

APPROVED

**City of Stanley
Council Meeting Minutes
December 20, 2018**

IN ATTENDANCE FOR THE CITY:

Mayor Steve Botti, Council President Laurii Gadwa, Councilmember Lem Sentz Councilmember Tim Cron, Councilmember Austin Clegg, and legal counsel Paul Fitzer. All answered to roll call. City staff members included: City Clerk/Treasurer Cari Tassano and Greg Wallace maintenance personnel.

OTHER ATTENDEES:

Kent May, John Hall, David Danserem, Michael Garz, Andrew Fosbinder, James Denhart, Alison Beechert, John Graham, Mandy Clark, Sari O'Malley, Jeff Welker, Brett Woolley, Gary Gadwa, Josh Franks, Rachel Zero, Judy Wallace, James Fowler, Tom Curet, Greg Schoby, Jason Bosely, Charlie Thompson, Greg Scottie, Kent May, John Hall, Michael Gars, Bill Nicholson.

CALL TO ORDER:

The meeting is called to order by Mayor Botti at 1:08 p.m.

AGENDA AMENDMENTS:

None

MAYOR COMMENTS:

None

COUNCIL COMMENTS:

Councilmember Gadwa moves to change the order of the agenda so that out of town individuals may go first. Councilmember Clegg seconds. All approve. Motion passes.

CITIZEN PARTICIPATION:

None

COUNCIL ACTION ITEM LIST:

None

CONSENT AGENDA:

September 13, 2018 Council Meeting, September 27, 2018 Special Meeting and October 11, 2018 Council Meeting. Payment approval report – unpaid and prepaid bills for October/November. Council President Gadwa moves to approve the consent agenda. Councilmember Cron seconds. All approve. Motion passes.

LAW ENFORCEMENT:

The City Council is in receipt of the written report from the Custer County Sheriff's office. The Council acknowledges the report.

COMMUNITY BUILDING:

James Denhart is requesting use of the Community Building with all fees waived on each Tuesday of the week from 12:00 p.m. to 1:00 p.m. for playtime for preschool kids during the winter months. Council President Gadwa moves to approve the

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rental with all fees waived. Councilmember Cron seconds. All approve. Motion passes.

PIIONEER PARK:

Nothing but Love, LLC permissions and requests for the 2019 Sawtooth Valley Gathering on 7/24-7/29, 2019. There are two new items being requested that the City Council is concerned with: the silent disco from 2:00 to 4:00 a.m. Thursday – Sunday and live music on Sunday. Mayor Botti informed Fowler that all participants must stay west of the stakes in the Ice Rink area and stay off of Division of Aeronautics property. There will be a coordination meeting with the City maintenance personnel and the SVG staff on Wednesday 7/24. The rental fee was discussed and was being requested to have this large event negotiated to be no more than what was charged last year. Councilmember Clegg expressed his concerns with the SVG being in July each year. When the event first started it was in August but was moved to July due to other events in Stanley, Fowler expressed his reason why it is advantageous to continue with the July dates and does not wish to change it. Councilmember Cron moves to approve the SVG music Event in July with a negotiated rate that will remain the same as last year, striking request 2 - music on Sunday and striking request 8 - silent disco. Councilmember Sentsz seconds. All approve. Motion passes.

Stanley-Refish Trail connector: We were hoping to apply for a grant for this trail this year. We were unable to do this due to too many loose ends:

1. Conservation easement with Forest Service (special use permit).
2. Memorandum of understanding with Division of Aeronautics (draft in packets).
3. Mountain Village: have trail run across the corner of their property enabling us to connect to the east end of Critchfield.

Stanley Curling Club Annual Agreement. Council President Gadwa moves to approve the curling club agreement. Councilmember Sentsz seconds. All approve. Motion passes.

Stanley Skating Club Annual Agreement. Josh Franks, President expressed what he would like to see happen next winter: we need a larger sistrern installed up at the Ice Rink, there are certain conditions the water truck cannot be used. Franks will come to our next budget meeting so this can be considered. Council President Gadwa moves to approve the Stanley Skating Club agreement. Councilmember Cron seconds. All approve. Motion passes.

STREET AND ROADS:

None

AD HOC COMMITTEES:

Cemetery: none

Code Review: none

Sawtooth Interpretive & Historical Association: accepting applications.

Groomer: Started grooming yesterday; we need more snow.

Chamber of Commerce: working on shoulder season.

