

ORIGINAL IN RED

**City of Stanley
Public Hearing/Council Meeting Minutes
January 13, 2011**

Mayor Mumford called the Public Hearing to order at 5:09 p.m. Thursday, January 13, 2011 in the Stanley Community Building.

IN ATTENDANCE FOR THE CITY:

Mayor Herb Mumford, Council President Steve Botti, Councilman Lem Sentz, Councilwoman Laurii Gadwa, Councilman Frank Juiliano, and City Clerk Erin Fisk. City officer Pete Isner arrived at approx. 5:50pm.

OTHER ATTENDEES:

Neil Anderson, Ellen Libertine, Gary & Sari O'Malley, John Gaeddert, Charlie Thompson, two unknown men, Erin Wilson, Jocelyn Plass, James Denhart, Kim Loseke and her daughter Lacie Hernandez arrived at 5:50pm along with Sarah Isner and Brett Wooley.

PUBLIC HEARING:

Hearing is regarding the Omnibus Revisions Ordinance No. 184. A few written comments were received ahead of time and multiple people showed up to present testimony. Council President Botti explained that the purpose of the ordinance is to clean up a lot of minor errors, omissions in the code and to reorganize it to make it flow more logically. From comments received, it seems that there is some confusion. All the underlined sections were added and the strike-outs were deleted. Council President Steve Botti prepared a document in response to the written comments received prior to today. Botti proceeds to work through the response document (see attached copy and also written comments in council meeting folder). Comments were also received from Rebecca Arnold very shortly before the public hearing which the council did their best to address. There was continued confusion over the Historic Preservation Commission. This already existed in the code and was not a new addition. There were also issues brought up that were not planned to be addressed with the omnibus ordinance, but will/can be addressed with future more specific ordinances. There was discussion regarding multi-family dwellings and the requirement to provide for off-street parking. In the current code, multi-family dwellings were only allowed in Limited Commercial. The council proposed to extend that so multi-family dwellings are also allowed in Commercial zones. The requirement to provide off-street parking was already in place for Limited Commercial. By extending the ability to build multi-family dwellings into the commercial zone, the already existing requirements were also extended. No new requirements are being added. If you are planning to build higher density housing, you should also expect to have to provide your tenants with off-street parking. Since there are currently no multi-family dwellings in the commercial zone, the parking there is used on a temporary basis for business that border city streets. Rental properties imply that parking would be overnight or on more of a semi-permanent basis versus temporary parking for restaurants, bars, and shops. Gary O'Malley – thanks everybody for their service to the community. This ordinance represents a lot of hours committed and will help down the road in creating consistency. He feels there are still a lot of inconsistencies, but this is a good step forward. He asks is it the sole intent of the council to clean up errors in the code with this ordinance? Botti responds that it is a main objective, but not the

sole. Gary feels that some of the changes are quite substantive. He talks about lot splits and subdivisions, citing legal definitions for lots splits and subdivisions. There is a change to the definition of "subdivision" that is proposed in the omnibus ordinance, changing a subdivision to a division of property into two or more lots or parcels. He feels this is a substantive change that could significantly affect property owners. He thinks a change like this is inappropriate for this type of "house cleaning" ordinance. He thinks a lot of people would oppose this change. He wonders if these changes would be retroactive. He asks what problems the council is trying to take care of with this change and how the council came to want to change this definition. Mayor Mumford and Councilwoman Gadwa state that the city currently does not have provisions to deal with lot splits. We only have code provisions dealing with lot line shifts and subdivisions. Gary says that by definition we are making a "lot split" not a "subdivision." Botti says that the idea was to bridge a gap in the code with this change in definition, since the city does not deal specifically with lot splits. Gary again asks if the changes are forward acting. Gary thinks it is confusing. The Clerk explained that the ordinance is not retroactive. No ordinances that we enact work backwards; they are all effective from the time they are passed and published. Any property already split will not be affected by this change. Botti says that the definition they are utilizing is a pretty standard definition that he got from other cities. He did not just make it up. The Mayor and Council explain that the ordinance has been thoroughly reviewed by the city attorney.

