

**City of Stanley  
Public Hearing/Council Meeting Minutes  
April 12, 2012**

**ORIGINAL IN RED**

**IN ATTENDANCE FOR THE CITY:**

Mayor Herb Mumford, Council President Steve Botti, Council Members Lem Sentz and Laurii Gadwa, and City Clerk Doug Plass. Councilmember Melinda Hadzor was absent.

**OTHER ATTENDEES:**

Keith Reese, Craig Winstead, Ron Gillett, John Graham, Heidi Rennison, Ellen Libertine, Bill Baybutt, Alison Beechert, and Sheriff's Deputy Justin Mitchell

**PUBLIC HEARING(LOT LINE SHIFT):**

The Mayor called the public meeting to order at 5:06 pm.

The Council is considering an application by Niece Smiley Creek LLC and Sawtooth Hotel LLC to move lot lines within the commercial zone of the City of Stanley. Supporting documents are included with the minutes.

Public Testimony:

In Favor:

Ellen Glaccum: Mayor Mumford reads a letter from Ellen Glaccum that is included with the minutes.

Rebecca Arnold: The clerk reads a letter from Rebecca Arnold that is included with the minutes.

Keith Reese: After consulting with attorneys and the architect involved in the development of the property, he is confident that the shift as it is described is in compliance with the Stanley Municipal Code. Proposed building envelopes were included with the application only to show how the lot desired lot configuration was arrived at and not for any other reason. The choice of the particular configuration is informed by the goal of building a library in the most economical way possible and future plans that may include condominiumizing the property. Also the existing shop on the property encroaches into the Sawtooth Hotel property, so this shift addresses that problem. He feels that this lot configuration will facilitate pedestrian friendly access, shared open space, fire protection, and commercial development in the downtown core.

Neutral:

Alison Beechert: She would like to express her concern regarding the increase in traffic, and she often has problems with people driving through her property. There has been some confusion as to the designation of her private internal access road. County maps have in the past shown this road as being a city street which it is not. She would hope that, as Critchfield is a narrow dead-end street, parking and access could be limited to residents. She feels that using those areas for parking for the proposed development would create conflict and future problems.

**APPROVED**

ORIGINAL IN RED

Bill Baybutt: He would like to know whether the proposed access road across the property would lead to an increase in alley traffic. He also would like to see the problem of drainage addressed in the alley.

Keith Reese: He says that the road is necessary for fire and emergency access. He does not expect that it would create a main thoroughfare, but it will undoubtedly increase alley traffic somewhat. Keith agrees that drainage is a problem

Ellen Libertine: She asks if under the current code, whether the small lots would require a variance in order to be used as residential property. The Mayor replies that yes, indeed the two small lots as they as proposed would not accommodate residential use and would require a variance to do so.

No testimony against the lot line shift was offered.

The public hearing was closed at 5:38 pm.

**PUBLIC HEARING(BUDGET AMENDMENT):**

The Mayor opened the public hearing at 5:38 pm.

The Council is considering an amendment to the current year budget to include grant money received and expected as well as current projections for tax receipts.

The City Clerk outlines how these proposed changes have come about. In preparation for the workshop, he reviewed the entire budget and identified areas where the projected amounts differed considerably from the budgeted amounts. After consulting with the accountant, it was decided that the majority of the accounts did not need to be adjusted as projections did not exceed appropriations for the respective funds. However, the grant money received and expected for the Community Building heat pump system, and the donations expected for the park playground equipment replacement were exceptions. In addition, the budget for option tax receipts is overly pessimistic, and state law requires that for the city to use those monies, they must be included in the budget. The specific changes are included meeting supporting documentation.

There was no public testimony offered.

The public hearing was closed at 5:45 pm.

**CALL TO ORDER/ROLL CALL:**

The regular council meeting was called to order at 5:45 p.m.

**AGENDA AMENDMENTS:**

Councilmember Gadwa motions to amend the agenda per IC 67-2343(4)(b) and (c) to include votes on the proposed lot line shift and budget amendment as well as the mention that the City of Stanley is requesting proposals for summer streets and roads work. Council President Botti seconds. All approved. Motion Passes.

**CONSENT AGENDA:**

Councilmember Gadwa motions to approve the consent agenda without the March 8<sup>th</sup> Council Meeting minutes which are not yet completed. Councilmember Sentz seconds. All approved. Motion passes.

