

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
April 16, 2024**

Pursuant to adjournment of the City Council meeting held April 2, 2024, and the call of the Mayor, the Driggs City Council met **Tuesday, April 16, 2024**, at 6:00 p.m. A roll call was taken and present were: Mayor August Christensen, Council President Miles Knowles, Council Members: Allison Michalski, Jennifer Bragg and Jason Popilsky; City Administrator Amber Pence, Public Works Director Jay Mazalewski, Planning and Zoning Administrator Leanne Bernstein, Community Development Director Doug Self, Airport Manager Meredith Fox, Finance Officer Carol Lenz, and City Clerk Kreslyn Schuehler. Council President Knowles lead in the Pledge of Allegiance.

**AMENDMENT TO AGENDA**

**Council Member Michalski made a motion** to amend the agenda to include Item #6e: Contract for Design Services with Forsgren Associates for the Wastewater Treatment Plan Design. This item is added due to time constraints set by the regulatory agency. Council Member Popilsky seconded the motion. A roll-call vote was taken on the motion: Council Member Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye; and, Council Member Michalski, aye. The motion carried with all in favor.

**COMMUNITY INPUT**

There was no community input at this time.

**CONSENT AGENDA**

City Council Minutes from 4/2/24  
Claims from 4/3/24-4/16/24  
Budget Summary for the 2<sup>nd</sup> Quarter of FY24

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

**PUBLIC HEARING – AREA OF IMPACT AGREEMENT WITH TETON COUNTY  
IDAHO**

Leanne Bernstein, Planning and Zoning Administrator, explained the process to negotiate the Area of Impact, stating the Council must hold a Public Hearing and consider making a request to Teton County. She further reviewed what the Area of Impact was and stated Teton County would ultimately have jurisdiction. However, the city should determine what areas may reasonably be annexed in the near future.

Ms. Bernstein stated the Planning and Zoning Commission had reviewed and discussed the proposal at a high level of detail. She explained the new legislation that would go into effect July 1, 2024, leaving the jurisdiction and approval process strictly to the county, no longer requiring the City to pass an ordinance. The legislation also laid out the criteria to consider when defining the Area of Impact, which included: anticipated commercial and residential growth, geographic factors, transportation infrastructure and connectivity, areas where municipal water and sewer are expected and public service district boundaries. Area of Impacts should not exceed areas that are

not likely to be annexed within 5 years. Ms. Bernstein explained the County's Comprehensive Plan and Current Zoning Map should also be applied to the area.

Ms. Bernstein further stated the Planning and Zoning Commission held a Public Hearing in March and most comments received were about the transportation plan within the Area of Impact. She reminded the Council those type of comments should be made when the Transportation Plan is updated this summer and not during this process.

The Teton County Planning and Zoning Commission also held a work session and asked the city to consider making a recommendation for zoning on properties that were proposed to be taken out of the Area of Impact.

Council Member Popilsky asked if there was representation of property owners on the Planning and Zoning Commission. Ms. Bernstein stated there was one seat eligible to represent the Area of Impact.

Council Member Bragg questioned why Indian Sunset Subdivision was not included. Ms. Bernstein stated it was currently in the Area of Impact, but was proposed to be taken out because it was already platted and was not on city utility services.

Mayor Christensen opened the meeting for public questions only.

Arne Carter asked if Sweetwater Subdivision would continue to have two access points. Ms. Bernstein stated this question was related to the runway shift and not part of the Area of Impact. She further stated the Transportation Plan would like to see connection from Booshway to Hasting, but did not have that proposed at this time. Mr. Carter also asked if lots smaller than 2.5 acres could have a detached or accessory dwelling units. Ms. Bernstein stated they could have accessory dwelling units depending on the various lot sizes.

David Wilkey asked what it would take to request similar subdivisions such as Indian Sunset to be removed from the Area of Impact. Ms. Bernstein stated a request would need to be made to Teton County during their processes for approval.

Todd Woolstenhulme questioned the proposed density for the north side of Tributary. Ms. Bernstein stated Tributary had a Planned Unit Development and future development would be determined once property was annexed into the city.

Roger Gardner asked what would happen to the maintenance of his road. Mr. Bernstein stated the road would be in the County and depending on if it was a private or public road, it may or may not be maintained by Teton County.

Judd Grossman asked why zoning would need to be changed if land was moved out of the Area of Impact. Mr. Bernstein explained the current zoning in the current Area of Impact was based off the old Code, but reminded all that the zoning was for Teton County to decide on.

