

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
MAY 4, 2010**

Pursuant to adjournment of the City Council meeting held April 20, 2010, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, May 4, 2010**, at 7:00 p.m. A roll call was taken and present were council members: George Mosher, Jay Mazalewski, Greer Jones and Colin Dye, Mayor Daniel Powers, Planning and Zoning Administrator Doug Self, City Attorney Stephen Zollinger, and Public Works Director Jared Gunderson. Mayor Daniel Powers led the Pledge of Allegiance.

**MINUTES TO REVIEW**

Council Members reviewed the minutes from the City Council Meeting. Council Member Mosher and Council Member Mazalewski made corrections to the minutes.

**Council Member Mosher made a motion** to approve the minutes of the April 20, 2010 City Council Meeting as amended. Council Member Jones 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 April 21, 2010 through May 4, 2010. Council Member Jones seconded the motion. The motion carried unanimously.

**BEER AND WINE LICENSE**

Council Members reviewed the application for a beer and wine license submitted by Trapper's Fish and Chips.

**Council Member Mosher made a motion** to approve the request of an alcohol beverage license for Trappers. Council Member Mazalewski seconded the motion. The motion passed with all in favor.

**SHERIFF TONY LIFORD – DRIGGS PATROL**

Sheriff Liford reported to the Council regarding a new computer dispatch and report management system that was being used now. He presented information from the first quarter of the year stating that 1,302 hours were spent patrolling the City of Driggs. 1,211 calls for service were received, 109 dog incidents were reported, and 35 responses to alarms were taken. 5 controlled substance calls, 274 car stops, 49 traffic accidents, 14 domestic calls and 14 DWI calls were some of the other issues the department had encountered. Sheriff Liford stated that the newspaper wrote an article that stated crime had increased in the Valley, but Sheriff Liford reported this statistic increased because the reporting was better and more complete, not because crime had actually increased.

Council Member Mosher stated that the school funds had been cut for patrolling the schools. He questioned if there was any way the City of Driggs could help to establish a presence in the school district. Sheriff Liford stated that the SRO position had been eliminated, but the SRO deputy would be taking the position of Deputy Fred Hale as he was leaving for active duty in the military.

**PUBLIC HEARING – ORDINANCE 314-10 ZONING ORDINANCE AMENDMENT FOR TEMPORARY ON-SITE ROCK CRUSHING – 7:30PM**

Doug Self reported to the Council. He stated the idea behind the amendment was to reduce truck traffic in the City. Mr. Self read the standards and requirements for temporary on-site rock crushing for on-site construction and maintenance. He concluded by stating that much of this information would be included in the subdivision ordinance and that there had been some interest for this type of amendment.

Council Member Mosher questioned if 65 dBA was the standard noise level in other cities with this type of ordinance. Mr. Self responded stating that it was the maximum noise level for residential uses.

Council Member Mazalewski questioned the procedure for obtaining bonds since they were not required at the final plat approve but only at the time when recording the plat. Mr. Self stated that an applicant could begin to crush materials prior to the final plat being approved. It was questioned as to whether DEQ would also need to provide permitting. Stephen Zollinger stated that some instances require DEQ permitting but others did not. Mr. Self stated that with this ordinance amendment there would be no bond required if the applicant stayed within the approved roads or building envelopes. Council Member Mazalewski stated he felt an applicant should be required to have a state permit, if needed, prior to applying for this conditional use permit through the city as the State may hold the applicant to a higher level.

Mayor Powers opened the Public Hearing.

Anna Trentadue spoke in a neutral position. She stated that since this ordinance was also in effect for the Area of Impact she was concerned that some site conditions would require more oversight. She felt that having this be a conditional use permit as opposed to an allowed use was “setting people up with success.” She concluded by stating that the changes and discussions with the Planning and Zoning Commission were positive.

There was no further comment and Mayor Powers closed the Public Hearing.

Discussion of the hours of operation began. It was determined that the hours for rock crushing should be from 8:00am to 6:00pm, instead of 8:00am to 8:00pm.

**Council Member Mazalewski made a motion** to consider Ordinance 314-10 Amendment to Driggs Zoning Ordinance to allow temporary on-site rock crushing first read with the changes that hours be changed to 6:00pm and any State, Federal or County

permits were obtained prior to approval. Council Member Mosher seconded the motion. The motion passed with all in favor.

**PUBLIC HEARING FOR HERON’S EDGE PUD PLAT VACATION (TALBED FROM 4/6/10)**

Mr. Self explained to the Council that this hearing was tabled to ensure that all interested parties had been notified properly. A second notice had been sent via certified mail. Mr. Zollinger suggested that the City Council open the Public Hearing and then table the application indefinitely to see if the involved parties could help solve some of the issues with Heron’s Edge.

Mayor Powers opened the Public Hearing.

Chuck Homer spoke in opposition on behalf of ANB Ventures. He stated his client acquired many of the loans and had questions as to if the City had any legal authority to vacate the subject plat. He stated that the Code and Ordinance for the City state that a vacation would be considered when a request was received from parties that have vested interested in the property. He felt the City did not have the power to vacate the plat “simply because the developer doesn’t comply with improvements.”

Mr. Homer stated that there were several liens against the property and he understood the issues with the development. He further stated he was concerned that his client was the only one objecting to the vacation and that he had no problem with the issue being, providing they were notified if the Council was to discuss the vacation again.

