

ORIGINAL IN RED

**City of Stanley
Regular Council Meeting Minutes
March 10, 2011**

Mayor Mumford called the City Council meeting to order at 6:05 p.m. Thursday, March 10, 2011 in the Stanley Community Building.

IN ATTENDANCE FOR THE CITY:

Mayor Herb Mumford, Council President Steve Botti, Councilman Frank Juiliano, Councilman Lem Sentz, Councilwoman Laurii Gadwa was present by phone at various points in the meeting, City Police Officer Pete Isner and City Clerk Erin Fisk.

OTHER ATTENDEES:

Melinda Hadzor, two Challis High School boys (did not sign attendance sheet), Charlie and Christy Thompson, Gary and Sari O'Malley, Neil Anderson, Jocelyn Plass, Anna Means w/the Challis Messenger, Leilani Jones, one of the elder Forsgren boys, Ellen Libertine, Nicole Johnson with an unknown female friend; Becky Cron and Celina Moreno arrived at approx. 6:10pm; Noel Sitton arrived at approx. 6:25pm; Tim Cron arrived at approx. 7:10pm.

AGENDA AMENDMENTS: None.

PUBLIC HEARING:

MAYOR COMMENTS/UPDATE:

The 2nd Annual Stanley Sled Dog Rendezvous is this weekend March 12-13. The first race begins around 10:00am behind the Mountain Village Lodge. Flyers with the venues and schedules of events are posted around town. We anticipate a lot of last minute entries on Friday. Should be a good turnout and a very fun event. The Mayor wished to extend a big thank you to Councilman Juiliano and all the other volunteers involved in the 2nd Annual Winterfest. Councilman Juiliano named James Denhart, Brett Wooley, John Graham, and many others who donated their time. The Mayor said they all did a very good job. Mayor Mumford also thanked everyone who planned the Sawtooth Ski Fest. He had heard that the ski trails were great. The Mayor mentioned a work shop on "Doing Business with the Government" that is scheduled for March 16 or 17 in Salmon or Rexburg if anyone is interested. Registration info can be obtained from the Chamber of Commerce.

In an attempt to dispel some of the rumors and talk about town regarding some of the legal issues the city has been dealing with, the Mayor wished to make some statements. He says we have been reluctant to discuss issues of pending or current litigation but since speaking to our attorneys we have found that the issue lies more in what *they* cannot say whereas we can discuss certain issues. The reason we are bringing this up is because our legal costs have been substantial and no one is more disappointed at this than the current administration. We would rather spend money elsewhere. The Mayor says that the current lawsuits were not of the city's making. They were brought on by individuals. They are not suing for a certain amount of money. If they win they may not have to comply with some rule or regulation or in the worst case the city may have to reimburse some of their legal fees. One suit is relative to not paying the Option Tax back to the city. Mayor Mumford gives some general background on Option Tax, who is eligible to charge it, what it gets used for, etc. At no point in time does the tax money belong to the business collecting it.

