



CITY OF DRIGGS
REGULAR COUNCIL MEETING
JUNE 3, 2014

Pursuant to adjournment of the City Council meeting held May 27, 2014, and to the call of the Mayor, the Driggs City Council met on June 3, 2014. Present: Council President Jones; Council Members Christensen, Dye, and Mossman; Mayor Johnson. Also present: City Attorney Zollinger, Community Development Director Self, Public Works Director Gunderson, and Finance Officer Lenz.

7:22 p.m. The regular meeting was called to order and roll call was taken.

The agenda was amended to add: Fifth Judicial District Court Water Rights Adjudication at the request of Mayor Johnson and City Attorney Zollinger due to exigent circumstances.

Minutes:

- **Christensen moved to approve May 21, 2014 as amended. Jones seconded.** Motion carried unanimously.
- **Mossman moved to approve May 27, 2014 as presented. Christensen seconded.** Motion carried with Dye abstaining.

Claims May 22 – June 3, 2014

- **Mossman moved to approve the claims as presented. Jones seconded.** Motion carried unanimously.

Hertz/Overland West On-Airport Agreement

- Mayor Johnson introduced the agreement as a formalization of the existing practice between Hertz/Overland West and the Airport Board in which a car rental commission is paid to the Airport from Hertz. The agreement was reviewed and approved by Hertz management, its legal counsel, the Airport Board, City Attorney Zollinger, and Mayor Johnson.
- Mossman questioned giving an exclusive right [Article I] to Hertz on the airport. He also questioned lease versus agreement language in Article X. Dye questioned the absence of ADA language in Article XII (A). Zollinger explained the reasoning for exclusivity [small account size], also that car rental is a “discretionary” service; ADA is already a “protected class”
- **Christensen moved to approve the On-Airport Car Rental Agreement between Hertz/Overland West and the City of Driggs. Dye seconded.** Motion carried with Christensen, Dye, & Jones aye; Mossman nay.

Resolution No. 292-14: Parks and Recreation Committee Creation

- Jones questioned the resolution as there is an existing parks committee. Community Development Director Self confirmed the committee’s existence but went on to explain that he could not find documentation of its creation. Adoption of this resolution would formalize the creation of a parks and recreation committee.
- **Dye moved to approve Resolution 292-14.** Dye read the title verbatim. **Jones seconded.**
- **Mossman moved to amend Section 2 (D) of Resolution 292-14 to require five (5) of the seven (7) committee members be a resident of the City of Driggs.** Motion died for lack of a second.

- **The question was called for approval of Resolution 292-14.** Motion carried unanimously.

Parks Committee Appointments:

- **Mossman moved to ratify sitting Parks & Recreation Committee members. Christensen seconded.** Motion carried unanimously.
- Sitting members are:
 - Tim Adams – Teton Valley Trails & Pathways
 - Rick Baldwin – Area of Impact
 - August Christensen – City Council Liaison [non-voting]
 - Barb Dery – Teton Indoor Sports Academy
 - Dave Lienert – Teton Valley Softball/Baseball Association
 - Etta Rokes – Teton Valley Recreation Association
- **Christensen moved to ratify the Parks & Recreation Committee application from Anna Trentadue, city resident, for a three year term. Jones seconded.** Motion carried unanimously.

State/Local Agreement – ITD Community Choices Grant for West Little Sidewalks

- Self requested Council approval of Resolution 293-14 which approves the state/local agreement between the City of Driggs and the Idaho Transportation Department (ITD) for Federal Aid Project A014 (350) W Little Ave Sidewalk, Driggs. The federal aid is the \$200,000 Community Choices grant awarded through ITD.
- Self clarified that the Community Choices Grant program is new and incorporates previous grant programs including Safe Routes to School and Scenic Byways. The City will have a \$100,000 match requirement for the W Little Avenue project, with \$7,500 estimated to be paid to ITD out of the City's match.
- **Jones moved to approve Resolution 293-14 as presented. Mossman seconded.** Motion carried unanimously.

Shakespeare in the Parks

- DDCA requested \$1,000 in support of Shakespeare in the Parks presentation of Romeo & Juliet to be held July 29th, 2014 on the City Plaza. **Christensen moved to approve payment of \$1,000 from the Special Events budget line to DDCA in support of Shakespeare in the Parks. Mossman seconded.** Motion carried unanimously.

Amended Addition: Fifth Judicial District Court Water Rights Adjudication

- Zollinger explained that the Judge in the District Court of the Fifth Judicial District in Idaho is ready to rule on the City's water right(s) sourced from Teton Creek. Originally the City had a recorded right of 3.20 cfs under water right 22-626, dated 1.22.1916. The City also claimed 1.0 cfs under water right 22-14003. Claim 22-262 was objected to; claim 22-14003 was not.
- The Idaho Department of Water Resources (IDWR) has recommended to the Snake River Basin Adjudication (SRBA) Court that the City's 22-262 water right be reduced by 1.0 cfs under right 22-14003, which is based on Wyoming permit number 11330. IDWR has also determined that right 22-262 should be reduced 1.5 cfs by the City's water right 22-14109, based on Wyoming permit number 7265E, dated 6.8.1999 conditioned to acknowledge the 1.22.1916 priority date for water right 22-262. The 1916 Wyoming priority date will supersede higher Idaho water

rights unless the *Roxana Decree* from 1941 takes effect, which charges the quantity of water diverted under these Wyoming rights against Idaho's allocation of the Teton Creek Drainage.

- **Mossman moved to authorize Attorney Jerry Rigby to finalize the City's water rights as outlined in Subcase No. 22-626 (now recommended as water rights 22-626, 0.7 cfs; 22-14003, 1.0 cfs; and 22-14109, 1.5 cfs) in District Court of the Fifth Judicial District of the State of Idaho. Jones seconded.** Motion carried unanimously.

Staff Reports:

- Self presented the Community Development Staff Report.
- Gunderson, Public Works Director, invited Council members to assist with road project flagging on June 10-12, 2014. He will send Council members an email reminder.

Mayor's Business:

- The City Hall re-roof bid has been awarded to Briggs Roofing from Rigby. Anticipated project completion is July 4, 2014.
- Consensus was reached to start Council meetings in July, August, and September [1st meeting only] at 7:30 p.m. at the request of Council Member Christensen

8:23 p.m. Executive Session

Jones moved to enter executive session per IC 67-2345(b) Personnel & (c) Land Acquisition. Mossman seconded. The question was called by roll: Christensen, aye; Dye, aye; Jones, aye; Mossman, aye. Motion carried unanimously.

9:04 p.m. The regular session was rejoined.

9:04 p.m. Adjournment

Jones moved to adjourn. Mossman seconded. Motion carried unanimously.

Hyrum Johnson, Mayor

Attest: Carol Lenz, Finance Officer

Dated this _____ Day of _____, 2014.