**MINUTES OF THE CITY OF DRIGGS**
**CITY COUNCIL MEETING**
**September 3, 2024**

Pursuant to adjournment of the City Council meeting held August 20, 2024, and the call of the Mayor, the Driggs City Council met **Tuesday, September 3, 2024**, at 6:00 p.m. A roll call was taken and present were: Mayor August Christensen, Council President Miles Knowles, Council Members: Jennifer Bragg and Jason Popilsky; City Clerk Kreslyn Schuehler, Public Works Director Jay Mazalewski, Community Development Director Doug Self, City Administrator Amber Pence, Finance Officer Carol Lenz, and City Attorney Sam Angell. Council President Knowles lead in the Pledge of Allegiance.

**OPEN MEETING LAW TRAINING**
Others present at the training were: Jerod Pfeffer, Ken Kirkpatrick, Carol Barker, Kevin Schaum, Mitzi Van Arsdell, and Beth Byrd.

Sam Angell presented information regarding the Open Meeting Law and answered questions from those in attendance.

The training ended at 5:44pm.

The Council reconvened at 6:00pm.

**COMMUNITY INPUT**
Robert Boyle requested the Council make a long-term agreement with Victor to ensure they are paying for half of the bond and increased rate costs for the people of Driggs. He also stated he wished the Council to take funding for the wastewater plant to a vote and not go through with the judicial confirmation.

**CONSENT AGENDA**
City Council Minutes from 8/20/24
Claims from 8/21/24 – 9/3/24

**Council Member Knowles moved** to approve the consent agenda. Council Member Popilsky seconded the motion. The motion carried unanimously.

**PUBLIC HEARING-FY2025 FEE SCHUDULE**
Carol Lenz, Financial Officer, stated because of the new airport fee and the increased Planning and Zoning Fees, a public hearing was required. Water and sewer fees, while being increased, were done so at less than 5% and therefore no hearing for these fees were required. She stated the new airport fee was an attempt at reducing noise, by charging a fee for keep an airplane engine running over 30 mins. She concluded by stating the Planning and Zoning fees had been reviewed by the Planning and Zoning Administrator.

The Public Hearing was opened at 6:04pm. There were no comments and the Public Hearing was closed.

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**Council Member Knowles made a motion** to approve Resolution 420-24, a resolution of the City of Driggs, Teton County, Idaho establishing administration, building and planning, parks and recreation, and public works fees and fines. Council Member Popilsky seconded the motion. A roll call vote was taken: Council Member Knowles, aye; Council Member Popilsky, aye and Council Member Bragg, aye. The motion carried unanimously.

**PUBLIC HEARING-HARPER AVENUE EXTENSION LAND EXCHANGE**

Doug Self, Community Development Director, stated the public hearing was to consider the land exchange and Development Agreement for Harper Avenue. He explained a boundary adjustment and revised plat needed to be completed and that the exchange would not occur until this was finished. He stated the Bigelow Investment exchange was even, but the exchange with the West Family was slightly different and included the exchange of impact fees and a cash payment. He concluded by stating the City Attorney had reviewed the contracts.

Mayor Christensen opened the Public Hearing at 6:09pm. There were no comments and hearing was closed.

**Council Member Knowles made a motion** to authorize execution of the West Family Trust and Bigelow Investments land exchange agreements as presented. Council Member Bragg seconded the motion. A roll call vote was taken: Council Member Knowles, aye; Council Member Popilsky, aye and Council Member Bragg, aye. The motion carried unanimously.

**JUDICIAL CONFIRMATION RESOLUTION FOR WASTEWATER TREATMENT PLANT**

Ms. Lenz explained the resolution was to proceed with the petition to the courts for judicial confirmation for the wastewater treatment plan. The public hearing was held on August 20, 2024.

Council Member Knowles questioned if any public comments had been received since the public hearing. No comments were received.

Council Member Bragg asked to see the latest rate study. Ms. Lenz stated the last one was done in approximately 2021 and she would forward it to the Council.

**Council Member Knowles made a motion** to approve Resolution 421-24, a resolution by the City Council for the City of Driggs, Teton County, Idaho, making findings and declarations with respect to financing improvements to the City's public wastewater system facilities; approving and authorizing, subject to judicial confirmation, the execution of a loan agreement for the financing of the improvements or, in the alternative, the sale of revenue bonds; authorizing the filing of a petition for judicial confirmation in the district court of the seventh judicial district of the State of Idaho, in and for Teton County; providing for related matters; and providing an effective date. Council Member Popilsky seconded the motion. A roll call vote was taken: Council Member Knowles, aye; Council Member Popilsky, aye and Council Member Bragg, aye. The motion carried unanimously.