They are required to collect it from customers and then remit it to the City. When we say someone is "paying" the tax they are actually "remitting" the tax. This particular individual had not paid their Option Tax for about a year and had communicated with the city that they would bring the tax current if an acceptable flood ordinance was adopted. This was back when the flood ordinance was being drafted and reviewed. These two things have nothing to do with one another and you just can't do that. Based on this and supported by the Stanley Municipal Code, this individual would also owe interest and a penalty equal to 100% of the tax owed. The 100% penalty was for willfully withholding or not remitting the Option Tax back to the City. Because of this condition, the individual chose to sue trying to get out of the 100% penalty. Law enforcement here is very important. If you don't enforce your laws, then they become meaningless. This rule has been on the books for a long time; it is not something new. This individual has also lost their business license as a stipulation of not paying taxes, interest, and penalty. Mayor Mumford states that the individual has lost this most recent suit and still owes the tax. The city clerk clarified that the tax itself has been paid; it is the penalty amount still outstanding. The Mayor agrees and says that as soon as the penalty amount is paid he would be more than happy to hand over the business license. That way we can all move on. Ellen asks if this is still an ongoing lawsuit. Mayor Mumford replies not currently, but nothing prevents the individual from appealing the loss or filing another suit. Councilman Juiliano asks if we should say what the state did for this individual and whether or not that was appropriate. The Mayor did not think we should discuss that. Gary O'Malley asked what the amount was. The Mayor did not want to go into specifics. Ellen inquires about the penalties. She did not think we were required to charge the 100% penalty. The Mayor says that the late penalty was the interest and that no, we are not required to charge the 100% but that was his reason for giving the background on the issue. In a case where someone deliberately does not turn over the tax money, the penalty applies. Ellen asks if there has been any negotiation going on with this gentleman, whom everyone knows. The Mayor said that we have had meetings with attorneys and held a hearing. The Council has also gotten together multiple times to discuss the issue to see if they would like to change their position and the answer has been "no." No reasonable offer of settlement has been received. The Council feels that this was blatant and that the law should be applied. We cannot let people who have money get off without consequences because they might sue us and then enforce the law against those who cannot afford to sue. That is not fair. The hope is that there will be an end sooner rather than later, but we cannot prevent individuals from bringing suits, whether legitimate or not. Generally, Mayor Mumford thinks the Council is becoming less inclined to accept something less than the law because of the expenses being created. Councilman Juiliano, although he said he may be wrong, seems to think that this individual is spending much more on attorney's fees than what he actually owes in penalty. Gary O'Malley says that it can be looked at from the other angle too. He said there is a principle to going after the "dirty dogs" that don't pay their taxes, but the city is spending a lot of money too. He is looking for a statement of an amount spent. Mayor Mumford says that law enforcement is never a break-even or money making endeavor. It is always very costly to enforce laws. This is somewhat based on principle. Sari O'Malley does not think that what we are discussing is the issue. This individual used the Option Tax to express frustration over the flood plain ordinance. She thinks this whole issue stemmed from the city trying to pass a flood plain ordinance. Mayor Mumford said that we had been working with this individual on the ordinance and in the end he felt satisfied with the ordinance. The Mayor restates that the two are not related and you cannot use one to leverage the other. The tax money is never yours to hold onto. Councilman

Julliano states that the council spent over four hours with this individual working on the ordinance here in the community building. Councilman Julliano says that everyone has to comply and follow the laws and the city has to spend the money to defend itself. People can harass and sabotage the city if they choose, but we do not have a choice on spending the money here on legal fees. He would much rather spend it on other more worthy community projects. Jocelyn Plass asks if we have the option to charge the individual with a misdemeanor. Mayor Mumford says we have an obligation to do so and we have initiated that. Christy Thompson asks if the city can recoup any of the costs. The Mayor says that we are trying through an award of attorney's fees, but the odds of the city being reimbursed are very slim. Municipalities are rarely granted attorney's fees. Mayor Mumford says that as of today, this is no longer an active case. Misdemeanor charges have either been levied or are in the process. After that, he may come back with another lawsuit; we cannot prevent that from happening. Gary O'Malley and the Mayor further discuss the processes taken when working on the flood ordinance to try and develop something that was acceptable to all.

The other lawsuits are from a different individual. They challenged details about the city and/or county laws dealing with building permits. In the end, the city was able to work with the individual to find a way to approve the building permits and allow work to move forward. The lawsuits that are out there are seeking some other kind of satisfaction. In this case, we had a specific meeting with both parties lawyers to go over issues, had resolved the outstanding issues, shook hands and then after that the individual's lawyer withdrew as council and the individual refused to honor the agreement. Councilman Julliano (Frank) feels that the attitudes of these individuals is always "I'll sue you," or "I'm suing you," so we have no other recourse. Frank says that if the Option Tax gets voted down then property taxes will have to take over and the property owners will be bearing more of a burden. These people are really working us. Mayor Mumford also mentions that this individual has implied that they cannot get information from the city. The specific information she is referring to was information that had to be redacted prior to releasing it. That type of request has to be paid for. The info is still available and if she wants to pay for it, it will be released. One thing we learned in that situation was that we will not prepare records requests prior to receiving payment lest that person decide they do not want to pay. Redaction is done by the city attorney and the charge is the attorney's rate of pay. Gary O'Malley asks how many lawsuits we are dealing with. Mayor Mumford says that there are several lawsuits with this second individual. There are two to three with this second individual. Gary asks for a timeline. The Mayor says that he is appalled at how long these things take, but they are hopeful that we may be able to wrap things up in a month or so. The clerk says that the attorneys are currently working towards a settlement. Council President Botti understands that the origin of the issues dealing with this individual's building permits goes back to the beginning of development. Certain rules and regulations were waived or dropped in lieu of something else, there have been many permits going back to 2006 which has made it difficult to keep things straight and proceed. The whole thing has become a bit convoluted. Certain requirements should have been there and were not adhered to. The lesson is if we don't stick to what is required it could lead to problems down the road. Ellen asked if the problems arose from premature approval of the entire development and then a change in administration who did not agree with the previous permits. She was looking for more detail. The Council and Mayor declined to go into further detail because the lawsuits are still pending. Council President Botti said that it was more a question of interpretation and that the new administration did not renege on any approvals. Mayor Mumford also reminded the audience that currently all the permits this individual was seeking are approved and

