

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
OCTOBER 6, 2009**

Pursuant to adjournment of the Special City Council meeting held September 29, 2009, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday October 6, 2009**, at 7:00 p.m. A roll call was taken and present were council members: George Mosher, Dan Powers, Greer Jones and Colin Dye, Mayor Louis Christensen, Planning and Zoning Administrator Doug Self, and City Attorney Stephen Zollinger. Council Member Mosher led the Pledge of Allegiance.

**MINUTES TO REVIEW**

Council Members reviewed the minute from the City Council Meeting.

**Council Member Mosher made a motion** to approve the minutes of the September 15, 2009 City Council Meeting. Council Member Dye seconded the motion. The motion passed unanimously.

**CLAIMS REVIEW**

Council members reviewed the claims.

**Council Member Mosher made a motion** to approve the claims as presented dated September 16, 2009 through October 6, 2009. Council Member Dye seconded the motion. The motion carried unanimously.

**PLANNING AND ZONING REPORT**

**Development Impact Fee Advisory Committee Appointment**

Doug Self reported that since impact fees were developed, once a year a committee must meet to conduct an annual review. Because the fifth member of the Planning and Zoning Commission, Rene Lusser, will be out of town, the City Council needed to appoint another member to the committee. Doug suggested that Dave Dery be appointed.

**Council Member Jones made a motion** to appoint Dave Dery to the Impact Advisory Committee. Council Member Mosher seconded the motion. The motion passed unanimously.

Doug stated the Snow Summit notice was sent out in the utility bills and was scheduled for October 20, 2009.

Council Member Mosher stated with regards to the Sign Ordinance that was being discussed with the Planning and Zoning Commission, that the Council had addressed the issues with window signs and in the past wanted, "it left alone." Council Member Jones agreed stating that it was hard for businesses and the City should allow them to do as much as they can, within reason, for advertising.

Mayor Christensen informed the Council that Oro Mexico was burglarized. He stated window signs might be something to consider since this business had the entire window area covered in signs, not allowing the inside to be visible from the street. Doug responded stating that the sign ordinance was “not to protect businesses but to protect the community.”

### **PUBLIC HEARING – APPLICATION FEES – 7:30PM**

Doug Self explained the increase in the application fees and stated that an extension request fee was being added. The reason for the increases was due to increased cost, calculating the City’s attorney time on various applications and completing a more careful analysis of what the entire staff puts into an application. For subdivisions and lot splits, a fee for the county surveyor was added, as that was a requirement.

Council Member Powers questioned why Doug felt the increase was necessary. Doug responded stating that if the Council did not want to subsidize the applications than an increase was needed. Doug stated that the developers could be billed based on time but felt that would take more effort for staff. Council Member Powers felt that an increase now may not be needed as planning and zoning for the city had decreased. Doug responded stating that the old fees could be charged until staff went “above and beyond” at which time, additional fees would be charged. Council Member Powers did not feel this solution was a “good use of time.” Council Member Jones felt the fees, after the increase, were lower than most cities.

Mayor Christensen opened the Public Hearing at 7:39pm. There was no comment and the Public Hearing was closed.

**Council Member Powers made a motion** to approve Resolution 244-09. He continued by reading the Title. Council Member Mosher seconded the motion. The motion passed unanimously.

### **AIRPORT REPORT – LILLIAN BOWEN**

Lillian Bowen stated the airport runway was open and explained the construction results. There were over 80 people at one time working on a daily basis. The company was only granted a day and a half extra due to weather. She felt the pilots were happy with the new runway and stated the project was under budget, but did not know officially as the “numbers were not totally in.”

Ms. Bowen stated that seeding might take place in the spring, depending on the weather. She explained that the contract was not closed and the seeding and weed control would have to be completed.

She explained that Mayor Christensen asked her to speak regarding the noise at the airport. The Driggs Reed Memorial Airport Board (DAB) put together a voluntary noise abatement program. Ms. Bowen emphasized that it was strictly voluntary and explained why the FAA did not appear to be concerned with general aviation airport noise. There had not been a noise study done and Ms. Bowen stated that there usually aren’t noise

studies done for general aviation airports. She explained that it was an expensive study and that FAA would not supply funds for that type of study.

Ms. Bowen explained the existing noise procedures stating the airport asked pilots to not come in before 6 o'clock in the morning or after 11 o'clock at night. Teton Aviation does all fueling for the aircraft and would charge those pilots an extra fee to take care of fuel after hours. She felt that most people did not want to make the citizens upset and tried to obey.

Ms. Bowen then explained the approach into Driggs, stating that planes do not fly over the city because of the gliders that may be flying between the airport and the mountain range. She further explained the different landings that could be taken, depending on the weather and the wind.

