

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
JULY 1, 2014**

Pursuant to adjournment of the City Council meeting held June 17, 2014, and the call of the Mayor, the Driggs City Council met **Wednesday, July 1, 2014**, at 7:30 p.m. A roll call was taken and present were council members: Greer Jones, Ralph Mossman, August Christensen, Colin Dye, and Mayor Hyrum Johnson, City Attorney Stephen Zollinger, Public Works Director Jared Gunderson, Community Development Director Doug Self, Financial Officer Carol Lenz, and City Clerk Kreslyn Schuehler. Council Member Jones led the Pledge of Allegiance.

APPROVAL OF AMENDED AGENDA

Council Member Mossman made a motion to amend the agenda to include the HK Contractors Change Order and to discuss funding support for the Teton Geotourism Center. Council Member Jones seconded the motion. The motion passed with all in favor.

APPROVAL OF MINUTES

Council Member Mossman made a motion to approve the minutes from the City Council Meeting on June 17, 2014. Council Member Christensen seconded the motion.

Council Member Dye wanted the minutes to reflect that he was in opposition of Change Order No. 5 for the Teton Geotourism Center because it was discussed the funds would be taken out of the Resort Tax account.

The above motion passed with all in favor.

Council Member Mossman made a motion to approve the minutes from the City Council Meeting on June 24, 2014. Council Member Dye seconded the motion. The motion passed with all in favor.

CLAIMS

Carol Lenz requested to include an invoice from Harper Construction for the Plaza in the amount of \$19,740.00 and for \$107,441.01. The Council reviewed the claims presented.

Council Member Mossman made a motion to approve the claims as presented from June 18, 2014 through July 1, 2014 with the addition of the two claims from Harper Construction for \$19,740.00 and \$107,441.00. Council Member Jones seconded the motion. The motion passed with all in favor.

7:30PM PUBLIC HEARING – ORDINANCE #346-14 AMENDING THE LIQUOR ORDINANCE

Kreslyn Schuehler presented information to the Council and stated the changes to the amended ordinance would allow the City Clerk or Mayor to review Liquor and Beer and Wine Licenses instead of being approved by the City Council. This would streamline the

process. All licenses under this ordinance, even the yearly renewals, would be included in this process, Ms. Schuehler stated.

Mayor Hyrum Johnson opened the Public Hearing at 7:49pm. There were no comments and the Public Hearing was closed at 7:50pm.

Council Member Mossman made a motion to suspend the rules. Council Member Christensen seconded the motion. A roll-call vote was taken: Council Member Christensen, aye; Council Member Jones, aye; Council Member Dye, aye; Council Member Mossman, aye. The motion passed with all in favor.

Council Member Mossman made a motion to consider Ordinance #346-14 thrice read and read by title only. Council Member Christensen seconded the motion. The motion passed with all in favor.

YEAR-TO-DATE REPORT FROM COUNTY SHERIFF

Sheriff Tony Liford spoke to the Council. He reviewed the first quarter activity of 2013 and compared it to the activity of 2014. He further discussed security at the airport, the skate park and the possibility for security at the Waste Water Treatment Plant.

BEER AND WINE LICENSE FOR TETON ARTS COUNCIL – PLAZA OPENING AND TAC’S 20TH ANNIVERSARY

Council Member Dye made a motion to approve the Beer and Wine License for the Teton Arts Council for Saturday July 12, 2014. Council Member Mossman seconded the motion. The motion passed with all in favor.

BEER AND WINE LICENSE FOR THREE PEAKS – BALLOON GLOW

Council Member Dye made a motion to approve the Beer and Wine License for Three Peaks for the Balloon Rally. Council Member Mossman seconded the motion. The motion passed with all in favor.

MELEHES/MCKENZIE 5TH STREET LAND EXCHANGE DISCUSSION

Doug Self presented information to the Council. He stated if a property exchange was agreed upon, it could be used for a park, as stated in the Comprehensive Plan. He further stated the city owned land next to Driggs Cemetery could be considered in the exchange. He concluded by stating a Public Hearing and appraisals would have to be done before a transaction could be made.

Dana McKenzie spoke to the Council. He stated resolution to gain easements to his property had been diligently sought but still not obtained and in order to develop the property, access would be needed. He further stated a land exchange would be feasible as well.

Mayor Johnson questioned if Mr. McKenzie felt the discussed property was a fair exchange. Mr. McKenzie stated he was unsure at this time but felt it would be a “step forward” in resolving the issue.

Stephen Zollinger spoke regarding the issue. He stated Ball Ventures committed to granting an easement through their property at the beginning of the process, but have not followed through. He further stated the City should do what it could to come up with a solution.

Mr. McKenzie stated he understood the need to consider the present value of land, but felt the City should consider other portions as well without “throwing it off balance.”

Mayor Johnson questioned if Mr. McKenzie would be willing to share in the cost of an appraisal. Mr. McKenzie responded that he would like to discuss the option with his business partner before committing. He concluded by thanking the Council for starting the discussion again.