active. Officer Isner wished to speak. He was impressed by the turnout in the meeting. He hoped that after the meeting the audience would come away feeling like the city officials are really trying to do what is best for the community. He hoped that they would listen to what was being said and to form their own opinions, but that they should be holding the offending individuals accountable for their actions that are causing harm to the city. He personally feels that the current administration is doing their best for the city and that if there was a way to mitigate these issues that they have been done. Mayor Mumford said that they are always trying to do what is best for the community and are not trying to tear it apart. He said that the Council and he are also very approachable and willing to listen to concerns. They are looking for ways to respect and enforce the laws while not trying to create unrest and strife, which is not their objective. He stated that bringing the Hillside Ordinance to the forefront again had arisen out of a town hall meeting where interest in what one might look like was expressed. The objective is to get rid of contradictions and conflicts in the current ordinance. Plus, this is just a first draft and is by no means a final. It has brought about a lot of conversation and that is a good thing. The Mayor says that they cannot get something going without a draft on the table. He also reiterates that they need people's comments to be more specific; don't simply say you don't like it. Give examples of new or proposed language; give the Council something they can work with. There will be more drafts; this is still just the first one. Neil Anderson said that he was at the town hall meeting and felt there was little interest in the Hillside Ordinance. Council President Botti said the meeting was in early December sometime and that there was some interest expressed by those few who attended. Sari O'Malley and Neil Anderson disagree. Sari said she listened to the audio and there was nothing about the hillside ordinance. The Mayor notes the disagreement and says that one way or the other, if the overwhelming feeling from the community is that they do not want any kind of hillside regulation, then the Council will listen to that. He reminds everyone that we are a ways away from a final draft still and for people to submit specific comments. Councilman Juliano asked if we know how many lots would be impacted by the ordinance. We currently do not know for sure; the number would include undeveloped lots as well. Councilman Juliano thinks we should try to find that out. There is some discussion with Charlie Thompson regarding whether the ordinance would affect existing properties. Mayor Mumford said that at this point in the meeting, they did not want to get into details about the ordinance since it will be discussed later. He feels there will be plenty of time to revise and discuss changes to the ordinance.

PRESENTATION:

Sari O'Malley – she wished to follow-up from the last council meeting where the conditional use permits were discussed. Regarding the dust issue, her husband Gary got together with the Van Der Wal's and discussed the dust problem. John Van Der Wal had reiterated again that the majority of his issue with the rental properties close to him revolved around the dust. Gary and Sari will be taking the lead in an effort to get all the property owners of Merritt Lane together to re-gravel the road this summer. Council President Botti said that he had also discussed this with the Van Der Wal's and he commends the O'Malley's for taking the initiative to solve the problem.

Charlie Thompson – wished to comment on the proposed hillside ordinance. He said he appreciates all the hard work done by the Mayor and Council. He says that the proposed ordinance raises anxiety in the community. He feels that the ordinance will be expensive as proposed with up to six different required engineering reports. He thinks the safety and welfare of the citizens could be taken care of in five (5) easy steps, which he plans to outline. #1) A Structural engineering plan for any structure

going being erected, whether a retaining wall or building to ensure that it will stay up. He thinks that any serious builder would do this anyway. #2) Ask for a safe road to drive on with a defined width already in the ordinances or review the uniform building codes for more detail. #3) A plan to ensure that erosion will not occur based on accepted engineering standards versus an engineering study. #4) A timeline to re-vegetate, landscape or stabilize. He would suggest 18 months. #5) Possibly a bond in case something happens. It should be in case the builder causes erosion or something that impact someone else. He said the city would have to do studies if we wanted to grade the roads next year. He thinks these five things would be good to start with. He also noted that the proposed ordinance would drop out the 38 foot façade. He feels that building upwards lessens the footprint and impact to the surrounding land. Mayor Mumford understands the scare issue that new ordinance can create, but the dialogue has to start somewhere. He really appreciated Charlie's specific comments.

COUNCIL COMMENTS:

COUNCIL ACTION ITEM LIST:

No current updates were provided.

