

February 12, 2015 Council Meeting

## City of Stanley Regular Council Meeting Minutes February 12, 2015

### **IN ATTENDANCE FOR THE CITY:**

Council President Steve Botti, Councilmember Lem Sentz, Councilmember Melinda Hadzor, Councilmember Laurii Gadwa, City Clerk/Treasurer Cari Tassano, police officer Ron Pumphrey, maintenance personnel Greg Wallace, Mayor Herb Mumford was not present.

### **OTHER ATTENDEES:**

Gary Gadwa, John Phillips, Gary Cvecich, Wayne Butts, Katherine Butts, Sharon Browder, Mark Wilson, Erin Wilson, Sandy Kingslien and John Rember.

### **CALL TO ORDER:**

The meeting is called to order by Council President Botti at 6:05 p.m.

### **AGENDA AMENDMENTS:**

None

### **CUSTER COUNTY COMMENTS:**

Custer County Commissioner Wayne Butts will speak later in the meeting.

### **COUNCIL COMMENTS:**

None

### **CITIZEN PARTICIPATION:**

John Phillips: the classical music on the public radio station in Stanley has changed. He is unable to find classical music on the new broadcasting schedule.

John Rember: is against the National Monument and opposed to the City taking ownership of the 4 acres of land considered in the land transfer for housing. He feels developing the land would be very expensive and thinks we are messing with the property values in town. John feel this is a building block for possible slums being created in Stanley.

Gary Gadwa: read two letters opposed to the 4 acre land transfer. 1<sup>st</sup> letter was written by Gary Gadwa and the second letter was written by the Sawtooth Interpretive & Historical Association addressed to Mike Simpson. Both letters expressed their concern with the historic barn that is included in the proposed land transfer. The barn is being considered on the national register of historic places and cannot be moved. Another concern is the elk wintering areas and the land transfer disturbing their winter range. Gary's letter gave alternative locations that he feels would be better suited for low cost housing.

Mark Wilson: is in support of the 4 acres land transfer and stressed the need for affordable housing in the City of Stanley.

Council President Botti mentioned there are 2 letters that were received by the City Council regarding different topics: speed control in town on HWY 21, water control on the back alley behind the Redd Restaurant, and the proposed music festival 2015.

Council President Botti explained we will not be reading these letters tonight, but the council will review the letters and determine if these issues need to be brought up or read in a future meeting. Councilmember Gadwa mentioned we also have letters regarding the proposed land transfer which will be discussed later in the meeting.

**COUNCIL ACTION ITEM LIST:**

None

**CONSENT AGENDA/MEETING MINUTES:**

January 12, 2015 work session and Payment approval Report. Councilmember Gadwa made a motion to approve consent agenda. Councilmember Hadzor seconds. All approve. Motion passes.

**LAW ENFORCEMENT:**

Custer County Sherriff's Report was noted by the City Council.

**COMMUNITY BUILDING:**

Custer County has requested use of the Community Building for a school election on March 10, 2015, requesting that all fees will be waived. Councilmember Gadwa made a motion to approve Custer Counties request with all fees waived. Councilmember Hadzor seconds. All approve. Motion passes.

**PIONEER PARK:**

City of Stanley has submitted a grant to the Land and Water Conservation Fund. A copy is in the City office if anyone would like to review the grant application. The grant is for a total of \$197,000.00 for portions of phase 1 for the Ice Rink in Pioneer Park. This grant application is for matching funds. The City will have to submit approximately \$98,500.00 if awarded the grant, during the course of the work. The City will use option tax money to pay the \$98,500.00. We will not know if we were successful in obtaining the grant until July 2015. Council President Botti stressed the opportunities this grant will have for the City of Stanley.

**STREETS AND ROADS:**

Council President Botti comments that the snow plowing has been going well but, that the snow is dissipating fast with the current warm temperatures during the day.

**AD HOC COMMITTEES:**

CEDA: None

Cemetery: None

Code Review: None

Sawtooth Interpretive & Historical Association: We will see some work starting under the museum.

