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**City of Stanley
Regular Council Meeting Minutes
February 13, 2014**

IN ATTENDANCE FOR THE CITY: Mayor Herb Mumford, Council President Steve Botti, Councilmember Laurii Gadwa, Councilmember Lem Sentz, Councilmember Melinda Hadzor, and City Clerk/Treasurer Doug Plass.

OTHER ATTENDEES: Ellen Libertine

CALL TO ORDER: The meeting is called to Order by Mayor Mumford at 6:03 p.m.

AGENDA AMENDMENTS: None offered.

MAYORAL COMMENTS:

The Mayor reports that the Mountain Village Resort will be donating \$2500 to the purse of the Stanley Sled Dog Rendezvous, and that we still need a number of volunteers to have a successful event. He would like to remind the Dog Sled folks not to bring dogs into hotel rooms without prior permission. The Mountain Village wants to continue to support the event, but needs the cooperation of the mushers. The next meeting will be on February 25th at 10 am in the Stanley City office.

The Mayor says that it is good to be back in Stanley. He is glad to see that the snow is accumulating.

COUNCIL COMMENTS:

Council President Botti reports that the City had written a letter to the Obama administration regarding the proposed Boulder-White Clouds National Monument. We have received a response from the Secretary of Agriculture dated February 4th. He reads the response and notes that it is a very general response but can be taken as a sign of intent to involve the local community in the process.

CONSENT AGENDA: December 5th, 2013 Council Meeting Minutes, and Prepaid and Unpaid Bills for January/February. Council President Botti notes a typo on page 1 of the minutes that the Clerk corrects. Council President Botti moves to approve the Consent Agenda. Councilmember Sentz seconds. All approve. Motion passes.

INSTALLATION OF NEWLY ELECTED OFFICIALS:

It is noted that the Mayor was sworn in the City Office in the presence of witnesses since the last council meeting.

Councilmember Gadwa moves to retain Council President Botti as the City Council President. Councilmember Sentz seconds. All approve. Motion passes.

PRESENTATIONS/CITIZEN PARTICIPATION:

Correspondence received from Rebecca Arnold and Nerissa Campbell are presented to the Council and included with the minutes.

COUNCIL ACTION ITEM LIST:

No work has been done recently on the list.

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STREETS AND ROADS: The Mayor reports that JC Anderson has been responsible with his snowplowing duties, and has been very busy of late.

SHERIFF'S REPORT:

The Mayor reviews the Sheriff's report, noting that it has been relatively quiet in Stanley.

COMMUNITY BUILDING:

USFS – Matt Phillips requests the use of the Community Room at no fee on February 27th for a community meeting on the Redfish to Stanley Trail project. Council President Botti moves to approve the fee waiver. Councilmember Hadzor seconds. All approved. Motion passes.

Sawtooth Ski Club requests a fee waiver for the use of the Community Room on March 1st for their annual banquet. Councilmember Gadwa moves to approve the request, but ask for a refundable cleaning deposit of \$50. Council President Botti seconds. All approved. Motion passes.

AD HOC COMMITTEES:

CEDA: Mayor Mumford reports that CEDA's strategic plan has been completed, and that the Challis Community Events Center has been getting a lot of use. He doesn't have a full report at this time.

Cemetery: No report.

Code Review: No report.

Groomer: Mayor Mumford reports that all the snowmobile trail should be in good shape at the moment

Sawtooth Association: No report.

Chamber of Commerce: Ellen Libertine says that the Chamber has been getting ready for the upcoming events scheduled for the next three weeks.

NEW/OLD BUSINESS:

- Title 15 Revisions (Building Permits) – Council President Botti notes that there have been six major changes to the draft since last fall, and all of them have been done in response to comments received from the community. He outlines the changes, going through the current draft. He thanks the community for all of their input, and notes that the most recent addition is the inclusion of a review process with language received from the City Attorney. He would like to schedule another work session on the topic, and then perhaps an additional public hearing if necessary. The Council agrees to a work session at 1:00 pm on Monday, February 24th.