Council Member Bragg questioned if annexing property would be the same process as changing the Area of Impact. Ms. Bernstein stated it was two very different steps. The Area of Impact would be an agreement between the county and the city with development regulations applying to

areas that may be annexed in the future. She further stated the city could not start a city-initiated annex if the property was not located in the Area of Impact.

Mayor Christensen opened the Public Hearing at 6:47pm.

Arne Carter, a property owner in Sweetwater Subdivision, spoke in favor. He stated the changes would allow people to rent accessory dwelling units, which would help people with housing and allow extra income to those with mortgages living in the valley.

Evan Howard, also a property owner in Sweetwater Subdivision, spoke in favor. He stated with the high housing prices, accessory dwelling units make it possible to live in the valley. He stated the current code was very confusing and the proposed regulations seemed fair and regulated.

David Wilkey spoke in favor. He was a property owner on Teague Avenue, and area that would be removed from the Area of Impact.

The Public Hearing was closed at 6:57pm.

Council Member Knowles suggested the Council should start by reviewing the deliberation checklist provided by staff.

The Council discussed the appropriateness of the proposed Area of Impact boundary. Council Member Bragg questioned the Driggs Centre Subdivision. Council Member Knowles reminded the Council that subdivision had a Will Serve from the city and felt it should be included as it would eventually be annexed. All agreed with the proposed boundary.

Discussion of the zoning districts in the Area of Impact began and, if zoning for those properties taken out of the Area of Impact should be determined at this time. Jade Kruger, Planning and Zoning Administrator for Teton County, stated the County Planning and Zoning Commissioners would like guidance on zoning these specific parcels. She further stated they would have another work session on May 14<sup>th</sup>. The Council Members agreed on the proposed zoning.

Council Member Michalski questioned if the City Attorney had reviewed the proposed Statutes for Area of Impact. Ms. Bernstein stated he had not, but she felt very comfortable that she understood them as written, explaining it was very clear the County was in control and should determine if the Area of Impact was in compliance. Ms. Kruger also stated the County Attorney would review the agreement to determine that State Statutes were followed. Council Member Michalski requested the proposal be reviewed by the City Attorney before sending it to Teton County.

The Council agreed a request to the County for the Area of Impact to adopt the overlay zones, including the airport overlays located in and out of the Area of Impact boundary.

The Council also agreed to the proposed amendments to the City Code, which would be adopted when the Area of Impact was approved by Teton County.

The Council discussed zoning for those properties taken out of the Area of Impact. Council Member Knowles felt the City should wait for the County to recommend the zoning first. It was

suggested the Planning and Zoning Commission review this and bring a recommendation to the Council. Ms. Bernstein stated she was hesitant to move forward and work on this as it was the County's jurisdiction and the city did not have any authorization for these properties. Mayor Christensen stated most of the properties were not platted and felt it may not be a big issue for the County to assign a zone. It was agreed the County Planning and Zoning should figure it out and the Council could make a public comment once Public Hearings were scheduled, if there was a strong disagreement with the chosen zoning.

**Council Member Michalski made a motion** that having found that the following conforms with Idaho State Statute and will encourage orderly development, and I move to recommend the adoption of the following provisions in the Driggs Area of Impact: the AOI Boundary and Zone Map included as Attachment C which will include Casper Avenue on the north side, the Land Development Code as edited in Attachment E and including Appendix A: Design Review Standards and Guidelines, the Driggs Transportation Plan as adopted in 2019, the Teton County Idaho Comprehensive Plan as adopted in 2012, and the Driggs Airport Overlays as shown in the Airport Master Plan adopted in 2022. Council Member Bragg seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

The Council took a brief recess from 7:31pm-7:36pm.

#### **JVIATION CONTRACT FOR SELECTIVE REDESIGN, BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES**

Amber Pence, City Administrator, presented information to the Council. She reminded the Council the project had been separated into two different projects due to funding. This contract was for the design elements, bidding and construction administration services for the airport.

Council Member Michalski questioned if the City Attorney reviewed the contract. Jeffery Hogan, with Jviation, stated he was unaware, but the contract was standard and had been used in the past.

Mayor Christensen asked Mr. Hogan to review the scope of the project. Mr. Hogan explained this was the second phase and included the re-design for the shift of the runway. Because the project was separated, this part must now be re-bid for the construction. He concluded by stating the funding would come from discretionary funding and entitlement funds from the FAA as they become available.