APPROVED

ORIGINAL IN RED

**PRESENTATION/CITIZEN PARTICIPATION:**

Craig Winstead (Candidate for Custer County Sheriff) – He has 30 year experience in the criminal justice system having work as a deputy sheriff, bailiff, patrol officer, and training officer. He was part of a drug enforcement team in Los Angeles, and worked combating the illegal use and distribution of pharmaceutical drugs in California’s central valley. He worked as a training officer with the justice department. He has written over 30 search warrants, all upheld in court. He is a professional law enforcement officer who has a great deal of training and leadership abilities. He is a strict constitutionalist who understands that law enforcement officers must be deputized by the sheriff to operate in Custer County regardless of whether they are federal officers or not. He is asking for support in the upcoming primary election.

Ron Gillett – Would like to register his support of Craig Winstead’s candidacy. He is pleased the Craig Winstead has taken time to come up and meet the community. He is not happy with the current sheriff’s department, and would like to see a change in direction. He feels that this is an opportunity make a change and make our voices heard.

**BUILDING PERMITS:**

Sawtooth Valley Rural Fire District (797) – Fire Chief Andy Gunderson would like to begin backfilling against the retaining wall. The permit is for working on the western edge of the property at this time. Council President Botti asks whether it will be possible to complete the later phases of the project due to the steepness of the wall. Andy replies that with the appropriate vegetation he will be able to cover the majority of it. The clerk read letters from Jeff Welker, Steve Hosac, Hans and Lotte Buhler, and Gary and Laurii Gadwa expressing their belief that in the interest of equal treatment for all, SVRFD should be required to mitigate the visual impact of the retaining wall. Council President Botti sees this project as a good step to begin with, and motions to approve. Councilman Sentz seconds. All approved. Motion passes.

John Graham (798, 799) – Would like to finish siding his residence and construct a palapa style structure to cover the barbecue area in the patio. Councilwoman gadwa moves to approve permit 799 with the addition that it reference the original permit for siding the structure. Council President Botti seconds. All approved. Motion passes. Council President Botti asks whether the roofing will be non-reflective on permit 798. Council President Botti moves to approve 798. Councilwoman Gadwa seconds. All approved. Motion passes. John Graham delivers his fees to the clerk.

Rennison (Amendment to 792) – Councilwoman Gadwa comments that backfill is required against two walls for a daylight basement of a building of this height and sees that this is noted in the plans, but would encourage the property owners to backfill as much as they can. Councilwoman Gadwa motions to approve the permit amendment and renewal. Council President Botti seconds. All approved. Motion passes.

APPROVED

**LAW ENFORCEMENT:** The Mayor notes that the Sheriff's report has been received from Deputy Mitchell.

**STREETS AND ROADS:**

The city of Stanley is accepting proposals for our Summer 2012 Streets and Roads Contractor. Proposal packages are available in the city office and sealed bids will be accepted until May 10<sup>th</sup>. The clerk will contact previous bidders as well.

**COMMUNITY BUILDING:**

- The Sawtooth Society requests a reduced fee for the use of the Stanley Community Room on June 4<sup>th</sup> for the Sawtooth Vision 20/20 community update. Councilmember Gadwa motions to grant a reduced fee of \$50. Council President Botti seconds. All approved. Motion passes.
- The Sawtooth National Recreation Area requests a reduced fee for the use of the Community Building for a wilderness first aid course on June 26<sup>th</sup> and 27<sup>th</sup>. Councilwoman Gadwa motion to approve the reduced fee of \$50. Council President Botti seconds. All approved. Motion passes.

**AD HOC COMMITTEES:**

- CEDA: (Mayor Mumford) CEDA report is provided and available in the city office.
- Chamber of Commerce: (Ellen Libertine) The Chamber of Commerce is currently working on fundraising, grant applications and staffing for the summer season.

**NEW BUSINESS:**

- Stanley Street Dance series - John Graham proposes a MOU that is similar to last year's with the addition of a few dates. The Clerk notes a typo on the MOU. Councilwoman Gadwa motions to approve the MOU. Council President Botti seconds. All approved Motion passes.
- Changes to pioneer park agreement to include 'reservation exclusion fees' – Council President Botti notes some recommended changes to include reference to the 'reserved portions of the park' and to require a security deposit to be received to secure the rental date. Council President Botti motions to approve the agreement with the noted additions. Councilwoman Gadwa seconds. All approved. Motion passes.
- Niece Smiley Creek LLC/Sawtooth Hotel LLC application for lot line shift – Council President Botti notes that the final plat should not include proposed buildings, and suggests that in the future a no parking zone on that end of Critchfield may be necessary. Council President Botti motions to approve the application with the understanding that building envelopes are not being approved. Councilwoman Gadwa seconds. All approved. Motion passes.
- Ordinance #186 Budget Amendment – Councilwoman gadwa motions to read by title only. Council President Botti seconds. All approved. Motion passes. Councilwoman Gadwa motions to approve Ordinance #186. Council President Gadwa seconds. All approved. Motion passes.