Mayor Powers closed the Public Hearing.

Mr. Zollinger recommended the Council table the issue and stated that there would be a transition into a takings hearing if they chose to approve the vacation.

**Council Member Mosher made a motion** to table the vacation at this time. Council Member Jones seconded the motion. The motion passed with all in favor.

**SIGN CODE ADOPTION – 3<sup>RD</sup> READING**

Council Member Jones stated he had received comments from the public that the sign ordinance was “too strict” in regards to window signs. Mr. Self stated that no permits were required for window signs. He further stated that outdoor and window neon signs could be no larger then 6 square feet. He felt it made more sense to have a percentage of the window be allocated to window signs, as it currently did not regulate how many signs one could have. Council Member Mosher felt there was no reason to regulate window signs at all, as he did not want to limit people to the amount of advertising they could have.

**Council Member Mosher made a motion** to consider Ordinance 312-10 third read and approved. Council Member Mazalewski seconded the motion. The motion passed with all in favor.

## **EXECUTIVE SESSION**

**Council Member Mosher made a motion** to go into executive session at 8:20pm pursuant to Idaho Code 67-2345(f). Council Member Jones seconded the motion. Schuehler took a roll-call vote: Council Member Mazalewski, aye; Council Member Jones, aye; Council Member Mosher, aye; and Council Member Dye, aye. The motion carried unanimously.

The Council came out of executive session at 9:03pm.

## **APPROVAL OF ORDINANCE 316-10 ADOPTING THE DRIGGS, IDAHO CITY CODE**

Mr. Zollinger stated this ordinance would adopt the current ordinances, as they existed in July 2008. The code was a version of all the ordinances put into an easier format to aid in searching for information. He stated the Codifiers also investigated any ordinances that may have been repealed and removed them.

**Council Member Jones made a motion** to suspend the rules and read by Title only Ordinance 316-10. Council Member Mosher seconded the motion. Schuehler took a Roll Call vote; Council Member Mazalewski, aye; Council Member Jones, aye; Council Member Mosher, aye; Council Member Dye, aye. Mayor Daniel Powers read the ordinance by title only.

**Council Member Jones made a motion** to approve Ordinance 316-10 as presented. Council Member Mosher seconded the motion. The motion passed unanimously.

## **PLANNING AND ZONING REPORT**

Mr. Self stated he was working on enforcement issues. He has received complaints regarding the Arrowhead Plaza and was trying to enforce the zoning ordinance for the impound yard at the airport. The middle and high schools pathway has been staked and a meeting would be held May 5, 2010 regarding it. KeyBank and Teton Valley Creamery were in the design review stages and a new music and Farmers Market event would be sponsored by the Teton Valley Foundation called Free Range Fridays. Mr. Self explained the results from the utility bill survey stating that the majority of those that responded wanted to see the Visitor Center inside the current building.

Council Member Mazalewski stated there was a sign at the Buffalo Junction Park stating that no public was allowed. He was under the impression that the park was public. Mr. Self explained that it was privately owned, but should have public access and the public cannot be excluded even if the park had not been dedicated to the city.

## **PUBLIC WORKS REPORT**

Jared Gunderson reported on the BMX Park and stated that Scott Green would exchange materials at the airport for clay. Mr. Gunderson would discuss the work on Johnson Avenue with Action Excavation.

Scott Rogers from Aqua Engineering spoke to the Council regarding the funding for a loan for the sewer plant. He stated that the loan was based on the number of connections in Driggs and those “buyable by Victor.” The number of connections was divided into the loan to calculate the monthly rate. The monthly rate would be 1.5% of the medium household income, which was based on tax returns for the City of Driggs. Monthly sewer rates have to be around \$50.00 a month to qualify for the grant. Mr. Rogers stated that anything that has to do with the project (such as lift stations, building a lab, etc.) could be added to the grant. Rural development loans have to have a bond election. He felt the City should have a conversation with the loan officer and DEQ regarding how to maximize the grant money as well as discussing other grants or funding with Ted Hendricks. A discussion of videoing the line between Driggs and Victor began.

**Council Member Mosher made a motion** for Jared Gunderson to CCTV the line from 350 South to the lift station if it could be done for less than \$5,000. Council Member Mazalewski seconded the motion. The motion passed with all in favor.

#### **MAYOR’S REPORT**

##### **National Bike Month Resolution**

Mayor Powers stated that for the ICL Award, this resolution was a requirement. The resolution declared May as National Bike Month and the week of May 17, 21 as National Bike to Work Week.

**Council Member Dye made a motion** to make May National Bike Month for the City of Driggs according to Resolution 252-10. Council Member Jones seconded. All were in favor.

#### **SCENIC BYWAY AGREEMENTS**

**Council Member Mazalewski made a motion** to direct the Mayor to enter into negotiations for the Scenic Byway Agreements as discussed in Executive Session. Council Member Mosher seconded the motion. The motion passed with all in favor.

#### **ADJOURNMENT**

**Council Member Mazalewski made a motion** to adjourn. Council Member Mosher seconded the motion. The motion passed with all in favor and the meeting was adjourned at 9:56pm.

ATTEST:

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Sonya Adams, City Clerk

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Daniel J. Powers, Mayor