Groomer: Snow is melting fast. Groomer is trying to keep the un-melted snow groomed.

Chamber of Commerce: None

**OLD BUSINESS/NEW BUISNESS:**

Draft of the new MOU with the Division of Aeronautics: Council President Botti has presented to the City Council a draft of new MOU for review, this was discussed in the January 12, 2015 work session. Council President Botti will be meeting with all parties in Boise on the 19<sup>th</sup> of February. Botti asked the City Council if there were any changes that needed to be added to the new MOU, if so, he will need those by next Thursday. Councilmember Gadwa mentioned she will look it over and get back to Council President Botti.

Sled Dog Race: Council President Botti explained that right now there is not enough snow to start the race on Mountain Village Property as in years past, as it stands now we will start the race on Nip N Tuck. All road crossings that were originally planned are now cancelled due to lack of snow. There will be a meeting on the morning of the 23<sup>rd</sup> to address whether there is enough snow to have the race on February 28<sup>th</sup> – March 01<sup>st</sup>. City Clerk reported she is in close contact with the Forest Service regarding the Forest Service permit.

Proposed Transfer of Approximately 4 Acres of US Forest Service Land to the City of Stanley supporting work force housing within the SNRA Plus bill:

- Council President Botti opened the discussion with some background on work force housing in Stanley. This has been an issue for the City of Stanley for decades. Congressman Simpson has had land transfers in his bills prior to this wildness bill. Originally we were requesting to have geothermal property transfer to the City of Stanley in the bill, unfortunately that was not accepted, but the land transfer for work force housing was accepted within the bill. Botti has supplied a copy of the proposed language within the bill along with maps showing the location.
- Wayne Butts County Commissioner gave background on housing in Stanley since 2001. Originally Commissioner Butts was against the CIEDRA bill; which this property was in the original bill, but he is now in support of the SNRA Plus bill. He stresses that this proposal is for work force housing, this is not for indigent housing. The housing would be supplied to working families' not unemployed families.
- John Rember is concerned that the pay would not be sufficient for employees to be able to afford living in the work force housing. He worries about what will happen in years to come with different administrations. He wants to make sure the County and the City have considered all unintended consequences. Commissioner Butts explained that there would be significant planning involved and this will be a long process to finalize, of course, the first step would be to get the land. Council President Botti pointed out that there are no time restrictions on building the work force housing and if the land was transferred it would take a lot of planning and it would be necessary to find the appropriate funding. Botti also emphasizes that all these question are important, but without knowing if the bill will pass it is too preliminary to have discussions on the details of constructing housing.
- Gary Gadwa mentioned alternative housing locations again. Gary feels that another alternative is the employers need to supply housing for their employees. Councilmember Hadzor mentioned, as an employer, she does not have a way to supply housing, she has to rely on the foreigners that are

brought into the area, if not for the foreigners coming in she would not have the staff necessary. Erin Wilson also commented on the importance of housing in Stanley, because of the lack of housing families are not willing to come to Stanley to work. Council President Botti points out that that there are not any communities close enough to Stanley for a work force to commute.

- Council President Botti addressed the letters that the City received regarding the proposed land transfer: Paul Hill is in support of. Joe Gallagher mentioned some building obstacles and is not in favor of it at this particular site. Mandy Clark is in support of. Jeff Clegg is in support of. President Botti received a phone call from Jack Stevens who was involved in the original CIEDRA process and opposes the 8 acres on Benner Street, but supports the current transfer.
- Council President Botti asked the City Council if they would like to vote on whether they are in support of the SNRA Plus bill. The City Council decided not to vote on this tonight and would like to wait until they see the final bill from Congressman Simpson before giving a final vote.
- Gary Gadwa had some final comments regarding the wintering elk with a housing project going up, he feels the elk will be displaced. Erin and Mark Wilson disagreed with Gary and they do not feel this proposed project would interfere or cause any interruption with the wintering elk.

