

APPROVED

**City of Stanley
Regular Council Meeting Minutes
January 16, 2014**

IN ATTENDANCE FOR THE CITY: Council President Steve Botti, Councilmember Laurii Gadwa, Councilmember Melinda Hadzor, City Clerk/Treasurer Doug Plass. Councilmember Lem Sents and City Attorney Paul Fitzer arrived late. Mayor Herb Mumford is absent.

OTHER ATTENDEES: Jeff Welker, Michelle Wetzal, Jim Wetzal, Gary Gadwa, Keith Reese, Camille Sherlock, Charlie Thompson.

CALL TO ORDER: The meeting is called to Order by Council President Botti at 6:05 p.m.

AGENDA AMENDMENTS: None offered.

CONSENT AGENDA: Prepaid and Unpaid Bills for December/January. Councilmember Gadwa moves to approve the Consent Agenda. Councilmember Hadzor seconds. All approve. Motion passes.

INSTALLATION OF NEWLY ELECTED OFFICIALS:

The clerk swears in Councilmember Gadwa and presents her with a certificate of election.

Council President Botti outlines the general rules for conduct at City Council Meetings. The public is reminded not to engage in personal attacks, disrespectful behavior, threats, side conversations and any other activities which would disturb the decorum and efficient conduction of city business.

Councilmember Lem Sents arrives, and is sworn in by the clerk and presented with a certificate of election.

PRESENTATIONS/CITIZEN PARTICIPATION:

Jeff Welker speaks on the proposed changes to the Stanley Municipal Code Title 15. He notes that he has provided written comments to the Council, but would like to reiterate that he feels that the changes as they are currently written would require him to obtain a building permit to continue to do snow removal and maintenance on the road leading to the Stanley-Sawtooth Estates. Also, he thinks that the changes are unnecessarily restrictive on businesses.

STREETS AND ROADS: Council President Botti notes that the Streets and Roads Contractor has plowed the roads for two days thus far. He also thanks ITD for sanding our icy roads on January 15th.

PIONEER PARK: Council President Botti presents to the Council a draft of rules for Ice Rink use and a proposed agreement with the Stanley Skate Club. He says that he would like to see them posted when they are agreed upon. Councilmember Gadwa proposes adding language about the City approving any Ice Rink Expenditures. Council President Botti says that the City approved a budget for the Ice Rink for this year, but that rules need to be fleshed out with regard to finances. Huck Adams asks

ORIGINAL IN RED

APPROVED

who is responsible for dealing with the trash at the Ice Rink, and the Council says that for now the City should take care of that. There is a discussion about the proper use of the well house and how the nighttime lighting should be managed. Timers are being installed to allow the power to the lights to shut off at an agreed upon time.

AD HOC COMMITTEES:

CEDA: No report.

Cemetery: No report.

Code Review: Title 15 will be discussed later in the meeting.

Groomer: Gary Gadwa reports that all the trails have been groomed once, but we are still low on snow, so riding off trail is not recommended. He received a complaint about snowmobile trespass on the Chapel property, but we investigated and was unable to find any tracks indicating that it had taken place.

Sawtooth Association: Gary Gadwa reports that the Shaw Cabin Phase One work has been completed. More work will happen next summer. Also, there is a new hire for the Redfish Visitor's Center.

Chamber of Commerce: The Clerk passes on a report received from Ellen Libertine. The Sun Valley Nordic Festival events are ready to go on January 27th, and the brochures have been distributed around town. Kelly Conde has been hired to place events on Newspaper and TV calendars. Aron will continue handling the Facebook page. The winterfest poster is in process. The Chamber is handling sponsorship donations and payments to vendors for Winterfest. The Website was recently redesigned. A new business directory and map are being printed. The Sawtooth Outdoor Bonspiel trophy will be placed in the Chamber office after the event to be held January 24th – 26th.

