desires to encourage’ in the third paragraph. **Mossman moved to adopt Resolution 283-13: Youth Park User Fees with the change noted above. Jones seconded.** Motion carried.

City Engineer – W Little Work Order/LOMA Application Work Order (Jennifer Zung)

- Zung explained that the proposed work order for West Little Avenue is to develop a design concept and cost estimate for improvements from Main Street to the Huntsman Springs pathway. Improvements will include the addition of sidewalks, parking reconfiguration, landscaping, streetscaping, and stormwater management. Community involvement will be encouraged via a public charrette with the City Council, DURA board members, area utilities, community members, and adjacent businesses.
- Council reviewed the proposed schedule and recommended that work begin after snow melt. Members also asked that the scope of the W Little work order be extended to the west City limits, farther out than the Huntsman Springs pathways.
- Zung talked briefly about the proposed LOMA (letter of map amendment) application work order. The application is required by FEMA (Federal Emergency Management Agency) before the City’s Waste Water Treatment Plant can obtain a letter of occupancy. A base flood elevation will be determined and all other required supporting material will be included with the completed application.
- **Mossman moved to approve Harmony Design’s West Little Avenue Concept Planning work order for improvements from Main Street to the City’s western limits [page 1**

change] at a cost not to exceed \$14,350 and to approve the WWTP LOMA Application work order at a cost not to exceed \$1,350. Jones seconded. Motion carried.

Grand Targhee Resort Shuttle – FY 14 Application for Funding (FTA 5311 Program)

- Self requested Council approval to submit a FY 2014 grant application to help fund continuation of the Grand Targhee bus shuttle service. Self pointed out that this application is for the acquisition of service, which reduces the match requirement to 8% and does not require set schedule(s). As with past applications, Grand Targhee Resort (GTR) will meet all match requirements.
- In response to Council questions, Self confirmed that statistics from the FY 2013 season will be reviewed and may result in changes to the various schedules. Other changes already being discussed include adding an on demand service for adaptive skiers, adding additional stops/shelters on Ski Hill Road, and implementing park and ride fees although no changes are included with this application.
- **Mosher moved to authorize Self to submit a FY 2014 FTA 5311 Program grant application in support of the GTR Shuttle. Dye seconded. Motion carried.**

Contract for Design Workshop, City Center Plaza Project

- The proposed contract between Design Workshop and the City of Driggs for design and public outreach of the City Center Plaza was reviewed. Zollinger had no concerns with the contract. Mossman questioned three items: (1) Attachment A (6) ‘... this Agreement represents non-exclusive approval by the Client for publication and award submissions of the project by Design Workshop.’ Zollinger responded that this clause allows Design Workshop to show its work on the Plaza to others including possible publication of design plans and/or submission for award recognition; (2) Exhibit A (15) which stated that the agreement ‘... shall be governed by the State of Colorado ...’ Zollinger agreed that Exhibit A (15) should be changed to read, ‘This Agreement shall be governed by the Laws of the State of Idaho’ with the balance of the clause removed; and (3) clarification to Task 4 – Construction Documents (4.7) Lighting Performance Specification. Mossman requested that the contract be revised to ensure that a lighting plan be included with the other construction documents. Zollinger clarified that language for a ‘lighting proposal’ should be included as one of the construction documents. The lighting proposal would evaluate poles, fixtures, etc. as best accomplished based on City ordinances. The actual lay out and wiring of fixtures based on the proposal would be accomplished by an electrician/electrical engineer.
- Powers was concerned that the proposed schedule is too ambitious and will get ahead of the Scenic Byway design work. Self assured Mossman and Powers that he would discuss their concerns during the first telephone conference with Design Workshop to be held on 2/21/13.
- **Mossman moved to approve the agreement between the City of Driggs and Design Workshop for the design and public outreach of the City Center Plaza with the addition of a lighting plan [proposal] and changing Appendix A (15) to read ‘... by the laws of the State of Idaho.’ Mosher seconded. Motion carried.**

Streetlight Proposal: Councilmember Mossman

- Mossman presented council with his proposal to turn off street light(s) where there is excess lighting and use the money saved to invest where the City needs more lighting. He reviewed the research he has done, specifically addressing the issue of liability to the City from reducing existing lighting. Mossman could not find an applicable liability case in Idaho; Vermont's Supreme Court reversed a lower court's ruling on municipal negligence in one lighting case. Mossman's researched pointed to the subjectivity of what constitutes safe lighting and the lack of a standard formula for measuring all factors associated with public lighting
- Zollinger responded that he had read all but one of the reports noted in Mossman's research. Most of the cities in the research had reduced lighting due to budgetary constraints. Zollinger cautioned that reducing currently available lighting mid-year, without showing financial hardship, or having a qualified review to document no loss in safety, is not advisable
- Jones expressed his concern about the message that the Council would be sending to residents by turning off current lighting. Dye noted that the intersections should and do have more light with less light available mid-street. He does not considered the current lighting to be too bright. Mosher stated his belief that some residents will want more light while others will want the same or less
- Powers advised the Council that showing financial hardship would be difficult to do to justify a mid-year reduction in lighting. If Council wants to make lighting a priority, it can be addressed during the budget process. One option to fund lighting issues would be to dedicate the franchise fee generated from Fall River Electric Cooperative each year. Zollinger reinforced planning for the future by (1) documenting current lighting in the City, (2) determining dark areas that currently exist, and (3) establishing a hierarchy for placement of new, additional lighting
- Mossman's lighting reduction proposal died for lack of a motion

Staff Reports

Planning and Zoning – Ashley Koehler

- See Resolution 282-13 **Land Use Application Fees: Area of Impact** above.