CONSENT AGENDA:

Council President Botti makes a motion to approve the consent agenda. Councilman Juiliano had a couple questions about the bills, but can come in another day to go over them. Councilman Juiliano 2nd; all approved; none opposed; motion passes.

BUILDING PERMITS:

Mountain Village/Stanharrah Inc, Building Permit #786 – The Mayor and Council take a moment to review the plans. Councilman Juiliano asked if planting trees and/or shrubs are part of the plan. Neil Anderson says that landscaping is not part of the current plan. The first thing is to get the pads in. Neil says that the spaces are approximately 400 feet from Highway 75. The RV's should not be able to be seen from the highway although the RV's will be able to see the river. Council President Botti makes a motion to approve the permit in order to move along the discussion. Councilman Juiliano 2nd. Now it is open for discussion. Botti says there is a technical issue, but we should think about it. RV pads are not currently listed as a permitted use in the Commercial District, although maybe they should. They are currently only allowed in Residential C. He thinks that we could go ahead and approve the permit, but technically it would be a variance and therefore a public hearing should be held if we are following the municipal code. Councilman Juiliano thought that the Council had already given Neil a preliminary approval previously. This was talked about a couple council meetings ago. RV pads are not prohibited in the Commercial District, but they are not expressly approved. Anything not on the list of permitted uses in the code would require a variance, whether a bowling alley or a movie theater. Botti does not necessarily want to hold up the permit, but they current code seems to intend that RV's should be one place and not another. Councilman Juiliano is concerned over having already given pre-approval and is not sure we can or should now not approve since it's already been discussed. Jocelyn Plass asks about the RV pads proposed for Mtn. Village versus at the Mayor's business. The pads at Valley Creek Motel have been there for a very long time, before the ordinance was written. Officer Isner brings up the rules for RV spots such as length of stay, etc. Councilman Juiliano clarifies with Neil that these are nightly rentals, not being used for employee housing. Thompson Peak Trailer Park has people on longer stays versus nightly. Botti says there are a number of requirements in the Residential C District that

dictate how the pads/sites should be set up. Those will not be there for the Commercial District. This is part of his concern. The Mayor does not have an issue with the design or the location as proposed. Jocelyn Plass asked if someone can park their RV at her house. The answer is yes but for not more than 5 consecutive days. That is defined in a different ordinance. Botti thinks it should be handled as a variance with a public hearing. It can be scheduled right away and this way the public is allowed to comment prior to it being approved. Noel Sitton says that she is not opposed to the RV pads going in but that the process needs to be detailed. Officer Isner agrees. Monday March 28th is the earliest date we could hold a hearing in order to meet the standard noticing requirements. Neil was hoping for a decision tonight. The Mayor agrees that this is the proper procedure to follow. Council President Botti would prefer to not see any irreversible work done on the project prior to the hearing. Councilman Juiliano noted that if we do not follow proper procedure we open ourselves up to issues later on. Certain people around town have been known to "put us on notice" if something is not done correctly. Sari O'Malley does not understand the process. She thought that when Neil brought it up a couple of months ago she felt that the Council was in favor of it. Council President Botti said that it was discussed, but there was no formal approval. After that meeting they went back and did their due diligence in researching the code and found that there may be an issue and that a variance should be applied for. RV pads or spaces are not listed as a permitted use in the commercial zone. Doing it as expeditiously as possible, Monday March 28 will be the soonest we could have the hearing. Neil asks about the cost. There will be a charge for the publishing of the notice and mailings. It is decided the hearing will be March 28 at 5:00pm followed by the Special Meeting to vote on the application.

Chamber of Commerce, Request to re-paint tourist information sign blue – The Clerk did not think that a formal permit would be necessary, but that the color might need to be approved. The signs are the city's signs hung up at the Community Building. Ellen had a sample of the color. It is the universal color blue that is used all over the world to signify tourist information. Ellen says that she will be asking James to volunteer for the Chamber and re-paint the sign. Councilman Juiliano thinks that something else needs to be done to get the Chamber noticed when people are driving by. Ellen says that painting the sign is an interim solution. He doesn't think that a blue sign is enough to get people's attention. No one on the Council has an issue with the color. Charlie Thompson mentioned the issue with the larger sign and finding a solution and possibly sharing the cost with the Chamber to get the big sign replaced.