NEW/OLD BUSINESS:

- Title 15 Revisions (Building Permits) – Council President Botti summarizes the comments received from Jeff Welker, Michelle Wetzel, Rebecca Arnold, Ellen Libertine and Nerissa Campbell. These comments are included with the minutes. Council President Botti proposes making exempt from the Building Permit process 'maintenance and repair of existing roads and driveways'. Councilmember Gadwa says that she likes the change about road maintenance, and notes that the ordinance change would allow for a two year permit that begins after a designated start date. Council President Botti addresses the comment received, noting:
 - Many comments are constructive and have been incorporated into the code revision.
 - Some comments are a bit misinformed
 - In most places in Idaho, building expenses are much higher with far more hoops to jump through.
 - Many towns with far more stringent requirements are experiencing booms in construction.
 - He doesn't think that business will be driven away, giving some examples from other communities.
 - The general consensus from comments received is that we do need some standards.

ORIGINAL IN RED

APPROVED

Laurii Gadwa notes that the penalty review project is ongoing, and that penalty changes will need to include the Building Permit Code as well. City Attorney Paul Fitzer arrives and gives a brief synopsis of work that he has done with other cities to reduce penalties. Council President Botti goes page by page through the draft and gives explanation of why each change was proposed. Councilmember Hadzor says that the input she has received is that the community is concerned about the definition of 'substantial change'. The discussion continues for some time, and the result is that an additional Public Hearing is scheduled for February 10, 2014 at 6pm.

- Council President Botti requests that the City fund his attendance to the 'Accelerating Forest Recreation in Idaho' conference 2/19-20 for \$80 plus travel costs. Councilmember Gadwa moves to approve the request. Councilmember Hadzor seconds. All approved. Motion passes.

EXECUTIVE SESSION:

Councilmember Gadwa moves to enter executive session to discuss legal matters with the City Attorney. Council President Botti seconds.

Councilmember Gadwa moves to adjourn executive session. Councilmember Hadzor seconds. All approved. Motion passes. Regular session reconvenes at 8:29 p.m.

NEW/OLD BUSINESS (CONTINUED):

Stanley-Sawtooth Chamber of Commerce – Councilmember gadwa moves to approve \$5000 in option Tax funding for the Stanley Sawtooth Chamber of Commerce for the second quarter of Fy14. All approved. Motion passes.

Huck Adams reports that the plow he was planning on selling the city will not fit on the maintenance truck. The council does not wish to pursue it further.

The Winterfest Organizing Committee presents a request for a cooperative agreement with the City of Stanley for the event. The Council includes a provision for business accommodation concerning the street closure. Councilmember Gadwa moves to approve the agreement with the addition. Councilmember Sentz seconds. All approved. Motion passes.

The Winterfest Organizing Committee requests the City of Stanley provide sponsorship funds for the event. Councilmember Gadwa moves to approve \$200 for the sponsorship. Council President Botti seconds. All approved. Motion passes.

Building Permit #831 – Thomas and Rebecca Arnold, Excavation and Fill on Lot 5 of the Mountain View Subdivision. Council president Botti notes that there is an existing permit that covers fill on the applicant's property until May of 2014. Councilmember Gadwa moves to table the application. Council President Botti seconds. All approved. Motion passes.

Sign Permit #1401141 - Niece Smiley Creek LLC. Councilmember Gadwa moves to approve the permit. Council President Botti seconds. All approve. Motion passes.

Sign Permit #1401142 – Niece Smiley Creek LLC. Councilmember Gadwa moves to approve the permit. Council President Botti seconds. All approve. Motion passes.

ORIGINAL IN RED

APPROVED

Sign Permit #1401143 – Niece Smiley Creek LLC. Councilmember Gadwa moves to approve the permit. Council President Botti seconds. All approve. Motion passes.

There is a discussion about the length of temporary permits. The Council notes that the next two applications for vinyl signs can only be approved for 30 days. Keith Reese, on behalf of the applicant, asks if the applications can be changed to wooden signs and made permanent.

Sign Permit #1401144 – Niece Smiley Creek LLC. Councilmember Gadwa moves to approve the permit as a permanent wooden sign. Council President Botti seconds. All approved. Motion passes.

Sign Permit #1401145 – Niece Smiley Creek LLC. Council President Botti moves to approve the permit as a permanent wooden sign. Councilmember Gadwa seconds. All approved. Motion passes.

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

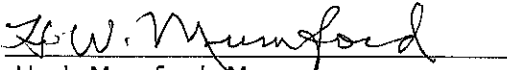
Recruitment of new City Clerk/Treasurer is ongoing. The Clerk stresses that it is extremely important the position be filled as soon as possible as the amount of time he has is limited and there is much to accomplish in the office. The office will be closed on Thursdays until staff becomes available. The Sled Dog race materials have all been updated and an organizational meeting will occur soon.

