

**MINUTES OF THE CITY OF DRIGGS
CITY COUNCIL MEETING
JUNE 7, 2011**

Pursuant to adjournment of the City Council meeting held May 17, 2011, and the call of the Mayor, the Driggs City Council met in regular session **Tuesday, June 7, 2011**, at 7:00 p.m. A roll call was taken and present were council members: Greer Jones, Colin Dye, George Mosher and Jay Mazalewski, Mayor Dan Powers, Planning and Zoning Administrator Doug Self, Public Works Director Jared Gunderson, and City Attorney Stephen Zollinger. Mayor Dan Powers led the Pledge of Allegiance.

MINUTES TO REVIEW

Council Members reviewed the minutes from the previous City Council Meeting. Council Member Mazalewski made a correction.

Council Member Mosher made a motion to approve the minutes of the May 17, 2011 City Council Meeting as amended. Council Member Dye seconded the motion. The motion passed with all in favor.

CLAIMS REVIEW

Council members reviewed the claims.

Council Member Jones made a motion to approve the claims as presented dated May 18, 2011 through June 7, 2011. Council Member Mosher seconded the motion. The motion carried unanimously.

SHERIFF'S UPDATE ON ANIMAL CONTROL

Sheriff Liford began the discussion by stating his concerns regarding peddlers. Recently, some peddlers had been arrested or have had a criminal record, causing concern for the community. He suggested requiring peddlers to be licensed, ensure they comply with the sales tax and business license requirements and require a background check from the Sheriff's Department. Sheriff Liford also suggested that Home Owners Associations erect signs within subdivisions for no solicitation. Stephen Zollinger reviewed those persons or groups that may be exempt from this type of requirement such as Girls Scouts or church groups.

Sheriff Liford went on to discuss animal control. He attended the National Animal Control Convention in Reno, NV and had more suggestions and ideas on the subject. He felt that all dogs should be licensed and should be as easy as possible for dog owners. He also felt that in doing so, fines could be higher for those dogs not licensed. He's asked businesses to provide coupons with the dog licenses and felt this would not only help local businesses but would allow owners to recover the license fee.

Sheriff Liford explained to the Council the pros and cons of administrative and personal citations. With the proper enforcement, Sheriff Liford felt that the amount of sheltered

dogs would decrease and believed that while having an animal control officer was beneficial, it would not aid in the problem if enforcement was not present.

Sheriff Liford further explained the fines he felt should be incorporated. An unlicensed dog would have a high fine and the owners could be sent to a hearing officer rather than a judge. He explained the differences between the two.

As of last week, dogs were not to be brought to the animal shelter, Sheriff Liford informed the Council. Council Member Mazalewski questioned the cost of an animal control officer. Sheriff Liford responded by stating it would depend on the amount of equipment, if the employee was part time or full time and if they were to receive benefits or not. He felt there were other options that would work just as well and asked that the Council “think outside of the box.”

PUBLIC HEARING – 7:30PM- ORDINANCE 323-11: FARM ANIMALS IN NON-AGRICULTURAL ZONES

Doug Self presented information to the Council stating that the Planning and Zoning Commission had acted on a request from the Council to develop this ordinance. He explained that the ordinance was broken into 3 types of farm animal groups, based on size. Within each group, a maximum number of animals, setbacks for the coups and containment yards, land area and other restrictions were stated.

Mr. Self reviewed the nuisance and cruelty to animals provision. He then read section E.1 which stated that if a neighbor filed a complaint, it was the owners’ responsibility to find a solution or remove the animal(s) from the property. In this, Mr. Self stated, the neighbors were paramount.

Council Member Jones questioned the non conforming section. Mr. Zollinger stated that agriculture and livestock uses had been protected by the State of Idaho. Those with animals that fell under this ordinance would be grandfathered and only overcome if they presented life safety or health issues.

Mayor Powers opened the Public Hearing at 7:58pm. There were no comments and the Public Hearing was closed.

Council Member Jones made a motion to suspend the rules and read by Title only Ordinance 323-11. Council Member Mazalewski 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.

Council Member Jones made a motion to consider Ordinance 323-11 as third read and approve it. Council Member Mosher seconded the motion. The motion passed with all in favor.