Council Member Dye stated that when the jets take off, "they're engines are very loud." He requested that the pilots not turn to the north until they are a mile or two away from the City. Lillian stated that because the airport did not have a tower, some might not know when it was appropriate to turn. She also stated that at a certain elevation, "we lose control because it's in open airspace." She concluded by stating that it was a public airport and that noise could not be controlled.

Council Member Dye was concerned that the community was not getting responses from Teton Aviation regarding complaints. Ms. Bowen reminded the Council that Teton Aviation only provided a service to the airport and that all complaints should come to the City, not Teton Aviation.

Council Member Powers questioned if there was leftover material from the runway project. Ms. Bowen stated that some of the material would be going to the Skate Park. The remaining material would be sterilized so weeds would not grow. At this time Ned Thomas would allow the remaining piles of material to stay on his property.

Council Member Powers questioned what could be done with the remainder of the funds. Ms. Bowen stated the purchase of additional land was still being determined and if that happened, additional money would need to be obtained from the FAA. She stated that the additional materials could be used however the City deemed but if there were remaining funds, FAA would have to approve the use.

**BLOCK GRANT INFORMATION – DIANE TEMPLE**

Diane Temple explained that she would be the administrator for the Community Development Block Grant. She gave the Council a revision of the schedule and the budget. She reviewed the four components of the Block Grant and stated that it would be closely tied to the Gem Grant.

Council Member Powers questioned if southeast parking lot pavement was included in this grant. Ms. Temple stated she would verify that information. There was also discussion regarding the well house at Lion's Park.

Ms. Temple stated she would come to the City Council meetings on an as needed basis until the project got underway. She states she would also keep the community and emergency services aware of the changes as construction began.

### **PUBLIC WORKS REPORT**

Mayor Christensen stated that the trench work for the lights at the skate park had been completed. The materials would start to be hauled from the airport within the next couple of days. He reminded the Council that election signs should not be placed in the road right of way or the Public Works Department would remove them. Council Member Powers was concerned that if signs were not in the right-of-way, people may not be able to see them. Stephen Zollinger stated that according to the ordinance, there should be no placement in the right-of-way. Mayor Christensen concluded the report by stating that the new screen would be placed at the lagoon soon.

### **MAYOR'S REPORT**

Mayor Christensen suggested moving the first meeting in November to November 5, 2009 due to the elections.

**Council Member Powers made a motion** to reschedule the first meeting in November to November 5, 2009 to avoid conflict with Election Day. Council Member Mosher seconded. All were in favor.

Mayor Christensen began discussion of a letter received from High Country Resource Conservation and Development Area. A request for financial support for the water modification program was included. Mayor Christensen stated that the Council could choose to donate or not.

Mayor Christensen stated a letter was received from Larry Juarez regarding past rent due from Grand Interiors. At this time, Mr. Juarez rents three units and was behind on rent. He requested that rent be forgiven, a reduction of space be granted, a reduction of rent be granted or any other options acceptable to the Council be discussed to allow the business to stay at this location. Council Member Dye questioned what the City had done to collect the rent. Stephen Zollinger responded stating that the City could pursue an eviction. Mayor Christen also responded stating that Mr. Juarez had "been good in the past at getting caught up."

Council Member Mosher was concerned that Mr. Juarez had not addressed the issue sooner. Council Member Powers stated he would like to work with Mr. Juarez to allow him to stay in business and suggested a reduction in the amount of space he currently used. Stephen Zollinger suggested the Council should meet with Mr. Juarez to see what could be worked out for the future and stated that the debt was owed and should not be forgiven. Council Member Dye stated that "it appears he hasn't made any effort to pay anything on it."

Mayor Christensen stated he would schedule a meeting with a few Council Members to discuss the situation. Council Member Mosher stated he wanted to make sure Mr. Juarez was aware that the City would not forgive the past rent.

Council Member Powers stated he received a request from a concerned citizen to establish a Noise Ordinance and they felt there was no legal recourse for loud neighbors. Stephen Zollinger stated that there was a State Statute that allowed the Sheriff to take action. He explained the process that should be taken with the Sheriff's office. He further explained that a joint meeting should be scheduled with Tony Liford, Kathy Spitzer and Driggs City Council to discuss the County and City Ordinances.

**EXECUTIVE SESSION**

**Council Member Mosher made a motion** to go into executive session at 9:18pm pursuant to Idaho Code 67-2345(f). Council Member Dye seconded the motion. Schuehler took a roll-call vote: Dan Powers, aye; Greer Jones, aye; George Mosher, aye; Colin Dye, aye. The motion carried unanimously.

The Council came out of executive session at 9:58pm.

**ADJOURNMENT**

**Council Member Powers made a motion** to adjourn. Council Member Jones seconded the motion. The motion passed with all in favor and the meeting was adjourned at 9:58pm.

ATTEST:

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Sonya Adams, City Clerk

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Louis B. Christensen, Mayor