

**MINUTES OF THE CITY OF DRIGGS  
CITY COUNCIL MEETING  
NOVEMBER 17, 2015**

Pursuant to adjournment of the City Council meeting held November 2, 2015, and the call of the Mayor, the Driggs City Council met **Tuesday, November 17, 2015**, at 7:30 p.m. A roll call was taken and present were Council Members: Greer Jones, Ralph Mossman, August Christensen, and Wade Kaufman; Mayor Hyrum Johnson, City Attorney Stephen Zollinger, Public Works Director Jared Gunderson, Financial Officer Carol Lenz, Community Development Director Doug Self, Building and Grants Technician Annie Decker, Planning and Zoning Administrator Ashley Koehler, and City Clerk Kreslyn Schuehler. Council Member Jones led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Council Member Jones made a motion** to approve the minutes from the City Council Meeting on November 2, 2015 with minor changes discussed. Council Member Mossman seconded the motion. The motion passed with all in favor.

**CLAIMS**

**Council Member Mossman made a motion** to approve the claims as presented from November 3, 2015 to November 17, 2015. Council Member Christensen seconded the motion.

The Council reviewed the claims.

The above motion passed with all in favor.

**PUBLIC HEARING: CONSIDER ORDINANCE TO AMEND TITLE 4, CHAPTER 2 (NUISANCES) OF DRIGGS CITY CODE**

Doug Self explained the changes that were made from the discussions at the work session on November 2, 2015.

Mr. Self stated he did not add “modification” within the repair permit section as requested because the staff and the working group felt “repair” was a sufficient umbrella and would help keep the ordinance simple, one of the main goals of the working group.

Mayor Johnson opened the Public Hearing at 7:46pm.

Jason O’Neill spoke in support of the ordinance and felt the ordinance was needed. He further stated he trusted the Council to do right by the city.

Charlotte O’Neill also spoke in support and stated she was glad to see the Council valuing the progression of the city.

Steve Kerbs spoke in support of the ordinance. He questioned the reasoning behind removing the commercial aspect of the ordinance and was told it would be handled

through other parts of the city code. He felt the final proposed ordinance “fit Driggs better” than the proposed ordinance presented in May.

No other comments were heard and the Public Hearing was closed at 7:50pm.

Mr. Self addressed the concerns from Mr. Kerbs stating through the process of revising the ordinance, it was determined commercial areas should not be incorporated. He further stated the city would begin to look at how to improve maintenance issues of commercial properties. This would fall under zoning ordinances, building codes or other regulations.

Council Member Mossman requested adding “or for a substantial modification to vehicle” to the permit section because a modification could take longer than 180 days. Council Member Kaufman suggested the permit could be extended an additional 180 days. After discussion, the Council determined to leave the language as it was.

Council Member Mossman questioned the definition of a classic car and did not feel a car that was 30 years old should not be held to the nuisance standards just because it was define as a classic car. Mr. Kerbs stated the working group spent a lot of time on this discussion and decided to use the definition of a classic car as provided by the motor vehicle department. Mr. Self suggested adding a restoration permit.

Council Member Christensen questioned why the building portion of the ordinance had been removed from the current Ordinance #177. She asked what parts of building maintenance could be handled by the building code and zoning ordinance versus the nuisance ordinance and questioned if the Council felt any part of the current ordinance should be included.

Mr. Self stated that general nuisances were addressed in Section 2 and defined within the ordinance. Council Member Mossman felt those types of nuisances should be further looked into, but did not feel it should be part of this ordinance.

Mr. Kerbs voiced his concerns stating he felt the Council was moving backward from what the working group was trying to accomplish.

**Council Member Mossman made a motion** to consider the ordinance to amend Title 4, Chapter 2, Nuisances, first read and to direct staff to insert something about restoring cars and removing classic cars from the exemptions. Council Member Kaufman seconded the motion. A roll-call vote was taken: Council Member Jones, nay; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried with a majority in favor.

**PUBLIC HEARING: CONSIDER ORDINANCE #364-15 ZONING ORDINANCE AMENDMENT FOR “OFF HIGHWAY VEHICLE REPAIR AND SALES”**

Annie Decker presented information to the Council. She stated the reason for the amendment was to address a standing land use concern in the Central Business District

and a general need to define and set standards for the use of “Off Highway Vehicle Repair and Sales.” Staff and the Planning and Zoning Commission felt the valley heavily utilized recreational vehicles and therefore, there was a need to classify them as a separate use.

Ms. Decker explained she felt “Power Sports Repair and Sales” would be more appropriate and encompassed all aspects of the use.

Ms. Decker stated the proposed amendment would allow the use of “Off Highway Vehicle Repair and Sales” in the central business district and the C-2 (Downtown Commercial) district so long as certain standards were met. She further stated the use would be allowed in the C-3 (Service and Highway Commercial) and the M-1 (Industrial) zones without any additional standards other than those required in the definition.

Ms. Decker informed the Council these standards would apply to all areas in the CBD and the C-2 zones and not site specific. She stated the Comprehensive Plan identified the need to prioritize “visitor retail” in the CBD and specifically identified “outdoor recreation stores.” In addition, “small scale auto-related uses” were also appropriate in the surrounding areas of the CBD.

Council Member Mossman questioned why the Planning and Zoning Commission did not want to have a Conditional Use Permit for this use, but the staff did. Ms. Decker stated the Commission felt the standards 1-6 addressed all of the concerns and allowed the business to be compatible with the Comprehensive Plan.

Mayor Johnson opened the Public Hearing at 8:53pm.