John Gaeddert – he is here on behalf of Stanharrah Corp. He says that there has always been a very strong position of working with the city. He likes the clarifications made for Commercial Districts, including extending multi-family dwellings into commercial zones, not just limited commercial. On page 6, he is a little concerned over the definition of one-family residence. By his reading of the definition, literally, he thinks it could prevent someone from having a kitchen all together. He gets the intent, to not allow second sets of living quarters, but not sure this is the right definition to use. Botti does not interpret it that way, but says that we may need further clarification to make it clear to everyone. He is appreciative of where we are going with this change though. He also comments on Gary's issue with the subdivision change. Idaho State Code 50-1301 defines "subdivision." He feels that with this proposed change, it could take away a land owners right and flexibility. He was also caught off guard by the section on the Historic Preservation Commission. After explanation he realizes that we are simply moving the title, not creating something new. He is not sure if the "87 reg" is the regulation of today. He suggests that we check into any new regulations. Councilwoman Gadwa says that we are moving the title, but are not addressing the Commission any further. Currently the museum or SIHA is in charge of the town's historical aspects. John likes the changes on page 8 regarding the procedure for dates and ordinance numbers being noted on the zoning map. This will help in the future when looking for history of zoning changes. On page 11, he suggests placing a period after the "zoning requirements" and eliminating "...including but not limited to..." He thinks it would still have the validity the council wants, but would be less complicated and more consistent for readers of the code or someone who is potentially applying for a building permit. Lastly, regarding excavation and fill, he thinks it is a city's prerogative to require fill and excavation permits. He cites area cities who do not require permits for this and some that do, such as Sun Valley. He thinks this is a discussion point to be dealt with more.

Charlie Thompson – many of his questions have already been answered. He thanks everybody for working on this ordinance. He would like to have some guidance on how to proceed with having metal be an approved building material for the future. He also suggests extending building permits for 18 months instead of 12. This would

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take some pressure off the council and would allow for two building seasons instead of only one short season. He also thinks the city should have a compliance officer that goes around once a week or whatever to ensure compliance with city ordinances. Why have ordinances if we do not make people comply? Not suggesting that they go very in depth with engineering, etc but just basic ordinance compliance. This could eliminate some community angst. He also believes we should leave electrical, plumbing, HVAC, etc to the state as far as compliance and not try to deal with that ourselves. Botti says that there has been controversy over building permits. The Council is trying to clean some of the requirements up. He does not see a problem with John's comment about putting a period after "zoning requirements." He agrees that the intent is still there and doing so would not constitute a material change. There does need to be clear requirements for site drawings, etc. There are a lot of issues surrounding building permits that will need to be dealt with separately from this ordinance.

Sari O'Malley – she echoes what Gary mentioned about the change to the subdivision definition. She also feels it is too material of a change for this omnibus ordinance. She also asks what the next steps are. It is explained that the council will discuss further later on in the meeting under "New Business" and then a vote is scheduled. Having a vote scheduled does not necessarily mean that the Council will vote, but they do have the option to do so. If there are no substantive changes made, the council may vote to approve the ordinance tonight. If there are, then another hearing will be necessary.

*The hearing is adjourned at approximately 6:24pm. The Council takes a short break before resuming the regular meeting.

CALL TO ORDER: Mayor Mumford called the City Council meeting to order at 6:34pm.

AGENDA AMENDMENTS: Councilwoman Gadwa wished to amend the agenda to include an executive session per IC 67-2345(F). The city had just received some important information regarding current litigation. The information was not received in time to include it on the agenda. The Council and Mayor agreed that the executive session was necessary.

MAYOR COMMENTS/UPDATE:

The upcoming year's worth of council meeting dates has been published in the Challis Messenger. Copies of the schedule can also be picked up in the city office. February 10 will be the public hearing for the renewal of two (2) Conditional Use Permits for vacation rentals in residential zones. That night is also the regular monthly council meeting. Everyone seems to think they will be here for that night. The 2nd Annual Stanley Winterfest is scheduled for February 12 & 13, 2011.

COUNCIL COMMENTS:

Councilman Juiliano had some comments and questions that he wanted to share at this time. He asked if anyone was going to the Elected Official's Day at the Capital. Also, he asked if anyone was interested in the Region 7 tourism meeting that Jolie Turek had previously mentioned. Ellen Libertine thought that had been cancelled or the date changed. Apparently the date has been changed. Juiliano also thanked the "snow plow guys" (referring to the ITD workers) in town that keep the highways clear and thanked the people who are keeping the ice rink in good shape. They have been doing a great job.