BUILDING PERMITS APPROVED BY CITY CLERK:

None

BUILDING PERMITS/CITY COUNCIL APPROVAL:

Building Permit #909 - Arnold, Rebecca and Thomas – 765 Eva Falls Avenue, Lot 5 Mountain View Subdivision. Mayor Botti briefly explained: this permit is to place fill on the east side of Lot 5, right below Ace of Diamonds Street. This permit is similar to building permit #831 that was litigated previously. This case went to the Idaho Supreme Court and the city prevailed.

Attorney Paul Fitzer also summarizes: the request to add gravel to an existing driveway on Lot 5, there is no existing driveway on Lot 5, there was illegal placement of fill (without following any of the ordinances of the City of Stanley) that was done without a building permit. After the fact, building permit #831 was submitted, requesting approval of the fill that had already been placed on the east end of Lot 5 and on the city street right-of-way without a valid building permit and plat amendment. It was denied; Arnold sued the City of Stanley, the District Court found in favor of the City of Stanley, then she appealed this case to the Idaho Supreme Court, the Supreme Court found in favor of the City of Stanley.

Fitzer legal determination conclusion:

1. Application does not meet SMC 15.04 requirements demonstrating good engineering practices related to fill compaction and other measures to prevent collapse and or erosion of fill material.
2. Application does not comply with hillside development requirements of Title 17 of SMC because the 26% slope far exceeds the threshold of 15% defining a hillside in Title 17. In the subdivision plat application and subsequent building permits the applicant stated that there would be no hillside development, but fill was placed on a steep hillside and still remains there. Permit #909 would place more material on this hillside even though the previous fill was placed in violation of the City code.
3. Providing an access driveway onto Lot 5 from Ace of Diamonds requires a plat amendment for the Mountain View Subdivision because this access was not envisioned in the preliminary plat and final plats, which depicted access to lot 5 via an access road from Highway 21. A plat amendment would also require compliance with the hillside subdivision requirements in Title 16 of the SMC.
4. Arnold previously dumped fill material on the city street right-of-way without permission and attempted to have that approved in building permit #831, which was denied and subsequently litigated. Permit #909 still does not address the hillside development requirements for this fill.

Council President Gadwa makes a motion to deny BP #909 incorporating the staff review and the articulation by our attorney. Fitzer: to supplement Gadwa's motion: The application is incomplete because it fails to demonstrate good engineering practices as it relates to fill material and or erosion and compliance with title 17 and title 15. One of the ways that good engineering practices can be demonstrated is by compliance with the hillside ordinance provisions, this can be done any number of ways, to demonstrate this steep downhill driveway be constructed to protect public health and safety.

1. Failing to satisfy 15.04 engineering good engineering practices, in its absence the council has serious concerns of the public health and safety, what is requested to be done and what has already been done illegally at this location.
2. To have a driveway coming off of Ace of Diamonds that is not depicted on the preliminary plat requires a plat amendment. Preliminary plat provides for access

into lot 5 from HWY 21. The addition of another driveway off of Ace of Diamonds coupled with the access road coming off of HWY 21 constitutes a material change to the preliminary and final plat and requires a plat amendment where the public would have a chance to testify in a public hearing regarding the potential interconnectivity of a commercial lot thru lot 5.

3. Recognition that she already has vested access off of HWY 21, not entitled to a secondary access as a matter of right.

Council President Gadwa would like to incorporate these comments into her motion. Councilmember Sentz seconds. All approve. Motion passes.

Building Permit #910 – Arnold, Rebecca and Thomas – 355 Benner Street, Lot 7 Meadow Tract Subdivision. Council President Gadwa moves to table BP #910, in order for the Arnolds to resubmit a revised site plan with these specifications: site plan showing the terminus of the driveway on lot 7, no flareout onto Benner Street, engineering of the gravel and maintaining the integrity of the drainage and grading on Benner Street. Councilmember Cron seconds. All approve. Motion passes.

OLD BUSINESS/NEW BUISNESS:

Bill Nicholson with the ITD Highway Avalanche Safety gave an annual overview of the SH-21 Avalanche program and then opened it up for questions. Interesting facts: in 1999 to 2008 the average snow pack was 227", highway was closed on an average of 42 days. 2009 to Current the average snow pack is 313", highway was closed on an average of 17 days.

Tom Curet, Regional Supervisor with Idaho Department of Fish and Game came to explain the confusion with the Steelhead Season. Greg Schooby Fish Biologist stated Effective December 7th the steelhead season was suspended. It was suspended due to lack of the necessary Federal Permit. Effective December 14th due to negotiations most areas were reopened.