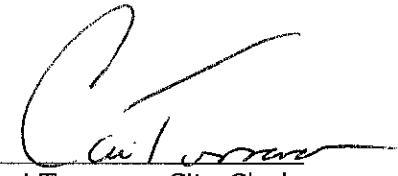
OPTION TAX REPORT/TREASURY REPORT: (City Clerk/Treasurer Doug Plass)

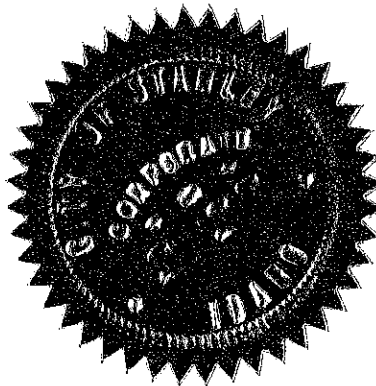
The current financials are presented to the Council for their review. There are no questions for the Clerk/Treasurer.

ADJOURNMENT:

Council President Botti adjourns the meeting at 8:58 pm.


Herb Mumford, Mayor

ATTEST: 
Cari Tassano, City Clerk



Noted attachments follow:

ORIGINAL IN RED

APPROVED

Stanley City Clerk

From: Dr. Jeffrey Welker [joxdoc@gmail.com]
Sent: Thursday, January 16, 2014 1:29 PM
To: David McDonald; Hans & Lotte Buhler; john@rennisonengineering.com; laurie gadwa; Gary Gadwa; Steve Hosac; Drew Nosworthy; Gary Flashner; Amanda Herbert Mumford; cityclerk; lem sentz; Melinda Hadzor; steve; Ellen Libertine; Kelly Sawtooth; Rebecca Arnold; Camille Sherlock
Cc: Sawtooth Estates Subdivision Road Maintenance
Subject: januarycouncilletter.docx
Attachments:

It is with great regret to inform you that I will no longer be able to do spring/summer/fall maintenance on our private subdivision road/driveway if the Council passes the proposed change to the building codes (see attached letter). In speaking with my lawyer again I could be fined and arrested for doing so without a permit. I have been doing it either for free or at I believe 15 dollars and hour except to the upper lots which Hosac Company has paid for. I can not and will not do it by permit as it needs to be done at just the right time when the road base has enough moisture to be properly worked. If you like our road/driveway work I have been doing and you wish to have me continue please let the Council know at tonight's meeting.

Jeff Welker

--

Human nature cannot be studied in cities except at a disadvantage--a small town is the place. There you can know your man inside and out--in a city you but know his crust; and his crust is usually a lie.

Mark Twain

You cannot invade mainland America, there would be a rifle behind every blade of grass.

Isoroku Yamamoto Japanese Admiral

ORIGINAL IN RED

APPROVED

Stanley City Clerk

From: Ellen Libertine [ellen_libertine@tajkowski.com]
Sent: Wednesday, January 15, 2014 7:46 PM
To: Stanley City Clerk; BackCountry Bistro; Steve Botti; lem sentz; herb mumford; Dr. Jeffrey Welker; Arnold Legal Services; Jim and michelle Wetzel; Alison Beechert; jen; Stanley Sawtooth Realtors; Sothebys International Realty-Gary O'Malley; Sari O'Malley; tom peterson; john graham; Charlie Thompson; Tim Cron; Marilyn & Bill Baybutt; J-S Van Der Wal; Hans & Lotte Buhler; Jane Mc Coy; Jennie Stephenson; Johnny and eve; Josh franks; Michele Grabher; Jennifer Goltandia; neil.bradshaw@mac.com; Pat & Jean Ridel; sandra willingham
Subject: Building Permit Ordinance

Doug,

Please read the following at the City Council meeting of Thursday, July 16, 2014, when discussing the DRAFT Building Permit Ordinance.

Dear Property Owners of Stanley:

The Council has heard my comments at numerous workshops and council meetings regarding the proposed permit process, so I will not go into the details again. My general reaction to the proposed ordinance is one of real concern for the future of the City.

This ordinance does nothing but restrict building in the City of Stanley, both residential and commercial, and drive away existing residents who could be potential property owners in the City. It also sets the City up for yet more litigation.