EXECUTIVE SESSION:

Council President Botti moves to enter executive session per IC 67-2345(1)f to discuss pending legal matters. Councilmember Hadzor seconds. There is a roll call vote and all Council members approve. Motion passes at 6:45 pm.

Council President Botti moves to adjourn executive session. Councilmember Hadzor seconds. All approved. Motion passes. Regular session reconvenes at 7:26 p.m.

BUILDING PERMITS:

Building Permit #831 – Thomas and Rebecca Arnold, Excavation and Fill on Lot 5 of the Mountain View Subdivision tabled at the January 16th meeting. Mayor Mumford states that at issue is the manipulation of property not owned by the applicant. The application seems to be to approve work already done in the city street. The Mayor says that standards for construction exist in the city code, and that the City would not allow work to be done on its property that did not meet those standards. Therefore, he maintains, what has been done cannot be allowed to remain. The main issue is that building permits are for work on one’s own property. Councilmember Gadwa moves to deny building permit #831. Council President Botti seconds. All are in favor. The permit is denied.

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

Doug Plass is resigning as the City Clerk/Treasurer as of February 25th, but will be available to consult with the new appointee during March if so desired.

The Stanley City office will be closed on February 19th-20th, but will be open on President’s Day, February 17th.

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

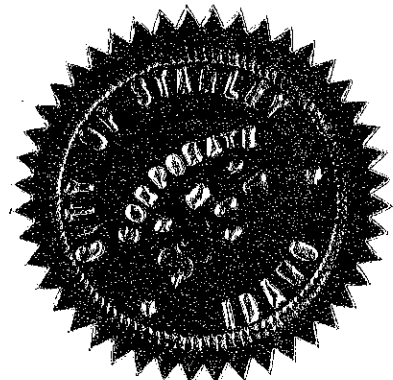
The current financials are presented to the Council for their review. There are no questions for the Clerk/Treasurer.

ADJOURNMENT:

Mayor Mumford adjourns the meeting at 7:42 pm.

H. W. Mumford
Herb Mumford, Mayor

ATTEST: Cari Tassano
Cari Tassano, City Clerk



Noted attachments follow:

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Stanley City Clerk

From: Rebecca [rebarnold@aol.com]
Sent: Monday, February 10, 2014 4:58 PM
To: cityclerk@ruralnetwork.net
Subject: Fwd: Proposed changes to Stanley Municipal Code Title 15 - Building Permits
Attachments: DRAFT_revised_building_permit_ordinance_010514_annotated.doc

Doug, I am disappointed that Councilman Botti refused to read testimony into the record at the last meeting and then proceeded to mischaracterize (quite badly) my written comments and likely others as well. Public testimony is not just for the use and consideration by the council - it is also important to allow those in attendance to hear/consider the comments of others as that may impact what those hearing the comments may have to say, AND reading such letters takes less than 5 minutes.. That certainly is an important part of a public hearing and those who request it are entitled to have their comments read aloud so that they are considered by the audience and appear on the meeting tapes - that is especially important when the Council chooses to have public hearings in the dead of winter when no one is around and the main road to Stanley (Highway 21) is closed.

Please read the following letter into the record at the Council public hearing on February 10, 2014:

Mayor/Council:

The proposed changes are still quite onerous and appear to be nothing more than an attempt to make building in Stanley much more difficult and expensive - if not impossible. The current building permit process works just fine and has for many, many years. If it ain't broke, don't fix it! and please don't risk expensive litigation.

As to the proposed changes to the building permit ordinances:

15.04.10 Requiring a permit for changing interior load-bearing walls makes no sense - nothing in the interior of the building (such as load-bearing walls) is regulated by Stanley Municipal Code ("SMC") and nothing within the interior of the building should be regulated. SMC regulates ONLY setbacks, building height, exterior construction materials and color. leave the language in the original alone please.

Requiring an engineer's stamp or an architect's stamp is not reasonable - it adds significant expense to a project unnecessarily because Stanley does not have a code inspection department (and we cannot afford one) and SMC does not regulate those items. So much for affordable housing in Stanley! The increase in construction costs will be significant and it is a needless change because the city has no liability.