**TETON CREEK RESTORATION PROJECT-INDEPENDENT CONTRACTOR TO PROVIDE PROJECT COORDINATION SERVICES**

Mr. Self stated the proposed contract with Friends of the Teton River was to provide professional services while managing the project. He stated it was anticipated to have 1,000 hours for project

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coordination and he was not able to take that on. The request was put out to bid with two bids received. He stated the staff recommended Friends of the Teton River as they had more experience with the project and the area. He stated FEMA would cover 90% with a 10% in kind match.

**Council Member Popilsky made a motion** to authorize execution of the professional services agreement with Friends of the Teton River for Project Coordinator services as proposed. Council Member Bragg seconded the motion. A roll call vote was taken: Council Member Knowles, aye; Council Member Popilsky, aye and Council Member Bragg, aye. The motion carried unanimously.

**FRONT STREET GEM GRANT AGREEMENT, LEASE AND SHED DEMOLITION CONTRACT**

Mr. Self stated the award for the grant was for $31,500, which would cover the cost of the demolition of the shed in the public right of way. Part of the project was to place gravel down, similar to Muglar Plaza, which would provide a civic space to place the city's clear dome for gathering.

Mr. Self stated the owners of the property have signed the lease and the city will pay $1/year for the lease of the land.

**Council Member Bragg made a motion** to authorize execution of the Gem Grant Agreement with the Department of Commerce, along with the demolition contract with Matkin Brothers Excavation and the land lease with Burnside Legacy LLC, as presented. Council Member Popilsky seconded the motion. A roll call vote was taken: Council Member Knowles, aye; Council Member Popilsky, aye and Council Member Bragg, aye. The motion carried unanimously.

**CITY CENTER PLAZA ART CONTRACT AMENDMENT**

The artists were working with a structural engineer who has determined the structure needed full steel plating to ensure it does not collapse. Because of this change, there was a need to use the contingency funding and reduce the sculptures from 3 to 2. The new cost of the project was within the proposal from the original contract, providing contingency funds are used. He stated the alternative was to "call it good" and have the plaza remain as is.

**Council Member Bragg made a motion** to authorize execution of the revised Driggs City Center Public Art Contract with Jakub Galczynski and Natalie Clark as presented. Council Member Knowles seconded the motion. A roll call vote was taken: Council Member Knowles, aye; Council Member Popilsky, aye and Council Member Bragg, aye. The motion carried unanimously.

**CHANGE ORDER WITH HK CONSTRUCTION FOR WALLACE AVENUE ROAD IMPROVEMENT PROJECT**

Jay Mazalewski, Public Works Director, stated the change order was to connect Wallace Avenue sidewalks to the current pathway which would be placed along the south side of City Park. He requested HK Construction to provide a bid and loop it into the current project. He stated the city had about $44,000 left over from the Booshway pathway, and with transportation impact fees, the pathway could be constructed this year.

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**Council Member Popilsky made a motion** to approve the change order to the Wallace Avenue Improvements contract with HK Contractors for construction of an asphalt pathway not to exceed $90,000. Council Member Bragg seconded the motion. A roll call vote was taken: Council Member Knowles, aye; Council Member Popilsky, aye and Council Member Bragg, aye. The motion carried unanimously.

**SPRING EXPANSION DESIGN WITH KELLER ASSOCIATES**

Mr. Mazalewski stated this was an expansion of the spring, which would allow an additional 200 gallons per minute, meeting the water rights of 400 gallons per minute the city currently holds. This project would create another isolated collection gallery in the ground to pull the other 200 gallons in and would be funded by the ARPA and Block Grants. He stated the project would take place in the fall and winter when the ground water level was low.

**Council Member Bragg made a motion** to approve the contract with Keller Associates for design of the Spring Facility Rehabilitation not to exceed $133,290. Council Member Knowles seconded the motion. A roll call vote was taken: Council Member Knowles, aye; Council Member Popilsky, aye and Council Member Bragg, aye. The motion carried unanimously.