Council Member Mossman stated he would like to consider a land exchange and Council Member Dye agreed. Mayor Johnson asked staff to do an analysis and obtain “hypothetical values.”

HK CONTRACTORS CHANGE ORDER REQUEST – VALLEY CENTRE PATHWAY

Mr. Self stated the density tests that were done for the pathway along the Huntsman Springs property did not meet the density requirements. The City Engineers, Harmony Design, directed HK Contractors to break up the soil to help it dry out. Because the time line to dry the soil took so long, HK Contracts pulled their equipment and was now requesting a remobilization fee to bring the equipment back to the Valley.

Harmony Design stated additional density tests would be required and that each test costs \$400. Also an additional \$500 has been requested for their work.

Mr. Self stated that approving the scarifying and the testing would require an additional \$2,345. If the re-mobilization costs were approved, the total for the change order would be \$4,441.

Kendell Lovell, from HK Contractors, spoke to the Council. He stated soft dirt was encountered which could be from the sprinklers on the Huntsman Spring property as well as the weather. He further stated timeliness was essential for the job to be completed and re-enforced that the project would be completed regardless. Mr. Lovell concluded by stating that if remobilization fees were not approved, HK Contractors would resume work when they were able.

Mayor Johnson felt the cost to reshape the area and the testing was reasonable for the city to pay. However, he did not feel the City should pay for remobilization. Stephen Zollinger, City Attorney, stated the contract states the contractor would “bear the risk of Mother Nature” and should have the knowledge of the dirt moisture under sod versus under weeds.

Council Member Mossman made a motion to pay \$1845 for the reshaping of the existing scarified area. Council Member Christensen seconded the motion. The motion passed with all in favor.

Council Member Mossman made a motion to authorize up to \$500 for testing of soils. Council Member Christensen seconded the motion. The motion passed with all in favor.

HARPER CONSTRUCTION CHANGE ORDER NO. 4 – CITY CENTER PLAZA

Mr. Self stated this change order was to reduce the project by \$1,655. He further stated the boulders, tree protection fencing and bike racks would be installed by the city at a future date.

Council Member Mossman made a motion to approve Change Order No. 4 for a credit of \$1,655. Council Member Dye seconded the motion.

Council Member Christensen questioned if the boulders could be inserted into next year's budget as she felt they were important for the plaza. The discussion concluded with Council Member Christensen stating she would research other options to purchase boulders.

The above motion passed with all in favor.

CONSIDER BIDS FOR SHOSHONI PLAINS PARK WEED CONTROL AND SEEDING

The discussion was tabled until further information was received.

CONSIDER PROPOSED CHANGES TO THE CITY PERSONNEL POLICY – SICK POLICY

The discussion was tabled until a future meeting.

CONSIDER ADOPTION OF COUNTYWIDE RECREATION PLAN – RESOLUTION 294-14

Mr. Self stated the plan was adopted by the Board of County Commissioners and was being considered by the cities of Victor and Teton. Mr. Self continued to state that once adopted it would become a working plan for the cities and county. He then reviewed the plan's goals and concluded by stating the creation of the District and levy rates would be up to the county voters.

The Council agreed to have the Parks Committee draft a resolution for the adoption.

CONSIDER FUNDING FOR THE TETON GEOTOURISM CENTER

Mayor Johnson reminded the Council that a request of \$5,000 for the Geotourism Center for the remainder of this fiscal year was approved. He stated the funds would come from the General Fund and not the Resort Tax as previously discussed.

Council Member Jones made a motion to approve the disbursement of funds in the amount of \$5,000 to help support the Teton Geotourism Center for this fiscal year. Council Member Mossman seconded the motion. The motion passed with all in favor.

STAFF REPORTS

Jared Gunderson reviewed the city policy for sewer back-ups and broken lines and stated the city was only responsible for city lines. He concluded by reviewing other activity within his department.

MAYOR'S BUSINESS

Request for Use of Plaza Free of Charge for Zumba Classes – Whitney McKee

Mayor Johnson stated there was a charge for the use of the plaza. However, a waiver was being requested. Council Member Christensen felt it was a great activity for the community.

Council Member Dye made a motion to allow Zumba classes to take place in the Plaza with the fee waived. Council Member Jones seconded the motion. The motion passed with all in favor.

Balloon Ride Tickets

Mayor Johnson stated the City had received two tickets for a hot air balloon ride on Friday and asked if any Council Members were interested in attending.

EXECUTIVE SESSION

Council Member Jones made a motion to go into executive session at 9:55pm pursuant to Idaho Code 67-2345(f) and for land acquisition. Council Member Christensen seconded the motion. A roll-call vote was taken: Council Member Christensen, aye; Council Member Jones, aye; Council Member Dye, aye; Council Member Mossman, aye. The motion carried unanimously.

The Council came out of Executive Session at 10:29pm.

ADJOURNMENT

Council Member Jones made a motion to adjourn. Council Member Mossman seconded the above motion. The motion passed with all in favor and the meeting was adjourned at 10:30pm.

ATTEST:

Kreslyn Schuehler, City Clerk

Mayor Hyrum Johnson