15.04.030 Adding a provision that the Council may approve a building permit application contingent upon the applicant obtaining required permits and approvals from all Federal, state,etc is not reasonable. The City has no jurisdiction over, or responsibility for, other approvals that may be required. **The biggest concern here is that the Mayor or the council may require an applicant to jump through all sorts of hoops in an effort**

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to prove that no other permits or approvals are required. (and no one is dumb enough to believe the "footnote" that says the purpose of this addition is to "help" the applicant!) If the city truly wants to "help" applicants, a simple note that other permits may be required from state or federal agencies suffices to put an applicant on notice that there may be other requirements (that's already covered in 15.04.020). The City needs to stick to policing its own requirements and let any other jurisdictions that might be have requirements handle their respective requirements.

15.04.050 A. The language making violation a misdemeanor and the reference to Title 18 of Idaho code (which has 86 chapters within it) need to be removed completely and replaced with the following language: "A violation of this chapter shall be an infraction punishable by a fine of not to exceed Three Hundred Dollars (\$300) which conforms to the council's stated intent and conforms to a bill currently before the Idaho legislature that likely will pass. Also need to change the word "misdemeanor" to "infraction" in 15.04.050 AE.

Many jurisdictions have made that change to save on legal fees for prosecutions and since it is a one sentence change, it makes no sense to wait until some "omnibus ordinance" might be adopted. Minor building mistakes and changes do occur and have been routinely approved by the Council **after the fact** (some items built by the owners of the Sawtooth Hotel are a prime example) - why make that a CRIMINAL offense and increase the City's legal bills for prosecutions.

15.04.060 The proposed changes to this section are still problematic - the proposed changes could make it effectively impossible to build a residence, particularly since you don't want to issue a separate permit to get the preliminary ground work, grading etc done and it really is unlikely, with a 5 month building season, that anyone could get all the preliminary dirt work AND get a building started (as you have defined started in this section) in a single season. Preliminary ground work, grading, excavation for a basement, footings, piers, or foundations and the erection of forms, etc are all necessary before a building can be construction and these can take an entire building season so these items should be included as part of the definition of "start of construction". Otherwise, an applicant may incur significant expenses to get these done but run out of the small building season window and the City would revoke the permit and make the applicant start over - that makes no sense! Once a building permit is issued and the owner has expended money in connection therewith, the owner has a vested property right so trying to revoke a permit once the owner has spent money or trying to exclude certain items from the definition of start of construction (as the last couple of sentences of the first paragraph of 15.04.060 does) is just asking for trouble or litigation - why go there? What is really gained by that? Is this a solution looking for a problem that does not exist? Excavation, grading, fill, excavation for a basement or foundation, installation of forms etc certainly should be included within the definition of start of construction as they are necessary elements and **THEY DO TAKE TIME!** Getting those items done could put the owner in a situation where the "180 day period" falls within the dead of winter when it would be economically infeasible to try to pour a foundation. Please eliminate the last 3 sentences of this section.

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Adding the sentence "Individual permits shall not be issued for incremental phases of a building project" MAKES NO SENSE! When a subdivision is approved, for example, or when someone simply wants to make a particular lot more marketable, it is quite common and reasonable to obtain a building permit **only** for the installation of utilities and/or the grading, excavation or fill needed for the creation of a building pad on a particular lot or several within a subdivision. Adding that proposed sentence effectively prevents anyone from completing the installation of utilities and/or infrastructure for a subdivision and/or from increasing the marketability of a single lot they may own by creating a level building pad. Is that really your intent? This business about requiring the applicant to "identify the ultimate construction objective" is a fabricated "problem" as an excuse to make it more difficult to obtain a building permit. Footnote xv is an example of a fabricated "problem" as, according to the City clerk's response to a recent public records request, the City has received only ONE such complaint in the last 5 years.