**APPOINTMENTS TO THE PARKS COMMITTEE, AIRPORT BOARD AND PLANNING AND ZONING COMMISSION**

**Council Member Popilsky made a motion** to ratify the appointment of Caitlin Davis to the Parks Committee. Council Member Knowles seconded the motion. A roll call vote was taken: Council Member Knowles, aye; Council Member Popilsky, aye and Council Member Bragg, aye. The motion carried unanimously.

**Council Member Bragg made a motion** to ratify the appointment of Patrick Hertz to the Planning and Zoning Commission. Council Member Popilsky seconded the motion. A roll call vote was taken: Council Member Knowles, aye; Council Member Popilsky, aye and Council Member Bragg, aye. The motion carried unanimously.

Council Member Knowles requested an update regarding the Airport and how it was being managed since the resignation of the Airport Manager and Assistant, before the Airport Board Appointments were discussed.

**MAYOR AND COUNCIL UPDATES**

Mayor Christensen stated in the interim, the City Administrator, Amber Pence, would be the Airport contact. She further stated they have been meeting with the FAA, the airport engineers, the airport manager in Jackson Hole, Board Members in Jackson Hole, and various other support people. She stated operations would be the responsibility of Billy Cyr, who was already helping with airport maintenance. She stated she would be creating and ensuring emergency plans were in place.

Council Member Bragg questioned who would be helping new Board Members gain information to help educate themselves to step into the positions. Mayor Christensen stated other board members and staff could help with that transition.

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Council Member Knowles stated after watching the last Airport Board meeting, he was concerned that the current Board wasn't being involved in the transition. He was curious who was handling NOTEMS and the PAPI lights. Mayor Christensen stated the NOTEMS had been done by Mr. Cyr since last fall.

Council Member Popilsky reminded the Council this was just an update and there should be no discussion. Council Member Knowles requested a work session to determine the roles and responsibilities for everyone involved. Mayor Christensen stated that was done at the last airport board meeting.

**AIRPORT BOARD APPOINTMENTS**

The Council returned to the Airport Board appointments action item. Council Member Knowles stated the Airport Board had concerns with obtaining new members when there was no staff to help with the process. Mayor Christensen stated "everything is in place and is moving forward."

**Council Member Popilsky made a motion** to ratify the appointment of Ralph Mossman to the Airport Board. There was no second and the motion died.

**Council Member Bragg made a motion** to deny the appointment of Ralph Mossman to the Airport Board. Council Member Knowles seconded the motion.

Council Member Knowles stated he came across an email written from Mr. Mossman providing members of the public with misinformation. Council Member Bragg did not feel Mr. Mossman had experience in aviation and did not understand the reasoning behind the appointment. Mayor Christensen stated there were many boards that had members who didn't have aviation experience and wanted to have a diverse board. She further stated she did not want to hear only from pilots.

A roll call vote was taken on the above motion: Council Member Knowles, aye; Council Member Popilsky, nay and Council Member Bragg, aye. The motion passed with a majority in favor.

**Council Member Popilsky made a motion** to ratify the appointment of Glenn Vitucci to the Airport Board. Council Member Bragg seconded the motion. A roll call vote was taken: Council Member Knowles, nay; Council Member Popilsky, aye and Council Member Bragg, aye. The motion passed with a majority in favor.

**MAYOR UPDATES**

Mayor Christensen explained the process for the future work session with the Airport Board for the advisory ordinance. She further explained that communications were being developed for the runway shift and the wastewater treatment plant projects with a series of open houses for the community.

Council Member Knowles requested the presence of Council Member Michalski via telephone for the Executive Session. Mayor Christensen questioned if that could occur since she had not been present for the meeting.

The Council took a recess from 7:12 - 7:14pm.

**Council Member Michalski joined the City Council meeting.**

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**EXECUTIVE SESSION**

**Council President Knowles moved** to go into Executive Session at 7:18 pm pursuant to Idaho State Code 74-206 for legal, property acquisition, and personnel reasons. Council Member Bragg seconded the motion. A roll call vote was taken: Council Member Knowles, aye; Council Member Michalski, aye; Council Member Popilsky, aye and Council Member Bragg, aye. The motion carried unanimously.

Council came out of Executive Session at 7:55 pm.

**ADJOURNMENT**

**Council Member Knowles moved** to adjourn. Council Member Michalski seconded. The motion carried unanimously with the meeting adjourned at 7:55pm.

ATTEST:

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Kreslyn Schuehler, City Clerk August Christensen, Mayor

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