Public Works - Jared Gunderson

- **Grand Canal Board Meeting:** Gunderson attended the canal board meeting, representing the City's shares interest. He believes the board members need to be more proactive and have increased community involvement, specifically with homeowners who have land adjacent to the canal. Consensus was reached by the Council for Public Works to donate up to 10 hours of backhoe/employee time to the Canal Company during this fiscal year
- **Buxton Water Line:** Jay Mazalewski, Teton County Engineer, has notified Gunderson that the County has approved \$15,000 to purchase all materials for upgrading the water line on Buxton Avenue associated with the County's new law enforcement center. Powers asked Gunderson to bring a cost proposal for service replacement for established connections on Buxton to the Council's next meeting
- **Culverts at Airport:** Mazelewski has questioned who owns the unused culverts at the Airport. The Airport Board does and denied Public Work's request to have HK Construction

move the culverts to the shop yard last fall. Powers stated it was unclear whether the Airport Board will have to drill a well for irrigation or could use the City's water shares in the Grand Canal. Zollinger noted that the City's shares, in conjunction with a point of diversion, would prevent the Canal Company denying Airport use. Powers stated that 'point of diversion' may be questionable. Mosher will take the Council's request to the Airport Board to have one member of the Board work with Gunderson on irrigation/water issues at the Airport with concerns/requests brought to either the Council or Board as necessary

- **Summer Seasonal Employee:** A seasonal park employee was budgeted this year at \$10/hr, 20 hrs/wk. Gunderson would like to convert that position to a 'youth/mentor' position for one 16-18 year old at \$8.50 per hour. Council & Powers approved, with Powers emphasizing a preference for a City resident in this seasonal position
- **Waste Water Treatment Plant:** electricians and roofers are currently working on the plant. Concrete should start in approximately two weeks. The plant is on schedule to be completed on or before October 1, 2013. A completion schedule will be provided once received from RSCI

Community Development – Doug Self

- **Industrial Building Rental Request:** Rob Dupre is interested in leasing 1160 sq ft at the Industrial Building to start a winery, mainly producing meads (honey wines). At issue is his request to include a tasting room and a retail outlet. Under current code, retail is not allowed in the Industrial Building's A1 zone. Dupre is also requesting building improvements with an estimated cost of \$10,000.
 - Zollinger stated that retail sales 'incidental' to production may be allowed without a change in zoning. He clarified that a customer could not purchase directly from the winery but could make a purchase incidental (secondary) to a tour of the facility. Wholesale retailing would not be affected by current zoning. Zollinger also cautioned that waste water (WW) pre-treatment would need to be verified before allowing discharge into the City's system
 - Council discussion focused on whether or not to allow any retail, how to handle needed improvements, and WW pre-treatment concerns. Self was instructed to discuss all three points with Dupre (1) retail of mead only incidental to manufacturing, (2) Dupre paying for all needed building improvements with the City retaining ownership of improvements. Dupre would receive a reduction in monthly rent for a maximum four year term, & (3) Dupre would need to provide documentation on how waste water pre-treatment would be handled

Mayor's Business: Daniel J Powers

- **Building Permit Refund Request:** Mazibel Luna Ortega requested a \$300 refund of planning & zoning building inspection fees paid in 2012 tied to the 620 Mexican Restaurant that was not opened. Koehler recommended approval of the refund request. **Jones moved to approve the \$300 P&Z fee refund as presented. Mosher seconded.** Motion carried.
- **FY 2014 Proposed Budget Calendar:** Council reviewed the proposed budget calendar and made adjustments. The first budget meeting will be held March 26, 2013 from 7-9 p.m.

9:38 p.m. Executive Session

Mosher moved to enter Executive Session pursuant to Idaho Code 67-2345 (b) Personnel. Mossman seconded. The question was called by roll: **Dye, aye; Jones, aye; Mosher, aye; Mossman, aye.** Motion carried.

9:41 p.m. The Regular Session was rejoined.
No business was conducted as a result of Executive Session.

9:42 p.m. Adjournment

With no further business, **Jones moved to adjourn. Dye seconded.** Motion carried.

Daniel J Powers, Mayor

Attest: Carol Lenz, Deputy City Clerk

Dated this 19th Day of February, 2013.