PRESENTATION:

Ellen Libertine – passed out letter that she wrote for the council and chamber. In reference to the radio ads they recently did to try and attract some holiday weekend traffic in Stanley, she found out that there was nothing going on; no one was open and there were no activities going on to entertain anyone who did happen to come up. She feels that the Chamber wasted \$2500 in ads and approx. \$5000 in advertising and promotion when there is absolutely nothing going on in town. The ice rink was not ready, which was due to weather, the tubing hill was not plowed, the park play equipment is not really accessible in the snow, although people go anyway. The Sawtooth Hotel was open on the weekend and the Kasino Club was open. She says that if the community does not want to get together to plan events and make sure there are things for people to do, there is no sense in the Chamber advertising. During their recent meeting they discussed forgetting about January and focusing on another good event in December, get people to open their businesses and then possibly do something in September also. She sees people drive through town and when they realize that no one is open, they can't even have lunch anywhere, they keep going. This is the community's dilemma. Councilman Juiliano says that when spending time in Boise, people still seem to think that Stanley is "closed" in the winter time. McCall seems to be the big weekend destination for people in the Boise area. Juiliano suggests focusing our advertising on Idaho Falls, Twin Falls, Mountain Home, and these areas versus just the Magic Valley. Ellen says they are working on hiring a full-time blogger to send out photos, post comments, etc. and also working on getting our information on the state sites and pushing that kind of advertising and focusing on event ads. She says we also need to get local businesses to be open. She would like suggestions from the community on what to do here. If people want winter business, we have to come up with something to do, to bring people into town. She suggests some kind of incentive to get businesses to open. Mayor Mumford thanks Ellen for all her hard work. He knows that she is trying and that means a lot.

James Denhart – regarding the Veteran's of Custer County Memorial, over 12 years ago they approached the city of Challis about a location for the memorial and finally they have met their deadline. Over \$75,000 has been raised, over 2000 veteran's names have been collected and 48 albums compiled with historic stories. Thanks to Mountain Village those names are on display. Once this project is complete, they are hoping to have a smaller memorial area up at the Stanley City Park joining efforts with the City, hopefully the Sawtooth Society, and Idaho Gem Communities. He wanted to thank everyone for their support.

CITIZEN PARTICIPATION:

COUNCIL ACTION ITEM LIST: No current updates were provided.

CONSENT AGENDA:

Councilwoman Gadwa made a motion to approve the Consent Agenda. Council President Botti 2nd; all approved; none opposed; motion passes.

BUILDING PERMITS:**LAW ENFORCEMENT:** (Officer Pete Isner)

Pete says there has not been much going on lately. Hopefully more snowmobilers start showing up. He has only been out once to patrol the trails so far. There have been some minor local issues going on, mostly cabin fever scenarios. He would like to get with either Frank or the Winterfest Committee to figure out logistics for the

Winterfest weekend and activities, making sure things are done correctly and safely. Councilman Juiliano asks about how Pete handles giving out snowmobile sticker tickets/violations. Pete says it depends on the circumstance, but if they are in the city limits he ushers them over to Mountain Village to get their machine stickered. If they are out on the Forest Service trails, then he usually gives them a written warning or a summons which gives them some time to fax in proof that they have gotten the machine stickered and registered. Juiliano says he has heard from people that they won't come back because all we do is ticket people. Pete says he only rites about 2 citations a year for registration. They will also escort them to town sometimes to make sure they get it done versus ticketing them. They focus on the parking lots in the mornings before people take off and then on the trail they focus on "bottle neck" areas, not driving around all over the place looking for people in violation. Pete notes that gas to fill a snowmobile tank with premium is more than the cost of the recreation sticker, which is \$32.50 this year. A Forest Service ticket is over \$100.

STREETS AND ROADS: (Mayor Mumford)

The Clerk included a note that the city is currently at 31% of the budget for snowplowing. This was put on there because the clerk hears a lot of 2nd and 3rd hand comments about the conditions of the roads. She says that nothing will be fixed if people only complain to their neighbors. Anyone with issues about the conditions of the roads or the plowing needs to contact the City Office. That is the proper way to get things taken care of.