**CITY CLERK REPORT:** (City Clerk/Treasurer Doug Plass)

The clerk presents insurance plan alternative for the mayor and Council to consider in the future.

**OPTION TAX REPORT:** (City Clerk/Treasurer Doug Plass)

ORIGINAL IN RED

APPROVED

The Chamber of Commerce requests OT funds in the amount of \$10,000 for the first two quarters of FY12. Council President Botti motions to approve the request. Councilman Sentz seconds. All approved. Motion passes.

**TREASURER REPORT:**

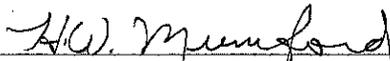
Resolution 2012-1 – The treasurer requests an updated resolution regarding the prepayment of city bills. Council President Botti motions to approve the resolution. Councilwoman Gadwa seconds. All approved. Motion passes.

The check register, accounts receivable report, investment pool statement, and monthly financials are presented.

**EXECUTIVE SESSION:** Per IC 67-2345(a) the Mayor requests an executive session. Council President Botti moves to enter executive session. Councilwoman Gadwa seconds. All approved. Motion passes. The public is asked to leave the building.

**ADJOURNMENT:**

The City Council meeting is adjourned at 7:35 pm.

  
Herb Mumford, Mayor

ATTEST:   
Doug Plass, City Clerk



**APPROVED**

**ORIGINAL IN RED**

## Stanley City Clerk

---

**From:** rebarnold@aol.com  
**Sent:** Thursday, April 12, 2012 1:41 PM  
**To:** cityclerk@ruralnetwork.net  
**Subject:** Re: Testimony for Lot Line Adjustment Public Hearing on April 12, 2012 at 5PM - Stanley City Council Meeting Agenda

Please provide copies of the following to the Mayor and Council Members and Please read the same into the official Record for the Public Hearing on the Application for Lot Line Shift involving Lots 1A, 3, 4, 5, and 6, Block 6 of the Stanley Original Townsite to be held April 12, 2012 at 5PM.

Mayor and Council Members:

With regard to the proposed Lot Line Shift Plat wherein Lots 1A, 3, 4, 5, and 6, Block 6 of the Stanley Original Townsite are Replatted into Lots 1B, 3A, 4A and 5A (herein referred to as the "Plat"), I request that the following concerns and comments be properly addressed by the City and that notations be required on the Plat as noted below. I understand that the owner intends to use a portion of the property for a new library and while I wholeheartedly support having a new library facility, the same rules and requirements should be applied to this Plat as have been applied to other properties in the City.

As the City and its attorney have repeated asserted that the City has no mechanism in the City Code to approve building envelopes or footprints (such terms having the same meaning), the Plat applicant(s) must be required to note on the face of the Plat that: "Setback lines and Proposed Building Foot Print lines shown on this Plat are for reference only. All buildings, accessory buildings and/or dwellings to be constructed on parcels within this Plat shall be required to meet all requirements of the Stanley Municipal Code in effect at the time application is made for a building permit to build any such building, accessory building or dwelling on any parcel, which requirements include, but are not limited to, setback requirements, minimum lot size requirements, parking requirements, building appearance requirements, height restrictions and other requirements." Without such a note on the Plat, the owner and/or any prospective purchaser would be misled into thinking that the buildings shown on the Plat had prior City approval. As you all well know, changes are periodically made to setbacks, parking requirements and other provisions of the Stanley City Code and applicants for building permits are required to meet the Code in effect at the time of application. Any approval, or implied approval, of a building envelope or foot print would be inconsistent with the position taken by the City in recent litigation.

In addition, depending on the use, if all the buildings shown on the Plat were actually built in the size and location shown, there is not enough land area shown outside the proposed building foot prints to meet the parking and snow storage requirements that would be required for multi-family dwellings (parking lot is required to be 70% parking, 30% snow storage) and without a note otherwise on the Plat as suggested above, a future prospective purchaser/user might mistakenly believe that the building foot prints shown could be fully built out and used for any purpose allowed in the commercial zone.