CONCERNS ON MOBILE, TEMPORARY AND SEASONAL VENDORS – MARIE TZANNETAKIS

Marie Tzannetaski spoke to the Council and requested the permanent removal of the seasonal and mobile vendors within the city limits. She also asked that temporary vendor licenses be given for 8 days instead of 14 days. She explained the research she had done with a Jackson, Wyoming vendor ordinance and felt that businesses in Driggs were struggling to survive without additional competition from those that did not have the “brick and mortar expenses.”

Mr. Self stated he would like to amend the ordinance to further restrict seasonal and temporary vendors. However, he felt those participating in the Farmer’s Market should be exempt.

Berry McKay, the coordinator for the Farmers Market, spoke to the Council. He stated that this year, those participating in the market must be from the valley.

Mr. Zollinger stated the city could not restrict interstate commerce unduly, but could discourage with higher fines. He concluded by stating that the city should choose their parameters. The discussion concluded by suggesting the Planning and Zoning Commission begin to work on amendments for the ordinance.

RAD PROPOSAL

Dave Hudacsko spoke to the Council and reported on the changes to the proposed franchise agreement as well as answers to questions that had been discussed in the past.

Mr. Zollinger did not feel that a recycling could be considered a necessary health and safety issue. Therefore, the city could not enter into an exclusive franchise agreement with RAD Recycling. He also wanted to ensure the proposed contract did not state that another entity, such as a trash collector, was restricted from picking up recyclables. Mr. Zollinger continued to explain the difference; wet garbage is a health and safety issue while recyclables do not pose an imminent threat.

Mr. Zollinger suggested the city proceed with the proposed contract after withdrawing the exclusivity language. Mayor Powers suggested that Mr. Hudacsko amend the agreement to move forward in the process.

PLANNING AND ZONING REPORT

‘Cut-Through’ Traffic in Shoshoni Plains – Possible actions

Mr. Self stated concerns from Shoshoni Plains residents regarding traffic driving through the Shoshoni Plains Subdivision to get to Ski Hill Road had been voiced. He stated the long term solution was to connect 1000 North to Ski Hill Road but in the short term, he suggested increasing the Sheriff patrol in the area.

Bob Anderson spoke to the Council. He gave suggestions regarding the placement of barricades to slow traffic or changing the stop signs to decrease speed. Discussion of stop sign placement began and Council Member Mazalewski suggested looking at traffic patterns before changing the placement. He also felt that increasing traffic enforcement would help the problem as well.

Teton Valley Farmer's Market – Current Policy and Possible Amendments

Mr. Self stated there were other business owners that were concerned with the Farmer's Market and the vendors having similar items as businesses in the city. Mr. McKay was requiring all vendors have a local product that was made in the region. He also put a limit on the number of vendors in the market.

Council Member Mazalewski suggested that the Council make a regulation to show businesses that the city was trying to assist in the economy. It was suggested that 25% of the merchants be craft vendors.

Council Member Mazalewski made a motion to allow the Teton Valley Farmers Market to use the facilities with the condition that no more than 25% of the merchants were craft oriented. Council Member Dye seconded the motion. The motion passed with all in favor.

Project Updates

Mr. Self reported on the pathway project, stating the pathways excavation limits and the setbacks. The contractors were working on the drainage issues at the elementary school and had options to fix the issue. He further discussed the special work that was needed along the LDS property to ensure the trees were saved as well as the area around Creekside Meadows.

There is an irrigation line directly under the pathway at Creekside Meadows and a quote had been requested to see about reconnecting an irrigation line. Mr. Self stated that it was a Pathway and Irrigation Easement and was unsure if the city had legal rights to require that the property owner move the line. He questioned what amount the Council would be willing to spend on this change. Mr. Self felt \$4,000-\$5,000 would cover the extra project.

Council Member Mazalewski made a motion to authorize the Mayor to negotiate the relocation of the irrigation line at Creekside for the pathway not to exceed \$4,000. Council Member Mosher seconded. The motion passed with all in favor.

Mr. Self updated the Council on the Main Street Project. Mayor Powers stated that the intersection of Main and Little should be opened to normal traffic with a working traffic light. Council Member Mazalewski questioned if the catch basins had been included in the work as discussed in previous Council Meetings. Mr. Self stated a change order would need to be done to complete that.

The pathway to Valley Centre should get funded for construction in 2014 and the Safe Routes to School pathway was currently being designed and discussed.