CEMETERY: (Councilwoman Laurii Gadwa)

CITY PARK:

COMMUNITY BUILDING: (Mayor Mumford)

AD HOC COMMITTEES:

- **Groomer Committee:** (Mayor Mumford/Gary Gadwa) – the groomer is broke down right now. It is getting older. They are waiting for parts and will get it back up and running as soon as possible. It also looks like Parks and Recreation will be able to pick up the bill for this breakdown. We are doing the best we can with the equipment that we have. The clerk says she had heard that we might be able to get a new (newer, new to us) groomer through Parks and Rec next year.
- **CEDA Report:** (Mayor Mumford) – Herb has been gone and has not been to a meeting lately. The upcoming meeting will be held next week.
- **Gem Committee:** (Charlie Thompson) – haven't met the last 4 or 5 months. Anything that goes on at the park will probably hinge on what happens with the trailhead location, either on Forest Service land or back to the city. He encourages the council to contact the Forest Service now that they are working on purchasing property from the Piva's for the trailhead. The city land resources are getting more and more limited. One major caveat is how do the people get from the park to the Forest Service property at the new trailhead? There are two options: first is to access from the right of the Chapel, which is not the first/ideal choice, or accessing from the left of the Chapel. Unfortunately, that resource belongs to the Chapel. It is the

community's chapel, but the chapel board president does not agree with this plan and has not wanted to cooperate. Christy Thompson presented the idea to the chapel board and it was denied at that point. He feels that the council and Mayor have more authority and might be better to help out with this aspect. Bottom line, this issue needs to be settled before anything else is sited in at the park, such as the amphitheater, etc. The Mayor asks about the integrated plan for the park, having park drawings done, etc. Charlie says that they do not have an engineer to draw up the plan, but he could put something together. The integrated plan will help us to get grants for future development. Mayor Mumford reminds Charlie that at one point in time there were people who volunteered to help with this. Charlie said they have not pursued this but they can look at it again.

- Chamber of Commerce: (Greg Edson) – This was dealt with earlier in the meeting.
- Code Review: (Council President Botti) – last month the Council agreed to hold a work session on the proposed hillside ordinance. Per the tentative schedule, a work session needs to happen before April with a target adoption date of June. Botti and the rest of the council thought that the omnibus ordinance would be "easy" but with the comments gathered tonight they feel that review of the hillside ordinance could end up being more interesting. The council and Mayor agree to schedule the hillside work session for January 25 at Noon in the city office meeting room.

UNFINISHED BUSINESS:

NEW BUSINESS:

Business License Application for Creek Side Stop – Councilman Juiliano asked if there were issues with the coffee cart, why they had moved from Mountain Village parking area. Neil Anderson said there were no issues; they just decided to change locations. Kim Loseke attended the meeting to answer any questions about her application. She is from Kimberly, Idaho. They will be running from Memorial Day to Labor Day, depending on weather. It is a newer concession cart, so no flashing lights or anything of that kind. It will blend in well. They want to serve Mexican food but making it as natural, local, and sustainable as possible. They will also have ice cream. They will be parking in front of Charlie Thompson's new building next to the Community Building. They have obtained a permission letter from the Thompson's. Councilwoman Gadwa asks that they do not put up any large flags or anything like that. Kim says that it will be tasteful and blend in. Councilwoman Gadwa makes the motion to approve the application. Councilman Juiliano 2nd; all approved; none opposed; motion passes.

Resolution No. 2011-1 – this resolution is to dispose of surplus property. The property is a 1994 Polaris snowmobile that was previously used by the city officer to patrol trails, was then given to the groomer program, and has now not been used in years since the groomer program deemed it unreliable and has obtained a newer sled from Parks and Recreation. The Mayor and Council review the proposed resolution. Pete offers some input on the machine. He says it worked fine for him while he had it. It is more of a trail sled than a powder sled. The groomer program had not been using it because they did not think it was reliable and at times could not even get it started. Pete mentions that it has been sitting outside without protection for a couple years. He suggests taking whatever we can get for it.

Councilwoman Gadwa makes a motion to approve Resolution 2011-1. Council President Botti 2nd; all approved; none opposed; motion passes.