**Council Member Knowles made a motion** to approve the Contract with Jviation for the Selective Redesign, Bidding and Construction Administration Services. Council Member Bragg seconded the motion. Council Member Michalski asked for the motion to be amended to include the condition the contract was reviewed by the City Attorney. The motion died without a vote.

**Council Member Knowles made a motion** to approve the Contract with Jviation for the Selective Redesign, Bidding and Construction Administration Services with the condition the contract is reviewed by the City Attorney. Council Member Bragg seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

**FEDERAL TRANSIT ADMINISTRATION GRANT CERTIFICATIONS AND ASSURANCES**

Doug Self, Community Development Director, presented information to the Council and stated the Federal Transit Administration required the Certifications and Grant Assurances to be signed for project they help fund.

**Council Member Popilsky made a motion** to authorize execution of the FY24 FTA Certifications and Assurances for Grants and Cooperative Agreements. Council Member Knowles seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

**JULY 4<sup>TH</sup> FIREWORKS SHOW WITH FIREWORKS WEST**

Mr. Self stated this contract was the same as the previous year. He reminded the Council there were no negative feedback regarding the display in the previous years, so it would remain the same.

Council Member Michalski questioned if the City Attorney reviewed the contract. Mr. Self stated he had not, however, it was the same as the previous years. Council Member Michalski also asked if there were agreements with other sponsors. Mr. Self stated there were verbal agreements and if not all funding was received, he would find others willing to contribute.

**Council Member Knowles made a motion** to authorize execution of the contract with Fireworks West Internationale for the 2024 Driggs 4<sup>th</sup> of July Fireworks Display in the amount of \$18,000 to be allocated from the City General Fund. Council Member Popilsky seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

**COLLECTION SYSTEMS FACILITY PLAN WITH KELLER ASSOCIATES**

Jay Mazalewski, Public Works Director, stated bids were received and Keller Associates was the most qualified. He further stated the project would span over the next two fiscal years, 2024 and 2025, and explained funding was budgeted for fiscal year 2024, but would need to be added to the budget for fiscal year 2025.

**Council Member Michalski made a motion** to approve the Agreement for Professional Services with Keller Associates Inc. for the Wastewater Collection System Facility Planning a Study not to exceed \$114, 700 with the following conditions: the City Attorney must review and approve the contract language. Council Member Bragg seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

**DESIGN SERVICES WITH FORSGREN ASSOCIATES FOR WASTEWATER TREATMENT PLANT DESIGN**

Mr. Mazalewski stated the next steps in solving the ammonia issues with the wastewater treatment plant was to continue with the development of a design. He stated this was an amendment to the existing contract which would add the design of a new plant. The project budget would be about \$550,000 in this year. Mr. Mazalewski stated the Council would need to budget for other pieces, such as construction costs, in the near future.

Dave Noel, from Forsgren Associates, was present for any questions. He stated the Department of Justice was asking for fast deadlines and therefore the design of the plant needed to start immediately with a projection of the design to be completed in 4 months. He concluded by stating the construction of the plant may begin in June of 2026.

**Council Member Popilsky made a motion** to approve the Amendment to Engineering Agreement 4 for Professional Services with Forsgren Associates Inc, a lump sum not to exceed \$2,760,000. The Time and Materials Fees identified in Section IV are specifically excluded. Council Member Bragg seconded the motion. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

#### **PROCLAMATION FOR FAIR HOUSING**

Mayor Christensen read the Proclamation for Fair Housing.

#### **DEPARTMENT QUARTERLY REPORTS**

The Council Members reviewed and asked a few questions regarding Department Quarterly Reports.

#### **MAYOR AND COUNCIL UPDATES**

There are no updates at this time.

#### **EXECUTIVE SESSION**


**Council President Michalski moved** to go into Executive Session at 8:29pm pursuant to Idaho State Code 74-206 for personnel. Council Member Bragg seconded. The question was called by roll: Council Member Michalski, aye; Council Knowles, aye; Council Member Bragg, aye; Council Member Popilsky, aye. The motion carried unanimously.

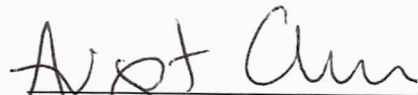
Council came out of Executive Session at 8:46pm.

#### **ADJOURNMENT**

**Council Member Knowles moved** to adjourn. Council Member Bragg seconded. The motion carried unanimously with the meeting adjourned at 8:46pm.

ATTEST:

  
Kreslyn Schuchter, City Clerk

  
August Christensen, Mayor