

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
DECEMBER 15, 2015**

Pursuant to adjournment of the City Council meeting held December 1, 2015, and the call of the Mayor, the Driggs City Council met **Tuesday, December 15, 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, Financial Officer Carol Lenz, Community Development Director Doug Self, Building and Grants Technician Annie Decker, Community Development Director Doug Self, and City Clerk Kreslyn Schuehler. Council Member Jones led the Pledge of Allegiance.

APPROVAL OF AMENDED AGENDA TO INCLUDE CONSIDERATION OF BEER AND WINE LICENSE FOR TATANKA TAVERN

Council Member Jones made a motion to approve the amended agenda as presented. Council Member Mossman seconded the motion. The motion passed with all in favor.

APPROVAL OF MINUTES

Council Member Christensen made a motion to approve the minutes from the City Council Meeting on December 1, 2015 as presented. Council Member Kaufman seconded the motion. The motion passed with all in favor.

CLAIMS

The Council reviewed the claims and decided to discuss it at the end of the meeting.

Harmony Design Colter Building Claim

Carol Lenz recommended the claim be paid because the City requested Harmony Design attend the meeting.

CONSIDER REQUEST FOR ADJUSTMENT TO UTILITY BILL DUE TO A WATER LEAK

Mayor Johnson stated the customer fixed the water leak quickly and was requesting a credit for the overage caused by the leak.

Council Member Mossman made a motion to approve a one-time adjustment to the water bill for William Nisbet, due to a water leak, in the amount of \$239.00. Council Member Kaufman seconded the motion. The motion passed with all in favor.

PUBLIC TESTIMONY ON AND SECOND READING OF AN ORDINANCE TO AMEND TITLE 4, CHAPTER 2 (NUISANCES)

Council Member Mossman commented regarding changes he wanted to see in the ordinance as discussed at the previous meeting. He was concerned with requiring a name, address and signature of the complainant.

Mayor Johnson explained the reasons for holding a public hearing and stated the requirements for the hearing must be followed in order for any outcome to be validated. Mayor Johnson opened the Public Hearing at 8:00pm.

Craig Thran spoke in favor of the ordinance and stated he had been involved in several of the working group meetings. He felt there was a compromise with inoperative motor vehicles. In conclusion, Mr. Thran stated the ordinance came down to a health and safety issue and he was in support of the latest version from the working group.

Steve Kerbs spoke in favor and stated the working group had worked hard on the ordinance to make it fair for everyone. He concluded by stating he too was in favor of the latest version from the working group.

Crista Pentz spoke in favor of the ordinance and stated she talked with many outside of the working group in regards to vehicles, boats and trailers. She wanted to get an understanding of what a nuisance ordinance would look like that would work for everyone because she felt there was a collection of people in Driggs. She was in support of the last version because she felt it did not over regulate and found a balance that would work for everyone.

Randy Hall spoke in favor of the ordinance. He stated the working group had agreed on the ordinance and felt the City Council should as well.

Jason O'Neill spoke in opposition of the ordinance. He felt the length of the permits or renewals for restoration was too long. He did not understand why trailers and boats were omitted and felt the ordinance, as it was written, would be very hard to enforce. He felt the new versions were "going backward" from the current ordinance. He felt the current ordinance was general and would allow the city to enforce on the issues at hand.

The Public Hearing was closed at 8:13pm.

Council Member Mossman did not feel the ideas that were discussed in the working group were adequately reflected in the latest version of the ordinance. He felt "let down" and expected more from the working group. He was not in favor of allowing 5 inoperable vehicles as this number did not include operable vehicles, boats or trailers that could be on a property. He concluded by stating he felt the difficult work was avoided and the ordinance was over simplified.

Council Member Jones did not feel the Council was trying to over regulate and he agreed with the comments from Jason O'Neill. He felt the ordinance had taken a step back and he did not think it was at a point to be approved. He further stated a lot of good things had been done, but felt there was a lot of ideas left to discuss. He concluded by stating people had a right to do things in their yards, but the neighbors also had rights not to have those things interfere.

Council Member Kaufman felt Driggs was in the process of changing between a rural town to a resort town. He did not feel the group or staff should “burn up time and man hours to cover everything under the sun” and felt the ordinance should work for the community as a whole. He felt the regulations for inoperable vehicles could be covered by requiring a fence. He concluded by stating the Council had a chance to do something big and he felt they should respect what was asked from the working group.

Council Member Christensen stated she too was uncomfortable with allowing 5 inoperable vehicles. She further stated she spoke to many people in regards to inoperable vehicles and there were several people that felt the City should not allow any or very few and no one was in support of allowing 5. She concluded by stating she respected the work the group had done to develop the ordinance, but questioned if it was the voice of the majority of the community and reminded the Council their job was to determine what was appropriate for the majority of the citizens.