The building permit ordinance should be based on community character and the creation of a strong and diverse economy for Stanley - I do not see that reflected in the DRAFT ordinance the Council is presenting to us. What you are creating by this ordinance are many tiers of rules and regulations that this City does not have the financial or physical means to enforce.

One comment I have made in the past, I would like to make here again - that is, the Council should be looking for ways to encourage year-round living and an economy that encourages small, privately-owned enterprises, instead of wasting their time and ours on rules and regulations that create economic destruction, not economic construction.

I suggest you throw this ordinance in the trash and start from the beginning with a new set of eyes that looks to the future economic endurance of Stanley.

Thank you,

Ellen Roche Libertine
Stanley Property Owner

ORIGINAL IN RED

APPROVED

Stanley City Clerk

From: N Campbell [ssvqpinc@gmail.com]
Sent: Thursday, January 16, 2014 3:58 PM
To: Stanley City Clerk
Subject: Input for Stanley City Council meeting January 16, 2014

Dear City Clerk, Please have the following comments read at the January 16, 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 proposed ordinance changes.

Since I do not have a copy of the 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 outweigh 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 ordinances will address these critical issues and further the community's progress toward solving these critical issues.

ORIGINAL IN RED

APPROVED

Thank you for your attention and consideration.

City Clerk: Please provide a copy of the proposed ordinance changes by email and please let me know the date of the Stanley council meeting in February as I would like to clear my schedule to attend that meeting.

Nerissa Campbell, President
SSVQP Inc.

ORIGINAL IN RED

APPROVED

Stanley City Clerk

F r: Rebecca [rebarnold@aol.com]
S u: Tuesday, January 14, 2014 4:03 PM
T o: joxdoc@gmail.com; cityclerk@ruralnetwork.net
C c: stanleymayor@ruralnetwork.net; les3@hotmail.com; mhadzor1@yahoo.com;
 lgadwa@hughes.net; sbotti@ruralnetwork.net; ellen_libertine@tajkowski.com;
 kelly@sawtoothsociety.org; sjbotti@gmail.com; steve@hosac.net;
 handlbuhler@ruralnetwork.net; David@lcbre.com; nosworthy9@gmail.com;
 john@rennisonengineering.com; camille.sherlock@gmail.com; charlie@riverwear.com
S u: Re: Proposed changes to Stanley Municipal Code Title 15 - Building Permits

I agree with Dr. Welker's comments/concerns.
 The building permit process that we have in place works fine - if it ain't broke, please don't "fix" it and risk additional litigation.

Sincerely,
 Rebecca Arnold
 (208) 841-2530

-----Original Message-----

F r: Dr. Jeffrey Welker <joxdoc@gmail.com>
T o: Stanley City Clerk <cityclerk@ruralnetwork.net>
C c: Herbert Mumford <stanleymayor@ruralnetwork.net>; lem sentz <les3@hotmail.com>; Melinda Hadzor <mhadzor1@yahoo.com>; laurie gadwa <lgadwa@hughes.net>; steve <sbotti@ruralnetwork.net>; Ellen Libertine <ellen_libertine@tajkowski.com>; Kelly Sawtooth <kelly@sawtoothsociety.org>; Steve Botti <sjbotti@gmail.com>; Steve Hosac <steve@hosac.net>; Rebecca Arnold <rebarnold@aol.com>; Hans & Lotte Buhler <handlbuhler@ruralnetwork.net>; David McDonald <David@lcbre.com>; Drew Nosworthy <nosworthy9@gmail.com>; John <john@rennisonengineering.com>; Camille Sherlock <camille.sherlock@gmail.com>; charlie thompson <charlie@riverwear.com>
S u: Mon, Jan 13, 2014 4:32 pm
S u: Re: Proposed changes to Stanley Municipal Code Title 15 - Building Permits

Per the email from the council please find the following response. See you at the public hearing if and when it occurs regarding this matter. Thank you.
 Jeff Welker

On Tue, Jan 7, 2014 at 12:11 PM, Stanley City Clerk <cityclerk@ruralnetwork.net> wrote:

In response to numerous concerns from the community, the Stanley City Council is considering changes to the building permit process. The changes under consideration are designed to simplify the process by clarifying the types of actions that require building permits, providing a more streamlined procedure for approving most permit applications, and adjusting the term of permits to better reflect the short building season and availability of contractors in the local area.