Ordinance No. 184 "Omnibus Revisions" – Mayor Mumford suggests possibly dropping the section changing the definition of "subdivision." He would still like to see something done with this, but could deal with it in a separate ordinance. The reason for this section is to try to plug the gap in the current code dealing with lot splits versus subdivisions. There is currently no city regulation on lot splits. John Gaeddert did mention that there are still regulations that property owners have to follow when performing a lot split. The state code has specific regulations, just no city regulations. The question now is should the city or does the city want to regulate this. Council President Botti explains that other towns in Idaho have taken this more restrictive route with their codes when dealing with lot splits versus subdivisions. Councilwoman Gadwa thinks we should address lot splits in our code. We address lot line shifts, but not splits. She thinks that there are people in town who when they see a gap in the code, they step into it rather than avoiding it and the state is not always there to make sure things are done correctly. Council President Botti says that this ordinance was really meant to deal with non-controversial issues and this particular section has ended up being controversial. Botti thinks this could be dealt with separately as a standalone ordinance or within an omnibus subdivision ordinance. We could remove it today and move forward. Councilman Juiliano is curious about the potential for growth within the city limits. There is still some property within the city that could be split and/or subdivided. We need to think about the future. Councilwoman Gadwa agrees that this section be removed today from proposed Ordinance #184. She also suggests adding the words "without additional" living units from the definition of one family dwelling. Council President Botti is not ok with that particular wording. He looked at the definition of multi-family dwelling to arrive at the suggested definition of one-family dwelling. He does not understand the current confusion with the suggested definition. Ellen Libertine said that the wording confused her and she thinks it would be cleared up by adding "additional." There is a typo on page 7 – the definition of "apartment" should have started a new paragraph. It needs to be moved down. John Gaeddert likes the suggestion to add the word "additional." Councilwoman Gadwa thinks she understand where everyone is coming from. Property owners would like to be able to build a house with a guest room; the city does not want that guest room to also have separate kitchen and accesses that create an "apartment," or independent living unit. That is the intent of the definition, to prevent the separate living units. John Gaeddert notes that many houses these days are being built with guest quarters, but are not meant to be rented. The city does not want "single-family dwellings" being built and turned into "multi-family dwellings" with functionally independent units. Residential A & B districts are only zoned for one-family dwellings. This is not an issue in Commercial zones. Officer Isner notes that some safety issues could be a problem with homes being incorrectly built with separate attached living quarters. The definitions need to be clear if we are restricting multi-family dwellings in residential zones. If they were not restricted, we would still need definitions but the point would be moot. Mayor Mumford suggests wording. He suggests defining it instead of defining what it is not. Keep the definition for multi-family dwelling. Different possibilities are discussed.

- The Council agrees to change the wording to: "One-family dwelling means a dwelling constructed with a single living unit within a single structure. A single living unit has kitchen and bath facilities and common exterior access." The definition of multi-family will stay the same.
- Council agrees to remove section 16.08.290 on subdivisions.

- Council agrees to drop the end of the last sentence on page 11 and add a period after "zoning requirements." This will eliminate the ".....including but not limited to...." section. This was suggested by John Gaeddert earlier in the meeting.
- There is a minor misspelling typo on page 14, section 21. This will be corrected.

Councilwoman Gadwa makes a motion to adopt Ordinance #184 Omnibus Revisions with the above discussed changes. Council President Botti 2nd. Councilman Juiliano asks if we need any additional review by the attorney. Gadwa and Botti explain that the changes should not be considered material and do not change the intent of the ordinance, so additional review should not be necessary. All approved; none opposed; motion passes.

CITY CLERK REPORT: (City Clerk/Treasurer Erin Fisk)
Office will be closed for Martin Luther King Jr. Day, Monday January 17. Also, just to let everyone know W-2's and 1099's are due to employees by January 31. They should be ready before then to be mailed or picked up.

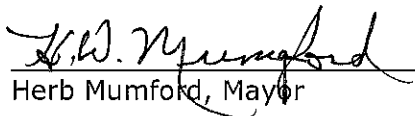
OPTION TAX REPORT: (City Clerk/Treasurer Erin Fisk)
The Mayor and Council were provided with the Option Tax Comparison Sheet illustrating the funds received to date compared to last fiscal year.

TREASURER REPORT:
State Investment Pool, Check Register, and Accounts Receivable reports were provided to the Council and Mayor.

EXECUTIVE SESSION: Councilwoman Gadwa makes a motion to move into executive session at approx. 7:39pm per IC 67-2345(F) to discuss current or impending litigation.
The Council takes a short break to allow the crowd to disperse before beginning executive session discussions.
The litigious issue at hand is discussed. It is decided that the Mayor will follow-up with the city's legal counsel on Monday.
Councilwoman Gadwa makes a motion to come out of executive session at approx. 8:25pm. Councilman Juiliano 2nd; all approved; none opposed; motion passes.

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

ADJOURNMENT:
There being no further business, Mayor Mumford adjourned the City Council meeting at approximately 8:25pm.


Herb Mumford, Mayor

ATTEST: 
Erin Fisk, City Clerk