~~15.04.060 A. - Term of building permits:--The current system with one automatic extension (if applied for) has worked well for 40 years - what positive benefit is there to the City by changing what works? Please leave that section alone. I realize that would give an owner up to 3 years to complete construction and frankly, there is nothing wrong with that! There are plenty of examples of buildings that took a long time for a variety of reasons - sometimes finances are limited and the owner has to build as they can afford it. Whatever happened to the idea of trying to make housing in Stanley affordable? The building season is very short - from June through October (at a maximum, sometimes it is shorter)..~~

I implore the council to abandon the effort to change the building permit process and, instead, focus your efforts on the real problems in Stanley - growing a viable economy and bringing economic prosperity to Stanley. Businesses in Stanley are struggling to survive and the council's efforts would be better spent addressing those problems.

I am renewing my request that the City delay any further discussion on the proposed changes to the building permit application ordinances until the changes can be distributed to ALL property owners for their review and input. The City Clerk apparently sent the latest draft to some owners by email (**I know of at least one email address that was incorrect**) but there is no way to determine to which owners the email went, and it is likely that some property owners do not have email and would not have received the revised draft - if mailed - with enough time to review and provide comment by the artificial deadline imposed. There are not that many property owners in Stanley and it would not be difficult or expensive to send the proposals to **ALL** property owners since these changes have substantial impacts on their rights to use their property and all property owners should have a minimum of 21 days to review the proposed changes and consult with an attorney - there certainly is no emergency here.

Thank you for the opportunity to provide comment on 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.

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Sincerely,
Rebecca Arnold
(208) 841-2530

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Stanley City Clerk

From: N Campbell [ssvcpine@gmail.com]
Sent: Monday, February 10, 2014 5:07 PM
To: Stanley City Clerk
Subject: Meeting on February 10, 2014

Dear City Clerk, Please have the following comments read at the February 10, 2014 Stanley City Council meeting.

Stanley Council:

I understand that the Stanley City council will be considering changes to the building permit ordinance at tonight's meeting. Even though our company owns property in Stanley (Lot 7 of Meadow Tracts) and our email address is on file with the City, we have not received notice of, nor a copy of, the most recent proposed ordinance changes.

Since I do not have a copy of the most recent proposed changes, I cannot comment on specific issues with the proposed changes. I would ask that the Council consider the following questions in connection with your consideration of this ordinance change and any other ordinance changes that you might consider:

Does an emergency exist (or a serious problem that will lead to an emergency if not immediately addressed) that requires immediate action by the Council in order to avoid irreparable harm to the Stanley community? If the answer is No, please choose not to act on the proposed ordinance at this time.

Is this ordinance change the best action that we can take to benefit the economy of our community and to benefit the property owners in our community? Please do not act on this ordinance unless the answer to this question is a Resounding YES and you can articulate a minimum of 10 **significant** reasons why the answer is a Resounding YES.

Will these proposed ordinance changes make **building** in Stanley easier and more affordable? If the answer is No, please defer action on the ordinance changes and go back to the drawing board.

Can you articulate at least 10 significant benefits of adopting this ordinance and can you articulate the risks associated with adopting this ordinance; and do the benefits of adopting this ordinance greatly out weigh any risks? If the ordinance puts the City at risk of litigation, it is highly unlikely that the benefits will outweigh the risks. For the City, the only winners in litigation are the lawyers who will drain your resources dry! Even if you win, you lose because the damage to your budget is almost always much more significant than any benefit gained in litigation.

If an ordinance or process has been in place for a long period of time and generally has worked fairly smoothly (keeping in mind that none are ever perfect), you are better off leaving it alone and focusing your time, energy and limited resources on addressing the critical issues facing our community. Residents of smaller towns with limited resources are better served when government chooses the path of least regulation and when government focuses on the critical issues facing the community. For Stanley, I believe those critical issues are 1) improving the economic outlook for the businesses in the community; 2) improving job opportunities and wages; 3) affordable housing; 4) nurturing the children in the community and providing them with the best education possible; and 5) encouraging and growing an year-round economy that enables businesses in the community to survive and thrive. Please analyze and explain how the proposed changes to the Stanley

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ordinances will address these critical issues and further the community's progress toward solving these critical issues.

Thank you for your attention and consideration.

Nerissa Campbell, President
SSVQP Inc.

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