In addition to the normal process of soliciting community comments through regular and special council meetings, and public hearings, the Council is providing you with a draft, annotated copy of proposed changes at this time. Written comments and suggestions are welcome until January 14, 2014. The Council will review all responses at its regular council meeting on January 16. Based on those deliberations, the additional changes may be made, and the document may be discussed at a future Council meeting or submitted for a public hearing.

You were selected for this mailing list based on your residency or property ownership within Stanley. If you would like to be removed from the list and not receive future notifications about proposed changes to city ordinances and regulations, please notify the City Clerk at cityclerk@ruralnetwork.net.

Sincerely,

Stanley City Council

ORIGINAL IN RED

APPROVED

Stanley City Clerk

From: Jim and Michelle Wetzel (jlmandmichelle1@live.com)
Sent: Tuesday, January 14, 2014 10:47 AM
To: cityclerk@ruralnetwork.net; igadwa@hughes.net; sjbotti@gmail.com
Subject: RE: Proposed changes to Stanley Municipal Code Title 15 - Building Permits

Just a few quick comments regarding the Building Permit Process and Changes to SMC

Section 15.04.020

Multi-family dwelling:

I would like to see a reference or link to section 17.08.56 which defines what "off street parking" is, or better yet just add the definition so we don't end up with another Stanley Town Square. The wording and intent of the definition was in place for a good reason. The only way anyone (especially future Council Members) would know if a space is available for parking and snow storage is to have open space that is visible. If anyone were to take a look now at Stanley Town Square, they would probably find about 4 spaces that actually qualify as parking, the rest is being used as storage or dumpster space (not including the dumpster that is on the city street again?) Doesn't appear the courtyard is accessible for snow storage either, which if you remember was part of the deal to be able to put in all of the livable units.

After the Building permit is signed, who verifies that the permittee actually complies with the terms, now and in the future?????

Section 15.04.030

If the Council is going to approve a building permit contingent upon the applicant meeting some other requirement who is going to be responsible to verify that *those* requirements are actually met??? Again, Stanley Town Square..... the rules were "bent" to allow Stanley Town Square's 11 livable units under the condition that an easement for parking be established on a separate parcel (lot 3a) and recorded to run with the land in perpetuity (May 9, 2013 Council Meeting) Has this been verified and does the garage actually provide the two parking spaces of the required size?

I appreciate the fact that you are trying to update and streamline the Building Permit process but if the codes are allowed to be manipulated and twisted anyway, or applicants don't actually follow through with what is required and are apparently allowed to do so what's the point.

Michelle

From: cityclerk@ruralnetwork.net
To: cityclerk@ruralnetwork.net
Subject: Proposed changes to Stanley Municipal Code Title 15 - Building Permits
Date: Tue, 7 Jan 2014 12:11:32 -0700

ORIGINAL IN RED

APPROVED

Stanley City Clerk

From: Rebecca [rebarnold@aol.com]
Sent: Tuesday, January 14, 2014 5:40 PM
To: cityclerk@ruralnetwork.net
Cc: mhadzor1@yahoo.com; mccoys@ruralnetwork.net; mthvill@ruralnetwork.net; mvlodge@ruralnetwork.net; info@meadowcreekinn.com; info@sawtoothproperties.com; papabrunees@gmail.com; christythompson@mail.com; sawprop@ruralnetwork.net; sarionalley@mac.com; info-request@highcountryinn.biz; steve@hosac.net; ken@hosac.net; joxdoc@gmail.com; cjsherlock@launchdesignviz.com; tpeterson@whaleylevay.com; ellen_lbertine@tajkowski.com
Subject: Fwd: Proposed changes to Stanley Municipal Code Title 16 - Building Permits
Attachments: DRAFT_revised_bulding_permit_ordinance_010514_annotated.doc

Please read the following letter into the record at the Council meeting on January 16, 2014:

Mayor/Council:

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 on January 7, 2014 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. 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: I have not had adequate time to review the proposed changes but I offer the following **preliminary** comments:

15.04.10 Requiring a permit for changing windows or load-bearing walls makes no sense - windows have never been and are not regulated by the Stanley Municipal Code ("SMC") AND nothing in the interior of the building (such as load-bearing walls) is regulated by SMC and nothing within the interior of the building should be regulated. SMC regulates ONLY setbacks, building height, exterior construction materials and color. The "footnote" explaining the change is ludicrous - interior changes have NEVER been regulated and no building permit required - neither have changes to windows and doors. Leave the language in the original alone please.