Eric Kay, owner of The Racin’ Station, spoke in a neutral position stating he spent a lot of time with the Commission and was in support of the ordinance as it was written. He further stated he’s neutrality was with the Conditional Use Permit and felt it was too much because it was addressed in the standards.

Mr. Kerbs spoke in a neutral position and did not understand if the use was allowed why additional standards would need to be placed on the application.

No other comments were heard and the Public Hearing was closed at 8:57pm.

Ms. Decker reminded the Council that the standards would be for the entire CBD and C-2 zones and not site specific.

Council Member Kaufman was concerned that not all vehicles would be able to abide by the 45-day work order requirement and not all materials could be stored inside.

Council Member Mossman felt the idea of the proposed ordinance was good, but did not feel the standards were enough. He wanted to see the standards be tighter and was concerned about the definition of noise. Mr. Self stated noise regulations were addressed

in other areas of the code and if it needed to be defined in more detail, it should be done in a broader way.

**Council Member Mossman made a motion** to consider Ordinance 364-15 first read and to change the language within the Ordinance to “power sports” rather than “off-highway” vehicle repair and sales and change section 6 to read “allow with standards” instead of requiring a CUP. Council Member Jones seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

#### **DISCUSSION – ANNUAL REVIEW OF IMPACT FEES**

Ms. Koehler presented information to the Council. She stated the Planning and Zoning Commission reviewed the impact fees as the advisory committee and made recommendations to reduce the fees and to eliminate the Fire Impact Fees. She further stated the Fire District was in agreeance with eliminating these fees.

Ms. Koehler stated an additional distinction of a one bedroom dwelling unit or studio unit would reduce the residential fees for those that are adding an accessory dwelling unit. She also proposed extending the waiver of street impact fees for infill development within the original 1920 city plat through December 31, 2017.

Mr. Self explained to the Council the reason for the initial decision to waive the street impact fee in the central core.

The Council gave Ms. Koehler direction to move forward with an Ordinance for consideration at a future meeting.

#### **CONSIDER AUTHORIZING TETON GEOTOURISM CENTER TO LEASE OFFICE SPACE TO TETON VALLEY CHAMBER OF COMMERCE**

Mr. Self stated the lease was similar to the Teton Valley Business Development Center lease for office space in the Teton Geotourism Center.

Council Member Jones questioned the reasoning for installing a separate door. Mayor Johnson stated the door, or any other improvements, would not be done at this time.

**Council Member Jones made a motion** to authorize the Teton Geotourism Center, Inc. to lease a portion of their office space to the Teton Valley Chamber of Commerce for use as a one-person administrative office, subject to the staff approval of the lease document, which shall contain provisions that: 1) no public meeting be held in the facility, unless expressly rented for such purpose from the Teton Geotourism Center, and 2) said lease and any renewals shall terminate each year on September 30<sup>th</sup>. Council Member Mossman seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

**CONSIDER TRANSIT CENTER DESIGN CONTRACT WITH HARMONY DESIGN & ENGINEERING**

Mr. Self stated the contract was reviewed at the last meeting and was tabled. He further explained the additional fees that were added to the contract were to locate all topographic surface features and to cover the cost of snowy conditions during the survey process.

The Council discussed the options to remove the fees for locating the topographic surface features. It was discussed the Public Works Department could also help with locating services and surveying the property.

**Council Member Christensen made a motion** to approve the scope of services for the conceptual design with Harmony Design with removal of the \$750 fee for the Idaho Dig Line location of services and allowing the possible additional fee of \$1500 for digging snow. Council Member Mossman seconded the motion.

Stephen Zollinger questioned why a fee would be charged for something that was not part of a concept design. Mayor Johnson stated that if locating services could be done now, then the project may be able to move forward in the spring without waiting for the ground to clear. Ms. Zung, from Harmony Design, stated the concept plan could move forward without locating services. However, it would need to be done to move forward with construction documents.

A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, nay; Council Member Christensen, aye; Council Member Kaufman, nay. The tie vote was broken with Mayor Johnson voting in approval. The above motion carried.

**CONSIDER CHANGE ORDER NO. 8 TO DEPATCO W LITTLE AVE CONSTRUCTION CONTRACT**

Mr. Self stated Change Order No. 8 resulted in a contract increase of \$7,832.08 with \$3,380.84 over budget. He stated the additional funds could be taken from the pathway projects.

Mr. Self and Ms. Zung, from Harmony Design, explained the reasons for the items listed on the change order.

**Council Member Mossman made a motion** to authorize the Mayor to execute Change Order No.8 in the amount of \$7,499.44, with a transfer of funds from the pathways line to cover the amount over budget. Council Member Jones seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

**CONSIDER ORDINANCE #363-15: AMENDMENT TO ORDINANCE #7, 8, AND 9 – CLERK AND TREASURER DUTIES – TABLED FROM NOVEMBER 2, 2015**

**Council Member Jones made a motion** to waive the rules and read by title only Ordinance #363-15. Council Member Mossman seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

**Council Member Jones made a motion** to approve Ordinance #363-15 an ordinance of the City of Driggs, Idaho amending Ordinance No. 7, 8 and 9 defining the powers and duties of the City Clerk and City Treasurer; repealing all ordinances, resolutions or parts thereof in conflict herewith, and establishing an effective date. Council Member Christensen seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, aye; Council Member Kaufman, aye. The motion carried unanimously.

**STAFF REPORTS**

Jared Gunderson discussed the snow removal policy.

**ADJOURNMENT**

**Council Member Jones made a motion** to adjourn. Council Member Kaufman seconded the above motion. The motion passed with all in favor and the meeting was adjourned at 10:51pm.

ATTEST:

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Kreslyn Schuehler, City Clerk

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Mayor Hyrum Johnson