Ellen gave the Chamber report. They are focusing on the Dog Sled event right now trying to get the word out. Councilman Juiliano had a couple things to mention. "60 Minutes" apparently came and interviewed Ron Gillet about the wolf issues. At least now they know about Stanley. Frank also stopped at the Idaho Sportsman's Expo show. He thinks that we missed a big opportunity by not being involved in that. This as well as some of the area fairs might be a good place to do some advertising and get our name out there. He mentioned that a billboard on Fairview Avenue in Boise has about 76,000 cars per day drive by it. Maybe we could look into this. A lot of people may not be paying attention, but some of them are. Facebook is great but people need to be educated and invited here. He thanked many people for all the help with the Winterfest. Frank asked where the Chamber President was. Both Tim and Ellen said that he is in constant contact with them and is very closely involved whether he is here or not. He attends meetings via Skype if he can't physically be available. Tim invites Frank to attend the Chamber meetings. Frank also asks about the much discussed communications plan and marketing plan that

has been mentioned multiple times and have not seen a thing. Ellen asks who they talked to about this. Herb says the plan was talked about maybe a year ago when Greg Edson was with the Chamber. This is the first Ellen has heard about it. Herb says this is part of the frustration that it was talked about so long ago and she hasn't been informed. The idea is to have individuals or businesses fill out and submit forms with their event idea or request to the Chamber. Once the Chamber reviews the forms and decides to pursue, then the communications plan would help them get the word out by directing the Chamber who to contact, where, and when to make sure that all the bases are covered for three months out, one month out, etc. Herb agrees that perhaps they should attend the Chamber meetings when they can. Frank feels that as council members they put in a lot of time inside and outside meetings. Neil says that as Chamber board members they put in a lot of time too. Herb says that it takes cooperation on both sides.

LAW ENFORCEMENT: (Officer Pete Isner)

Pete mentions that he might be able to get a blue tourist info sign from Idaho Transportation Department to put up on Highway 21 to help direct people to the Chamber. He thinks it might be free. Pete said he can check into this. The timing is good because lots of signs get replaced after the winter, maybe in May or June. He says that not a lot is happening on the trails. No major incidents and no injuries during the Winterfest. There were some safety concerns with Winterfest but he thinks those are being addressed. He thinks we need to look into a public intoxication ordinance versus an open container ordinance. He thinks this is the better way to look at this issue. They have some new goals for next year and are looking forward to it.

STREETS AND ROADS: (Mayor Mumford)

CEMETERY: (Councilwoman Laurii Gadwa)

CITY PARK:

Ride Idaho – they are requesting a waiver or reduction in the park rental fee as well as a waiver of the no overnight camping ordinance. With this group they are planning to donate back to the city in lieu of the park rental fees. We are to come up with ideas for a community project and they will work on funding it. The donation would be around \$1500-\$2000. For example, in Lowman the group is buying new helmets for the volunteer fire department. Melinda Hadzor noted that their average age is 55. She is working on catering for them during their stay. Councilwoman Gadwa was not present at this point in the meeting, but she submitted some comments with the Clerk. She was ok with waiving the fees with the understanding that they would be making a contribution back to the city. She was concerned about the time of year. 70% of the riders in the group are from out of state which is a good introduction to Stanley. This is a large group who travels with their own support team, shower trucks, storage, etc. Officer Isner mentioned clarifying what actually is the Park when renting it out to large groups. We don't want them to spread out into the Chapel area or beyond. There are maps that we could provide them with to keep them contained. When camping, they are in town between Noon and 5pm and then out the next day by 7:30am. They are only here for a brief period. Councilman Juiliano makes a motion to waive the fees and suspend the overnight camping ordinance. Council President Botti 2nd; all approved; none opposed; motion passes.

Bike and Build – Councilwoman Gadwa submitted comments in favor of a reduction in the fees. She did not feel that this particular group was benefiting business in the

city of providing much of a service. Mayor Mumford noted that we are trying to show support for their cause by helping them out with the fees. This is a much smaller group, around 30-35 young adults. Officer Isner does not think that we should be waiving any park fees. The waiver for Ride Idaho was based on the fact that they will be giving back in the form of a donation. There is greater benefit for the community there. It is brought up that perhaps they could help us with our affordable housing issue, since that is their cause. Other suggestions for how they could contribute to the community are mentioned. Mayor Mumford does not think having them do community service during their stay is feasible. The question is whether or not we want to waive the fee to support their cause. Both groups are non-profit organizations. Councilman Juiliano makes a motion to waive the fees. He thinks we should look closer at this issue though. Council President Botti 2nd, but suggests the possibility of reducing the fee versus waiving it. We could ask for half the fee. Councilman Juiliano amends his motion to approve a reduction to half the normal fee and to waive the no overnight camping ordinance. Council President Botti 2nd; all approved; none opposed; motion passes.