Council Member Mossman did not feel there was a balance or that what was being presented was improving the current nuisance ordinance.

Council Member Christensen asked for clarification in regards to the building code. Doug Self supplied the definition of a nuisance and explained the building code official had authorization to declare a structure unsafe for occupancy under the International Building Code.

Council Member Mossman felt the best revision was version 2, but he still did not feel it was better than the current ordinance.

Council Member Kaufman questioned if 3 inoperable vehicles would be sufficient. Council Member Jones agreed and further stated only one restoration permit should be allowed per residence.

Council Member Kaufman made a motion to waive the rules and consider the ordinance thrice read.

Council Member Mossman felt the Council should not be changing the wording of an ordinance on the third reading and did not feel the process should be rushed.

Council Member Kaufman made a motion to approve revision 3 as second read with the adjustments to Section 3, bottom line to reduce to 3 cars, in Section 4 under enforcement it should read “The city shall provide a form for complaints under this ordinance which shall require a specific alleged violation of this ordinance,” and eliminate restoration permit to 1 vehicle until complete. Council Member Jones seconded the motion.

Council Member Mossman felt staff comments on this version were appropriate and as the motion stood, he would vote in opposition.

Council Member Kaufman made a motion to amend the above motion to include using the staff draft language to replace the first paragraph. Council Member Jones seconded the motion. A roll-call vote was taken: Council Member Jones, aye; Council Member Mossman, aye; Council Member Christensen, nay; Council Member Kaufman, aye. The motion carried with a majority in favor.

ORDINANCE #364-15 – ZONING ORDINANCE AMENDMENT FOR POWER SPORTS VEHICLE REPAIR AND SALES – POSSIBLE THIRD READING AND ADOPTION

Council Member Mossman made a motion to approve Ordinance 364-15, an ordinance of the City of Driggs, Idaho amending ordinance 281-07: establishing definitions and regulations for power sports vehicle repair and sales; repealing all ordinances, resolutions or parts thereof in conflict herewith; and establishing an effective date. Council Member Kaufman 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 LEASE RENEWAL AT INDUSTRIAL BUILDING FOR SABINE SOFT FURNISHINGS

Doug Self explained the change in rate would be to 65% of the market rate instead of 50%, a 15% increase.

Council Member Christensen made a motion to approve the lease with Sabine Soft Furnishings with a 15% increase as stated in the lease. 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.

FIRST READING OF AN ORDINANCE TO AMEND TITLE 8, CHAPTER 3 – IMPACT FEES

Council Member Mossman wanted the record to reflect that he would personally benefit from the modification of impact fees.

Council Member Jones made a motion to waive the rules and consider Ordinance 365-15 thrice read. Council Member Kaufman 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 #365-15. Council Member Kaufman 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 BEER AND WINE LICENSE FOR TATANKA TAVERN FOR 2015

Council Member Mossman made a motion to approve the beer and wine license for Tatanka Tavern with the condition the county license was received. Council Member Christensen seconded the motion. The motion passed with all in favor.

DEPARTMENT REPORTS

Jared Gunderson requested approval to purchase new equipment for the head works building and the spring.

Council Member Jones made a motion to approve a not to exceed amount of \$3500 to purchase a new heater for the head works building. Council Member Kaufman seconded the motion. The motion passed with all in favor.

Council Member Mossman made a motion to authorize a not to exceed amount of \$6500 to replace the miox cell. Council Member Kaufman seconded the motion. The motion passed with all in favor.

MAYOR'S REPORT

Discuss options for Council representative on DURA Board

Council Member Jones recommended this be discussed at the next meeting when the newly elected Council Members are present.

CLAIMS

Stephen Zollinger discouraged the Council from paying a bill that was not legally enforceable. After discussion the Council and legal counsel agreed to meet with Teton County to discuss the 2015 tax bills on the 47 city lots.

Council Member Kaufman made a motion to approve the claims as presented from December 2, 2015 to December 15, 2015. Council Member Jones seconded the motion. The motion passed with all in favor.

Council Member Mossman made a motion to approve payment to Harmony Design for \$224. Council Member Christensen seconded the motion. The motion passed with all in favor.

ADJOURNMENT

Council Member Jones made a motion to adjourn. Council Member Mossman seconded the above motion. The motion passed with all in favor and the meeting was adjourned at 10:07pm.

ATTEST:

Kreslyn Schuehler, City Clerk

Mayor Hyrum Johnson