**BUILDING PERMITS APPROVED BY CITY CLERK:**

None

**BUILDING PERMITS/CITY COUNCIL APPROVAL:**

Building permit #847 – New Construction – This building site does not encroach in the wetlands per the Army Corp of Engineers. Councilmember Gadwa made a motion to approve Permit #847. Councilmember Sentz seconds. All approve. Motion passes.

**CITY CLERK REPORT:** (City Clerk/Treasurer Cari Tassano)

The auditor was here on February 2, 2015 and is sending an email to Mayor, Herb Mumford for final approval. The City Clerk submitted a request for a scholarship to attend the Mountain West Institute March 25-27, Councilmember Gadwa made a motion to approve the City Clerk attending the Mountain West Conference with or without a scholarship. Councilmember Hadzor seconds. All approve. Motion passes.

**EXECUTIVE SESSION:**

Councilmember Gadwa makes a motion to go into Executive Session as per Idaho Code 67-2345 (1) (c) at 7:31 p.m. Councilmember Hadzor seconds. Roll call Vote was taken by City Clerk: Council President Botti – Aye; Councilmember Gadwa – Aye; Councilmember Hadzor – Aye and Councilmember Sentz – Aye. All approve. Motion passes.

The Council took a quick break and at 7:36 went immediately into executive session.

Councilmember Gadwa moves to adjourn executive session and go into regular session at 8:11 p.m. Councilmember Hadzor seconds. Council President Botti –

Aye; Councilmember Gadwa – Aye; Councilmember Hadzor – Aye and Councilmember Sentz – Aye.

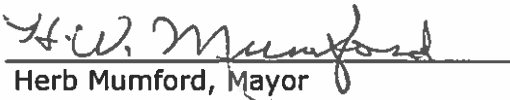
**REGULAR SESSION:**

Councilmember Gadwa asked which two council members would like to meet with Nothing but Love, LLC, on Tuesday, February 17, 2015 regarding music event in Pioneer Park this summer that was voted on in the January 15, 2014 Council Meeting. Councilmember Sentz and Councilmember Hadzor are both available and will meet with Mr. Fowler at 3:30 P.M. All letters of concern pertaining to the music event will be supplied to the council members for discussion with Nothing but Love, LLC.

Councilmember Sentz gave some additional thoughts for the council on the land transfer. The City Council thanked Council President Botti for all his hard work that he has done in the last two months on various issues with the city and the land transfer proposal.

**ADJOURNMENT:**

Council President Botti adjourns the meeting at 8:14 p.m.

  
Herb Mumford, Mayor

ATTEST:   
Carl Tassano, City Clerk

Noted attachments follow:  
Draft of MOU with Division of Aeronautics



# **Memorandum of Understanding (MOU)**

**between**

**The City of Stanley**

**and**

**The Idaho Transportation Department  
Division of Aeronautics**

WHEREAS, the Idaho Transportation Department's Division of Aeronautics owns and controls the Stanley Airport located in Stanley, Idaho; and

WHEREAS, the City of Stanley operates the Sawtooth Valley Pioneer Park, which adjoins the Stanley Airport property; and

WHEREAS, the USDA Forest Service has in place a conservation easement on this property, between Stan Harrah and the United States signed September 14, 2000, Custer County Instrument Number 0221690, and continuing with the Division of Aeronautics; and

WHEREAS, the City of Stanley is promoting increased, year round recreation opportunities in the community and surrounding area; and

WHEREAS, the Airport property north and west of the actual airport improvements (i.e., the runway, tie-down area, vehicle parking area, etc.) trends downhill towards a ravine and into a lower area that is unlikely to present any navigation hazards to aircraft using the Airport; and

WHEREAS, the City of Stanley desires to connect the Redfish Lake-Stanley Trail from the south boundary of Pioneer Park into downtown Stanley.