COMMUNITY BUILDING: (Mayor Mumford)

Sawtooth Ski Club – request to waive the community building fees for the Ski Festival. This is after the fact, but they will work on getting it to the clerk earlier next year. The building has been checked out and everything looked good. They did a good job cleaning up. Council President Botti makes a motion to waive the fees. Councilman Juiliano 2nd; all approved; none opposed; motion passes.

Ride Idaho – request to waive fees for community building on August 7 and August 12. They may not need the building but would like to reserve it as back-up. Melinda Hadzor says they may do it at the Stanley High Country Inn if the weather is nice. Council President Botti makes a motion to waive the fees. Councilman Juiliano 2nd; all approved; none opposed; motion passes.

AD HOC COMMITTEES:

- Groomer Committee: (Mayor Mumford/Gary Gadwa) – maintenance issues are ongoing. The season is almost over as well. Trails should still be in good shape although a little mushy.
- CEDA Report: (Mayor Mumford) – did not receive a print-out from the Mayor this month. Still working on the Community Center project. They are looking for clients who might want to rent space in the building. The funding for the Executive Director, Jolie Turek, has been approved by the state. They see that they have been doing good work. This will cover her operating costs along with contributions and other funds. The state is the largest funding source.
- Gem Committee: (Charlie Thompson) – Charlie did not have a report at this time, but said he would work on getting out and talking to people and then will follow up with the Mayor. Mayor Mumford said that Jolie Turek with CEDA would help see if we could get a grant or some pro-bono work to work in creating an integrated park plan. That plan will help get specific grants in the future for different parts of the park.
- Chamber of Commerce: (Ellen Libertine) – This was dealt with earlier in the meeting.

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- Code Review: (Council President Botti) – Councilwoman Gadwa is contacted by phone. She had wanted to participate or at least listen in on this portion of the meeting. Council President Botti would like to propose a work session on the Hillside Ordinance to discuss a lot of the details. We will have to have at least one hearing on the ordinance also and possibly more work sessions. A lot of comments have been received although some are not very well informed about what is in the ordinance. Perhaps people are hearing 2nd or 3rd hand. CP Botti says there is nothing in the proposed ordinance that will prevent development in Stanley. It can't happen because the purpose of the ordinance is to lay out appropriate standards for building on hillsides, not to preclude it. The Mayor says that preventing development is definitely not the intention. We can debate what the appropriate standards are, but that is for the work session or the public hearing. Boise, Hailey, Ketchum, etc. have much more restrictive standards in their hillside ordinances and yet development continues there. As far as issues of a taking, that is moot because the standard for a taking is that the city would have to prevent any beneficial economic use of the property. It is a very high standard. By setting appropriate standards we are not preventing economic use. What we need to get down to is discussing the specific standards. We are looking for the minimum standards to achieve the goals of the Comprehensive Plan and to establish standards for safely constructing buildings on hillsides and ensuring that the lots are suitable for development. That is the purpose of the various engineering reports. How thorough those need to be is up for debate. Some are fairly simple and not hugely costly. A lot is still up for debate though. We need to start with common goals and objectives such as safety. At least one builder in town has said that we do have reason to be concerned about soil stability, hydrology, etc. High water table and soil structure gives cause for concern. Another main purpose for the ordinance is to preserve the scenic resource values of Stanley; mitigate the ridgeline view impact. Visual intrusion into the skyline detracts from the aesthetics in town. This is an objective in the Comprehensive Plan. This is also open for debate. There are different ways to accomplish this. We are not proposing that there should not be any development on ridgelines. How far we go with this is open for discussion. We have to balance the costs of these things and this is a big part of the concern. If the cost is minimal than it's probably worth it. If the cost is immense then we may need to revisit the issue. A couple other specific items: one issue that has come up is the height issue. The Council proposes that for buildings that do not have ridgeline view impacts, shall have a viewable façade of 28 feet or less unless there is a daylight basement in which case the viewable façade can be 38 feet. The current city code 17.40.032 allows for the same height requirements. So, almost the exact wording on the new ordinance as compared to the current city code. If there are ridgeline view impacts then there would be differing requirements. Another issue was on restoring hillsides. We've had some issues and some complaints about at least one lot in town that has been abandoned and has not been restored. We decided to add some provisions to take care of this issue. C.P. Botti reads the wording suggested in the proposed ordinances. Are these provisions appropriate? Are the concerns valid? These are the types of specific discussions we need to have versus a lot of emotional responses about having property rights taken away. C.P. Botti says that he is very open to any suggestions about how to restructure the ordinance as long as we are reaching our goals and objectives. Mayor Mumford reiterates again that the intent of the ordinance is not to prevent development. This is not