ORIGINAL IN RED

APPROVED

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 "footnote" explaining the need for the change is total BS! The city has no liability - as Dr. Welker eloquently pointed out in his comments. As to stormwater, the City does not regulate stormwater - SMC regulates ONLY setbacks, building height, exterior construction materials and color. The City needs to solve the stormwater issues by acquiring appropriate easements for drainage (and yes, you have to pay for those easements just like every other public agency does!), not trying to use the building permit to try to bootstrap solutions while actually doing nothing other than lining the pocket of engineers and making building in Stanley more expensive and unaffordable. If you add this requirement, you likely will get sued once again - Do you really want to go there? The City has already spent more money in attorneys' fees than it would have cost to fix the stormwater problems in the first place - how much more does the City plan to give the attorneys without solving the problem?

The language making **ANY** deviation a violation is not reasonable and should be removed! 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 as the new last sentence of 15.04.10 proposes to do ("Any deviation from the proposed use or construction specified.....shall be a violation) ?? And you are proposing to increase fines from \$100 to \$1,000 and increase jail time to 6 months??? That is just plain stupid and certainly heavy-handed! So if someone places dirt somewhere that you don't like, you plan to try to impose these heavy-handed misdemeanor provisions? Seriously?! You are just asking for a lawsuit for violation of civil rights under federal laws if you try to do that! also odd that there is now a reference to Title 18 of Idaho code added to the draft - Title 18 has 86 chapters within it - just what are you trying to accomplish by this reference to Title 18? The prudent course of action would be to eliminate the criminal provisions from the building permit ordinance altogether.

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 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!) 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 You are proposing to increase fines from \$100 to \$1,000 and increase jail time to 6 months??? That is just plain stupid and certainly heavy-handed - especially now that you propose to make ANY deviation a violation! So if someone places dirt somewhere that you don't like, you plan to try to impose these heavy-handed misdemeanor

ORIGINAL IN RED

APPROVED

provisions? If the City wants to do something productive, why not get rid of the criminal provisions altogether?!!?

15.04.060 The proposed changes to this section are still problematic - the proposed changes 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. 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.

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.

Although the "footnote xiv" says that the Code provision applies to the completion of the exterior and does not cover the finishing work in the interior - the proposed code language does not make that clear! And as an aside, do you plan to force Ron Gillette to remove the unsightly, partial building - the foundation - on his property since he certainly is well beyond the term of any building permit he had and that partially finished building is "disturbing the harmony and aesthetics" of my neighborhood?

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 a 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

ORIGINAL IN RED

APPROVED

it. Whatever happened to the idea of trying to make housing in Stanley affordable? The building season is very short - from June through October.

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.

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.

Sincerely,
Rebecca Arnold
(208) 841-2530

-----Original Message-----

From: Stanley City Clerk <cityclerk@ruralnetwork.net>

To: 'Stanley City Clerk' <cityclerk@ruralnetwork.net>

Sent: Tue, Jan 7, 2014 12:11 pm

Subject: Proposed changes to Stanley Municipal Code Title 15 - Building Permits

#AOLMsgPart_3_df1633fa-16a8-4335-9fab-752cdf234835 td{color: black;}
.aolReplacedBody p.MsoNormal {margin-left:37.5pt;}



Dear interested resident/property owner,

In response to numerous concerns from the community, the Stanley City Council is considering changes to the building permit process. The changes under consideration are designed to simplify the process by clarifying the types of actions that require building permits, providing a more streamlined procedure for approving most permit applications, and adjusting the term of permits to better reflect the short building season and availability of contractors in the local area.

In addition to the normal process of soliciting community comments through regular and special council meetings, and public hearings, the Council is providing you with a draft, annotated copy of proposed changes at this time. Written comments and suggestions are welcome until January 14, 2014. The Council will review all responses at its regular council meeting on January 16. Based on those deliberations, the additional changes may be made, and the document may be discussed at a future Council meeting or submitted for a public hearing.

ORIGINAL IN RED