WHEREAS, the Division of Aeronautics is not opposed to the limited, described use of certain Airport property insofar as the Division of Aeronautics, the Idaho Transportation Department, and the State of Idaho are each fully protected from any liability or financial obligations of any kind;

NOW THEREFORE, to facilitate the interests and desires of the City of Stanley as described above, and to provide adequate protection for the Division, Department and State, the aforementioned Parties have agreed to enter into this Memorandum of Understanding ("MOU").

**AUTHORITY:** This MOU is entered into pursuant to the authority of Idaho Code §§ 67-2326 to 67-2333, 67-2339, 21-206, 21-111 and 21-142.

**EFFECTIVE DATE:** This MOU shall become effective upon signature of the Administrator of the Division of Aeronautics and the signing authority of the City of Stanley.

**DURATION OF MOU:** Unless otherwise terminated by either Party, this MOU shall be in effect for a period of ten (10) years from the Effective Date. Either Party may terminate the MOU prior to the established term by giving thirty (30) days written notice, by certified mail with return receipt requested to the other Party. If the City of Stanley is determined to be in material breach of any of its obligations pursuant to this MOU, the Division of Aeronautics may immediately suspend access to any Airport property and request MOU termination at its discretion.

**DISCLAIMER OF LIABILITY:** The City of Stanley acknowledges and agrees that the Division, Department and State have no obligation to provide for signing or safety related to the access or uses provided herein. The Division's sole interest in conjunction with the Airport property is to provide for aeronautical access and use. Any impairment of this interest will justify immediate suspension of access pursuant to this MOU.

**INDEMNIFICATION:** The City of Stanley shall indemnify, save harmless and defend regardless of outcome the Division, Department and State from expenses of and against suits, actions, claims, losses of every kind, nature and description, including costs, expenses and attorney fees that may be incurred by reason of the grant of access and use to the City pursuant to this MOU.

**CONSERVATION EASEMENT:** All uses of the airport property specified in this MOU are subject to approval by the U.S. Forest Service under the conservation easement signed September 14, 2000, Custer County Instrument Number 0221690, or if in conflict with the conservation easement, by special use permit between the U.S. Forest Service and the Idaho Transportation Department, Division of Aeronautics.

#### **ACCESS TO AND USES OF THE AIRPORT PROPERTY**

1. Under the auspices of the City of Stanley, residents and visitors may traverse the property at appropriate places and participate in certain recreational activities on the property. At no time and in no way will such access or use be allowed if it conflicts with the primary aeronautical use of the Airport, if it creates a danger to the public, or if it may cause significant or permanent damage to the property.
2. The allowable and acceptable access includes the use of snowmobiles and snow grooming equipment when the ground is adequately covered with snow (snow depth at the extreme north end of the runway must reach a minimum of ten inches (10") prior to grooming or use of the trail).

3. The City may install jumps or half-pipes for use by skiers or snowboarders. These may be formed from snow without the installation of above-ground structures.
4. The city may install and maintain summer trails across the property primarily for foot and bicycle traffic, but may also have occasional horse traffic.

#### RESPONSIBILITIES OF THE DIVISION OF AERONAUTICS

1. The Division shall make available to the City a twelve (12) foot wide seasonal easement for the limited purpose of establishing and maintaining a snowmobile trail through a portion of the Airport property, as depicted on Attachment A.
2. The Division shall make available to the City a twelve (12) foot wide easement for the purpose of establishing and maintaining a summer trail as an extension of the Redfish Lake to Stanley Trail into and through Pioneer Park, as depicted in Attachment B.
3. The Division shall issue a Notice to Airmen (NOTAM) with the Federal Aviation Administration (FAA) in October of each year, requesting that general aviation pilots be aware of snowmobiles adjacent to the Airport. Said NOTAM shall be cancelled upon termination of each winter's snowmobile activity.
4. The summer trail improvements are intended to include a branch to the aircraft tie down area to facilitate foot traffic of persons arriving by aircraft who want to walk into town. The Division will provide appropriate signage where the trail reaches the tie down area to warn those on the trail of the danger of aircraft operations in the area.