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their objective and not their motivation. The city wants to enable construction but with practical regulations to preserve the safety and aesthetic of the area. The development needs to be intelligent development. Ellen thinks we are talking about people with a very high income and she wonders what will happen to all the young people. Will we never have young people in town who can afford to build? She just thinks that we need to keep this in mind. Mayor Mumford reminds Ellen to provide specific comments as well on the ordinance if she sees issues with particular provisions. Charlie Thompson asks if there will be engineering studies required or could he use engineering standards? There is a big price difference. Using engineering standards means that he could copy what the state has on the books for standard engineering practices versus having to hire an engineer to produce a formal study. He knows that this draft ordinance is a starting point, but he would like to clarify this issue. He thinks that you would be into upwards of \$30,000 for all the studies required. He thinks that engineering standards would be adequate and a good place to start. He points out that the city would also have to comply. C.P. Botti says that what are in the ordinance are common engineering standards. He says that in this ordinance we backed off quite a bit from some of the stricter standards. He says to look at the standards for building on hillsides in Boise in the foothills. Ellen brings up the young people in town again and that those in Boise have professional jobs and those here do not. C.P. Botti agrees that there is an affordable housing problem, but that most the young people in town could not even afford to buy a lot around here much less build a single-family home unless they inherited money or inherited the lot. In discussions with builders, they brought up that we do not enforce building codes in the city. They were curious why that wasn't happening. C.P. Botti is willing to consider these new suggestions. Gary O'Malley appreciates the spirit that C.P. Botti has been conveying. He also mentions that there are provisions for hillsides in the code today but they are only for subdivisions not individual lots. The proposal is to bring the regulations to all lots. There are only a few regulations for individual lots including re-vegetation, retaining walls, and erosion control during and after building. This is shift to private land owners. C.P. Botti says we need to discuss the logic behind the requirements. Most of these issues should be concerns for individual lots not just subdivisions.

Councilwoman Gadwa was on the phone listening in to the discussion. Now we need to choose a date for a work session to work on some of these specific issues. The Council is looking at planning within the next two weeks. Gary and Sari O'Malley do not think that two weeks would be enough time for people to comment. They think a month would be better. Mayor Mumford says that we have to get away from trying to plan everything when everyone can attend because it is not feasible. Not everyone will always be able to participate no matter what date we choose. He hears the concern though. We may have to have more than one anyway depending on the amount of input we get during this first one. Councilwoman Gadwa does not think that we should wait a whole month. She feels it would be best to hold the work session while much of this is fresh in our minds. C.P. Botti offers to prepare some preliminary documents to use during the work session. After much deliberation, it is decided that the work session will be on April 11, 2011 at 10:00am. Written comments will be due by April 6. The clerk will get the most recent draft up on the city website Monday. Charlie asks what we are doing to get the word out to people who don't live here. We will have the draft on the website, we post notices around town, and the clerk is building a

fairly extensive email list with names of those people interested in hearing about city business. The city will not be mailing a letter to every property owner in town. We disconnect with Councilwoman Gadwa.

UNFINISHED BUSINESS:

NEW BUSINESS:

Chamber of Commerce request for 2nd quarter Option Tax funds – Council President Botti makes a motion to approve the request. Councilman Sentz 2nd; all in favor; none opposed; motion passes.