Mountain Village Resort R.V. and Tent Camping Proposal requesting special event camping be allowed on Mountain Village property during the Sawtooth Valley Gathering. Councilmember Cron moves to approve the R.V. and tent camping proposal. Councilmember Sentz seconds. All approve. Motion passes.

Inmyarea.com is requesting to have a listing on our city website. The Council doesn't see the benefit for the residents of Stanley. Council President Gadwa moves to deny this request. Councilmember Cron seconds. All approve. Motion passes.

Draft Ordinance revisions; Title 10 Parking and Traffic Regulations. Mayor Botti points out this is something we have been talking about for several months now. The parking regulations for Stanley were written in 1976 with minor updates since then. Traffic and parking in the downtown core have changed dramatically. As he has stated before there were at least 144 vehicles parked in the downtown core on certain days in the summer months after the Stanley Baking Company was closed. We have no control on how people park or where people can park, including large vehicle. Botti points out some of the highlights that is in the current draft: Section 10.08.020 parking and traffic plan, which states, "by resolution, the city council may adopt a parking and traffic plan to designate the manner of public parking on city streets, including areas where parking is permitted and is not permitted, the loading and unloading zones, prohibitions on parking in manners that obstruct traffic (e.g.

pedestrian and bicycle rights of way, alleys, loading and unloading zones), on all city street rights of way". By approving this ordinance, we would be allowed to create this parking plan and change the parking plan by resolution, Section 10.08.060 residential parking permit may be needed so we need to consider if this is something we would like to have in the ordinance, Section 10.08.070 Public parking lots are another consideration. We need to think proactively here, before these things get worse.

Botti proceeded to a large map of the downtown core to discuss potential considerations and received public input from several community members. The conversation quickly turned to enforcement. The public stated that they are not seeing any enforcement and several people feel we are not receiving a benefit for the exorbitant fee we pay for this contact, simply stated "not sure how long we have had this contact; I have yet to see where you're getting your money worth out of any of it". A resident has phoned Custer County Sheriff's office (non-emergency) for parking concerns (that is correctly posted) and have been told nothing can be done.

Draft Ordinance Design Construction and Repair Standards, for Public Works Construction. Proposes to adopt Idaho Public Works Construction which we are required to do anyways. Technical engineering standards are already within these standards. Supplemental standards can be created within this code that may address some of Stanley's concerns. Regarding the driveway problems within Stanley, property owners cannot claim their whole property frontage as a driveway, of course each lot can have access. Within the draft ordinance it states, "Private Driveways: A private driveway connection to a city street shall be a maximum of 12 feet wide for a single car driveway and a maximum of 24 feet wide for a double car driveway". "In order to avoid undue obstruction of normal roadway and pedestrian traffic, and to allow adequate public parking on city streets, one driveway shall be permitted for each 200 feet of street frontage on a lot". The question was asked if someone has already claimed their whole property frontage, is it retroactive once this ordinance is passed? Per Paul Fitzer, yes, it would be retroactive.

Winterfest 2/15-2/18/19 permissions and requests. Councilmember Cron moves to approve permissions and requests as presented. Councilmember Clegg seconds. All approve. Motion passes.

Workforce Housing – 4 acres conveyance and water facility planning study. The four acres is still not conveyed to the City and it has been 3 years. We are being told this will happen this winter. The status of the barn is one of the things that is holding it up. The Forest Service completed a survey about potential hazardous material in the barn which we should know the results of soon. The barn will remain on the property and the barn of course, will be owned by the City. Do we have adequate water supply for a housing project? We are working on this and will need further reports to see if we will even have any safe water supply. A water Facility planning study is being done now. We may have to do a special use permit to drill a well on forest service property, which they have stated this could be approved.

A break was taken at 2:59 p.m.

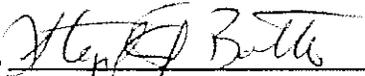
At 3:09 p.m. the meeting reconvened, next agenda item that was discussed was Pioneer Park.

CITY CLERK REPORT:

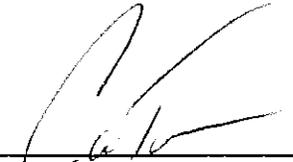
Briefly explained the priorities she has been working on:
2017/2018 Audit
New Accounting System - Quick Books
Annual Street and Roads report
Treasury report to included audited numbers
Yearend accounting reports
Yearend water testing

ADJOURNMENT:

Mayor Botti adjourns the meeting at 4:55 p.m.



Steve Botti, Mayor

ATTEST: 

Carl Tassano, City Clerk