#### RESPONSIBILITIES OF THE CITY OF STANLEY

1. The City shall ensure that snowmobile access into and upon the Airport property shall be limited to the area to the west and north of the airport access road across airport property, the vehicle parking, and aircraft tie down area at the north end of the runway. That limitation is to preclude snowmobile access upon or adjacent to the runway, aircraft parking area, and airport vehicle parking area.
2. Snow depth on the extreme north end of the runway as outlined in Attachment A must reach a minimum of ten inches (10") prior to grooming and use of the trail.
3. The City must clearly mark, by appropriate temporary means, the access trail as outlined in Attachment A. All marking must be approved by the State. The trail must be groomed, marked and maintained.



4. The snowmobile access route noted must be randomly monitored and patrolled by local law enforcement officials to ensure that users of this access are not encroaching onto the Airport's runway surface. The City shall ensure that such monitoring is conducted at least weekly. Monitoring and enforcement may involve, but is not limited to, officials from the City of Stanley, Custer County, U.S. Forest Service, Idaho Department of Parks & Recreation, and the Idaho Department of Fish & Game.
5. The entire route as outlined in Attachment A must be clearly marked with speed limit signs, which will comply with appropriate City Code or Ordinances. In no event shall the allowable speed limit along this access route exceed twenty (20) miles per hour. The City must ensure enforcement of the speed limit through agreements with Custer County, the U.S. Forest Service, the Idaho Department of Parks & Recreation, or other agencies. The size of each sign must be a minimum of fifteen inches by eighteen inches (15" x 18"), and must be laminated or otherwise protected from the elements.
6. The routes noted in Attachment A and Attachment B must be clearly marked by signs instructing users to remain on the trail, e.g. "Stay on Trail". Such signs must be a minimum of fifteen inches by eighteen inches (15" x 18"), and must be laminated or otherwise protected from the elements.
7. In no event shall the City cut or remove trees on any portion of the Airport property except for standing dead trees that may be a hazard to summer or winter trail users.
8. No rocks/boulders shall be moved or displaced without express written authorization from the Division of Aeronautics.
9. When all snow has melted from the Airport in the spring of each year, or by May 1<sup>st</sup>, whichever occurs first, the City shall inspect the entire access route as well as adjacent areas, and shall remove all debris that may have been left as a result of access users.
10. City shall not plow snow from any portion of the Airport property without express written permission from the Division of Aeronautics.
11. City must publish and make available to users of the access route, a map or other means of notification so that all users will be aware of the location of the airport runway and tie down areas relative to the access route trails.
12. The City shall be solely responsible for conduct of any sledding, tubing, skiing or snowboarding activities.
13. The City shall be responsible for obtaining adequate waivers of liability so as to protect the Division, the Department and the State from any claims stemming from any sledding, tubing, skiing, snowboarding or other snow-related activity.

14. Pursuant to this MOU or as otherwise requested by the Division, the City shall remove any feature which relates to sledding, tubing, skiing, snowboarding or other snow-related activity.

15. The City shall be solely responsible for the conduct of activities or summer trails.

16. The City shall be responsible to ensure compliance with any and all regulatory requirements that are or may be imposed because of the Airport's proximity in or near the Sawtooth National Recreation Area ("SNRA"). Without limitation, this may require notice to or approval from the managing ranger.

EXECUTION: This MOU is executed by those persons in authority to bind the respective Party entity.