Sawtooth Music Festival – they present their requests for the 2011 event (see attachment in council folder). Basic requests include waiving the no overnight camping ordinance, suspending the open container ordinance for the duration of the event, helping out by watering the sagebrush areas if it is dry during the event, and waiving the requirement that all the vendors apply for a Stanley business license. C.P. Botti and Councilman Sentz met earlier with the SMF representatives, Nicole Johnson, along with Officer Isner. With the open container, there is probably a need to define the specific area where the ordinance will be waived. It should be confined to the Park proper, not the Chapel or School area. The city could put together a map to show the appropriate areas. Officer Isner agrees. Nicole asks that we keep in mind that they are considering allowing camping in the parking area over by the park maintenance shed and ice rink. They would like to allow open container over there as well. Officer Isner would like to keep the tents on the ice rink proper area not “willy-nilly” everywhere in that area. Nicole would like to see people back up to the ice rink area and have tents only on that area with parking on the rest of it. She thinks they can have more people attend the festival. Officer Isner had suggestions for where to confine the camping, such as between Airport Road and the groomer shed. C.P. Botti suggests including in the motion that “the city will propose the areas to be used in cooperation with the Sawtooth Music Festival” rather than try to work out all details right now. Officer Isner would like to see the city require temporary vendor permits to help follow up on Option Tax payments. C.P. Botti thinks that if we require those here than possibly the Mountain Mama’s and others would have to do it as well. The Mountain Mama’s are actually grandfathered in or rather written specifically into the code as being exempt from the license provision. C.P. Botti is not opposed to waiving the licenses. Mayor Mumford agrees and would rather waive it for both. We do, however, need a way to keep track of the Option Tax. Nicole explained how she keeps track of the vendors and that they pay their taxes. She has forms she provides them and sends in to the state and then the state takes it from there. She can provide the vendors with the Stanley Option Tax info as well. She understands the possible need for the licenses but she already has trouble getting enough food vendors. Anything that makes something more difficult, people don’t want to do. The clerk will just get a list of vendors from Nicole and use that to keep track of who pays their Option Taxes. Gary O’Malley would like it emphasized for participants to stay off of private land and to use the port-o-pots so that the land owners by the park don’t have to go pick up toilet paper after the event. Nicole says that they will have plenty of port-o-pots and they will be cleaned out during the event. Nicole thanked the Council and Mayor for allotting them \$500 to go towards expenses. This was discussed during budget talks last year. Nicole says they are also thinking of having a shuttle for concert participants and possibly only allowing overnight parking in the park. They have talked to some of the shuttle companies and some businesses in town about where to park the cars. They have approached Mountain Village. Officer Isner suggests the “K-Mart parking lot” along Highway 75 approx. ¼ mile from the junction. Melinda Hadzor thinks that if they

don't allow people to park at the Park then there will be a parking issue in town. Nicole does not think it will be a problem. Officer Isner requests to be able to meet with their security people or head of security prior to the start of the event. They can try to work something out. Council President Botti makes a motion to waive the prohibition on overnight camping for the park, waive the requirement that vendors have a Stanley business license, waive the part of the open container ordinance allowing people to walk with open containers in Pioneer Park and that this is conditional upon the city preparing a map designating where the camping and open container areas are in cooperation with the Sawtooth Music Festival. Councilman Sentez 2nd; Councilman Juiliano asked about the city receiving the camping and parking fees. C.P. Botti said that was not discussed during their meeting. Nicole says that that is not really feasible for them to do. She feels that for all the work they do that is not a possibility and that revenue is important to their event and so that they can give some money back to the community. Last year they gave \$4200 to the Library. This year the first \$2500 will go to fund the Missoula Children's Theater program for the Stanley School and the remainder will go to the Chamber of Commerce. They are hoping for at least another \$2500 for the Chamber. Nicole says that giving the city the revenue from the camping and parking is not feasible unless the city were to do all the work in organizing that portion of the festival. If we wanted to do that then it might be a possibility. The Mayor calls for a vote on the motion. All in favor; none opposed; motion passes. The festival is also working on an emergency management plan. The Mayor thanks them for working with us every year and trying to improve.

The Mayor proclaimed June 18 as Arbor Day 2011 in the City of Stanley. This is done so that we might be able to obtain a grant for trees and planting materials every year.

CITY CLERK REPORT: (City Clerk/Treasurer Erin Fisk)

OPTION TAX REPORT: (City Clerk/Treasurer Erin Fisk)

TREASURER REPORT:

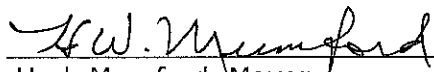
State Investment Pool, Check Register, Accounts Receivable and the monthly budget reports (budget to actual) were provided to the Council and Mayor for review.

EXECUTIVE SESSION:

CITY ATTORNEY: (Paul Fitzer, Stephanie Bonney, Carl Withroe)

ADJOURNMENT:

There being no further business, Mayor Mumford adjourned the City Council meeting at approximately 9:24pm.


Herb Mumford, Mayor

ATTEST: 
Erin Fisk, City Clerk

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