Mr. Self stated he received the tree inventory for the Parks Committee. Scott Cullins is interested in being the Chair of the Parks Committee. Mr. Self recommended appointing

in so that the Park Committee can resume. Patrick Burke, from the Public Works Department, was another potential member, Mr. Self stated.

Mayor Powers stated he would appoint Scott Cullins as Chairman for the Parks Committee.

AIRPORT AGREEMENTS

Mayor Powers stated he'd like approval from the Council to sign a "No Cost Land on Airport Memorandum of Agreement" which stated the City of Driggs must operate the airport and not interfere with its operations.

An amendment to the contract with HDR Engineering was also needed to change the funds by approximately \$21,000. Mayor Powers questioned where the funds were coming from to cover the costs of the Master Plan. It was determined that detailed information should be obtained from Lillian Bowen.

AIRPORT BOARD APPOINTMENT

Mayor Powers reported that he received interest from Charles Jones, James Jackson and Mike Etchemendy to be on the Airport Board. He met with Mr. Jones and Mr. Etchemendy and felt they were well qualified. Yuki Kobayashi would like to be reappointed for another 3 year term. Mayor Powers stated Lou Christensen's term was also expiring and he would like to nominate him to the alternate seat.

Council Member Dye recommended that if Mr. Christensen was an alternate that Charles Jones fills that position as he felt Mr. Jones was would great on the Board.

Yuki Kobayashi spoke to the Board and voiced his thoughts on the new Board members. He felt all were good candidates and would also like to see James Jackson on the Board as he was well qualified and have Mike Etchemendy replace a future board member. He further explained his interest, stating that Mr. Jackson often attends the board meetings. It was discussed to have Mr. Jackson fill Delwyn Jensen's appointment when Mr. Jensen leaves the Valley.

Council Member Dye stated that he did not have a problem with Mr. Christensen, but if the others were pilots and involved in aviation, he would rather see them on the board. Yuki stated that Mr. Christensen was a great historian as he knew airport's record and wanted to see him involved.

Mayor Powers stated he met with Mr. Etchemendy and Mr. Jones and was very comfortable with them. He felt having pilots on the board was a benefit but also was concerned as opinions from the general public should also be heard and taken into consideration.

Council Member Dye made a motion to appoint Yuki Kobayashi and Mike Etchemendy to three year terms, Charles Jones to fill Josh Wach's term which expires in

2012 and Lou Christensen to fill the alternative seat for a three year term. Council Member Jones seconded the motion. The motion passed with all in favor.

PUBLIC WORKS REPORT

Jared Gunderson reported on general information regarding the Public Works Department. He questioned if Council Members would like to attend the AIC training in Boise.

DISCUSSION OF ORDINANCE TO PROHIBIT TEXTING WHILE OPERATING A MOTOR VEHICLE OR BY PEDESTRIANS CROSSING A PUBLIC RIGHT OF WAY

The Council decided to table this item to another meeting.

MAYOR'S REPORT

Mayor Powers stated there were three requests for water bill adjustments from people who had water leaks over the winter and discovered them in April. He explained that in the past those with leaks were billed at the same rate for the same gallon usage as the previous year. Amy Smith recommended that MXU meters be installed so that monthly usage could be monitored.

Discussion of the Powder Valley water bill began. Mayor Powers stated that they requested approximately a \$5,000 credit. Mr. Gunderson stated he informed the Powder Valley Home Owners Association of the leak in January. Council Member Dye felt that if they were notified and had been receiving monthly water bills, a credit in the full amount should not be given. Council Member Mazalewski suggested giving a credit for December and January usage.

Mayor Powers stated he talked with the Teton Valley Business Development Center regarding the E Center proposal. He felt that instead of working around the county's proposal, the city should do something that is focused on Driggs. Council Member Mazalewski was concerned that if it was only focused on the city, other influences would be missed. Mayor Powers responded stating that the County had not seemed willing to participate. He also realized the importance to recognize the connections in the area as well as in Wyoming and wanted to try to have a complete proposal sooner rather than later.

Council Member Mosher felt the analysis should move forward. Council Member Mazalewski was agreeable to having the analysis focused on Driggs but felt that it should have encompassed the entire community.

ADJOURNMENT

Council Member Mazalewski made a motion to adjourn. Council Member Dye seconded the motion. The motion passed with all in favor and the meeting was adjourned at 10:36p.m.

ATTEST:

Sonya Adams, City Clerk

Daniel J. Powers, Mayor