IDAHO TRANSPORTATION DEPARTMENT, DIVISION OF AERONAUTICS

BY: \_\_\_\_\_  
Division Administrator

DATE: \_\_\_\_\_

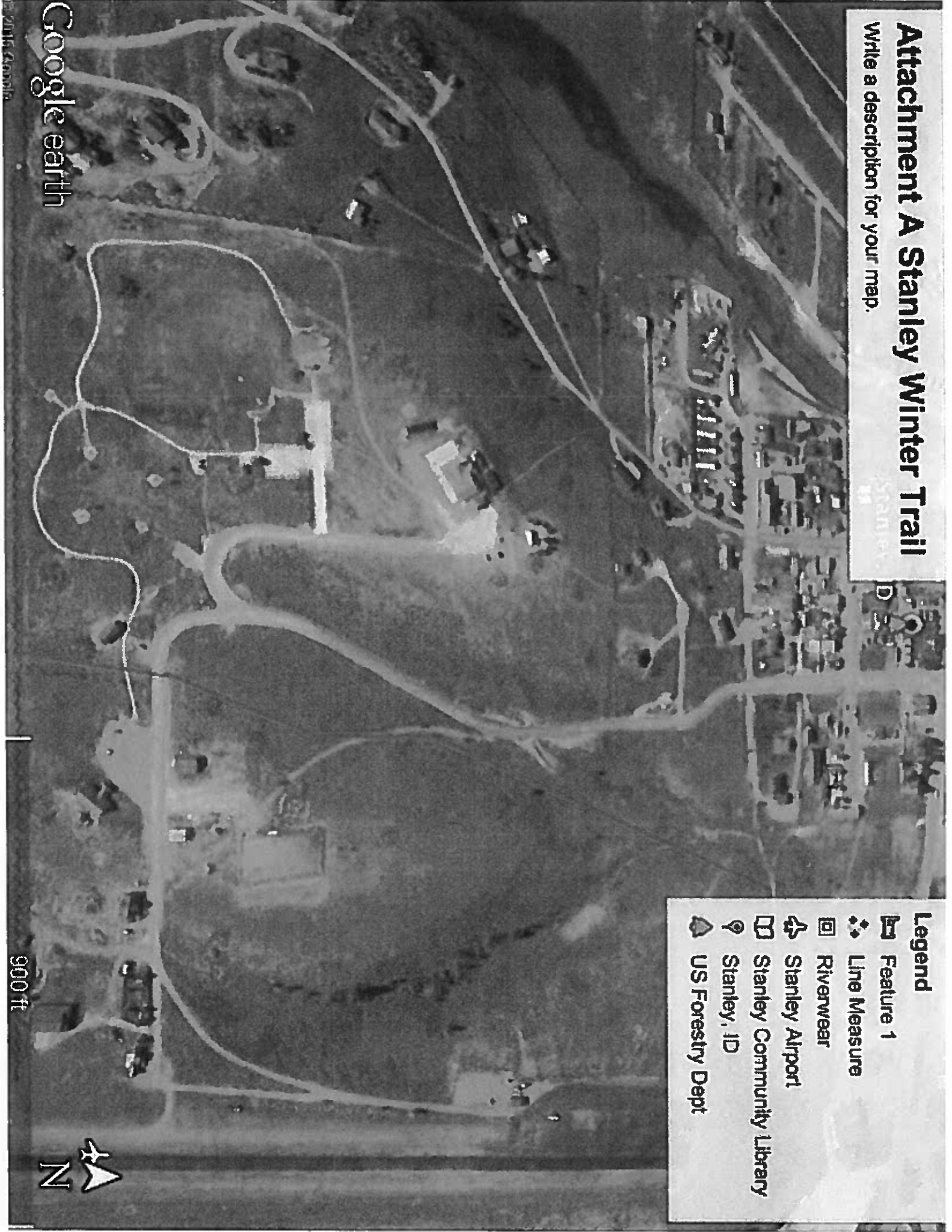
CITY OF STANLEY

BY: \_\_\_\_\_  
Mayor

DATE: \_\_\_\_\_

# Attachment A Stanley Winter Trail

Write a description for your map.



- Legend**
- Feature 1
  - Line Measure
  - Riverwear
  - Stanley Airport
  - Stanley Community Library
  - Stanley, ID
  - US Forestry Dept

Google earth

900 ft



© 2015 Google


# Attachment B Summer Trail

Write a description for your map.

**Legend**

- Feature 1
- Line Measure
- Riverwear
- Stanley
- Stanley Airport
- Stanley Community Library
- Stanley land transfer
- Stanley, ID
- US Forestry Dept

Google earth

1000' 

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