The Plat as proposed does not meet the exception to the definition of Subdivision in the Stanley Municipal Code because the proposed Plat reduces the lot size below the minimum lot size required in the Commercial zone for one of the uses permitted in the Commercial zone (specifically Lot 3A and 5A do not meet the minimum lot area of 7,200 square feet required for a dwelling). Accordingly, the applicant should be required to treat this Plat as a "Subdivision" and go through the subdivision process under the Stanley Municipal Code. My guess is that the City will ignore that requirement and approve the Plat anyway. If such approval is given by the City, in order to avoid misleading the owner and/or any future prospective purchaser, the applicant must be required to place a note on the face of the Plat as follows: "Lot 3A and Lot 5A do not meet the minimum lot area required for a dwelling and accordingly, Lot 3A and Lot 5A may not be used for any dwelling."

In discussions with the owner's representative, the owner's representative indicated that one potential use of the property covered by this Plat was office use, which is not a permitted use in the commercial zone. In order to be fair to the applicant, the public and prospective future users, the City should make it very clear during its hearing and discussion and vote on the Plat that the lot line adjustment is just that - a lot line adjustment - and that the City in approving a lot line

adjustment is only approving changes in the lot/parcel lines and any easement (utility or whatever) shown on the Plat and that any other matters discussed at the public hearing - such as potential uses, building sizes, building locations, etc - would have to go through the approval process and building permit for such matter under the Stanley Municipal Code. While I have no objection to an office use on this property (in fact I would enthusiastically support an office use), I see nothing in the Stanley Municipal code that would allow the City to approve such a use without going through the variance process.

With regard to fire safety concerns, please consider, and discuss with the applicant, the possibility of widening the alley to 20 feet from Niece Avenue proceeding West to the eastern side of the 20' driveway. Widening the alley from 15' to the 20' foot minimum driveway required for fire safety would greatly improve fire access. As this is the only opportunity for widening the alley, it is at least worth having the discussion with the applicant to see if the applicant is willing to widen the alley.

With regard to utilities, please consider a requirement that all future utilities be underground consistent with the city's stated preference for underground utilities.

With regard to stormwater drainage, the applicant's representative has stated that the applicant is willing to retain all stormwater drainage on the site and has a plan for water retention. I would like to see this on-site retention put in writing. As you are aware, stormwater drainage (both from snow melt and rain) is a big problem in the city, especially in the Spring, and the issue should be addressed. The applicant's representative had asked me several questions about potential drainage along Critchfield to my property to the West and I informed him that, *while we are open to continuing a discussion with the city about potential easements*, we have not granted any easements at this time for stormwater drainage across our property.

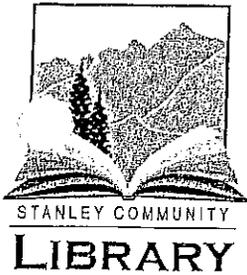
Thank you for the opportunity to provide testimony and your consideration of the above items. I will be available by phone -208-841-2530 - to participate in the public hearing and answer any questions you may have.

Sincerely, Rebecca Arnold(208) 841-2530

No virus found in this message.

Checked by AVVG - [www.avg.com](http://www.avg.com)

Version: 2012.0.1913 / Virus Database: 2411/4931 - Release Date: 04/12/12



Stanley Community Library  
33 Ace of Diamonds Street  
P.O. Box 230  
Stanley, ID 83278  
208.774.2470  
stanley.id.library@gmail.com  
www.ruralnetwork.net/~stanlib

March 26, 2012

Stanley Mayor and City Council  
Stanley, Idaho

Dear Friends:

I am writing on behalf of the Board of Trustees of the Stanley Community Library to register our enthusiastic support for the lot line change proposal to be entered by Keith Reese, on behalf of the new owners of the former Niece property.

As you know, the library is planning to move to a new building at this location this coming fall. The proposed lot line change is necessary for us to be able to purchase the property on which the new building will be sited. This specific lot line proposal will greatly benefit us financially, as it limits the amount of land the library must purchase, thus lowering our cost considerably. We strongly urge you to grant this lot line change.

Thank you for your consideration and support.

Sincerely,

  
Ellen Glaccum

Board of Trustees Chair