

ORIGINAL IN RED

**City of Stanley
Regular Council Meeting Minutes
June 10, 2010**

Mayor Mumford called the City Council meeting to order at 6:07 p.m. Thursday, June 10, 2010 in the Stanley Community Building.

IN ATTENDANCE FOR THE CITY:

Mayor Herb Mumford, Council President Steve Botti, Councilman Frank Juiliano, Councilwoman Laurii Gadwa, City Police Officer Pete Isner arrived at approx. 6:25pm, and City Clerk Erin Fisk.

OTHER ATTENDEES:

Jolie Turek, Todd Adams with the Challis Messenger, Charlie Thompson, Trevor Downton, Mike Talbot, John and Sue Van Der Wal, Jen Hettum, and Ellen Libertine who arrived at approx. 6:55pm.

PUBLIC HEARING:

Variance for AlpenGrow Community Garden – there are no provisions in the code for greenhouses, so asking the group to apply for a variance seemed like the most reasonable thing to do. Jen asks about waiving the fee for the hearing notice in the paper. No one had signed up to speak for or against the project. Jen voiced her support for the approval of the application. Councilman Juiliano also spoke out in support of the garden and applauds the group's efforts. Since no other testimony was offered, the hearing was closed at 6:11pm.

While the hearing was on the agenda, the actual vote on the application was not listed on the agenda. Councilwoman Gadwa made the motion to amend the agenda per IC 67-2343(4)(b)(c) to include a vote on the community garden variance application and to discuss the request to have the city cover the hearing notice costs. Councilman Juiliano 2nd; all approved; none opposed; motion passes.

MAYOR COMMENTS/UPDATE:

Budget workshops were rescheduled for Monday through Wednesday, June 21-23 starting at 10:00am since both Councilwoman Gadwa and the city accountant are not available the week before. A FEMA workshop is scheduled for June 18 at 10:00am in the community building to go over the process of obtaining federal flood insurance, the permitting process, etc. It is a general informational session. The FEMA representative will be able to answer questions and can tailor the agenda to what we think will be of the most benefit. Mayor Mumford talked a little about the heavy rains and the damage it caused to a couple of the retaining wall blocks behind the fire department. The area is currently taped off to prevent anyone from being hurt. The stability of the wall needs to be addressed. The rain has washed two of the blocks down the hill and the Mayor is concerned that the blocks have been undermined. We need to talk to Andy Gunderson about this to see what their plan is for repairs. Because there had been a wedding that weekend with lots of kids running around and playing around the affected area, the Mayor mentioned how the rental agreement for the community building does not address the supervision of children. Better disclosure on the rental agreement may be needed to protect the city from liability. Councilwoman Gadwa thinks that the fire district would be responsible. The 3rd Annual Kite Festival is coming up on Sunday, June 20. Jen stated that Randy Somerville could use some help rounding up volunteers. There

will be a BBQ/potluck up at the park with basic food and drinks provided. Steve Botti spoke a bit about the recent high waters. According to the USGS stream flow gauge for Valley Creek, the creek flow increased by about 100% in twelve hours due to heavy rains and run-off. The creek peaked at just over 2,000 cubic feet per second, the highest since 1956. At that height, it was equal to a 50 year flood event, which is only 170cfs below a 100 year flood event. This goes to show that even if the snowpack is low, with rains and warm temperatures flood events can still occur. The main Salmon River was only flowing at about the level of a 25 year flood event. Steve would like to write a brief narrative to keep on file about the recent events. Gary Gadwa will submit photos taken during the high water to add to the city records. This just reaffirmed the need for a flood ordinance to protect from events such as this and possible higher waters in the future. Based on preliminary comparison of data, flood maps and photos combined with the recent high water marks, the 100 year floodplain boundaries are about where we thought they would be. This is a good indication that the map is accurate. The museum flooded a bit with around 5-6 inches of water. This was mostly due to a "berm" that was supposedly removed by the highway department some time ago after the 1056 flood. Councilwoman Gadwa thanked Jim Wetzel for coming to their aid and helping with his backhoe to stop the flow of water onto the museum property. The Mayor would like to make sure we have sandbags on hand and available or situations such as these. Officer Isner also mentioned having a cache of gravel or dirt & gravel to fill the bags with. Fourth of July activities will be held on Sunday the 4th this year. There will be a kid's parade as usual, but the route may change to avoid the highway. There will also be a BBQ/potluck at the park in the evening after the parade and then fireworks at dark. Mayor Mumford asked for volunteers who might want to help. Sandra Willingham is working on putting together the parade. Officer Isner was concerned about the route and the ability of some of the emergency vehicles to turn around if necessary, since some will be used in the parade. The Mayor would like to see the event remain community oriented with the BBQ and potluck and not see it turn into a food booth kind of deal.

PRESENTATION:

Charlie Thompson – The next Gem Committee meeting will be June 21 at 2:00pm at Charlie's. At this next meeting they plan to go up to the park to discuss objectives and get some community input. They are looking at having a set of by-laws drawn up so that Stanley can remain a Gem Community. He talked briefly about the possibility of creating a recreational district and/or arts council. He is not sure if there is enough inertia and energy to get that going, but it is a thought. Mayor Mumford says he is happy to have the committee functioning again.

Chamber – election of new board members and officers held today. New board members are Neil Anderson, Tom Jones from Smiley Creek, Mike Jones, and Jeff Clegg was elected for another four year term. Jared Hopkinson is still the President and Tim Cron is the Vice-President. Brett Wooley is the 7th board member that carried over. Financials are ok. New interpretive info is going up every day at the Chamber. The BBQ is June 15 at 6:00pm in the park or if the weather is bad it will be in the community building. Everyone is welcome. On June 17 the Chamber will host a training on hospitality and how to improve that in our community. Greg Edson has emailed out info on this. There will also be a workshop on photography, which is open to the public. The bi-laws have been altered/updated to include utilizing new electronic media for meetings such as Skype, etc. Councilman Juliano is concerned. The Sawtooth Society Vision 20/20 meeting had no Chamber representation. He feels that someone should have been there; even the new winter committee was represented. There was talk about getting a communications plan

put together to organize better how information about events and such is disseminated. The plan would state who is responsible for updating online, who gets ads to radio, television, attending events, etc. For example, Deb Bitton working on press releases. The Mayor knows this is a major component of the plan, but it is not sufficient. Charlie says that Greg has been pretty thorough about taking care of things over the years. Charlie believes the council and/or Mayor should talk to the Chamber Board to see some action. The Board is who directs Greg. Councilman Julliano wants to see more tourists and people spending time in town, more businesses starting up in town and expanded winter recreation and events. Charlie says that he will take all this back to the Board and Greg. Councilman Julliano would like to see next year's marketing plan by the next council meeting. Charlie is not sure that they can have something drawn up by then. He would also like to see a hold put on the 3rd quarter option tax if we do not see some action soon. Council President Botti feels that really what we want is a full marketing plan versus just a communication plan. He thinks that we should be able to see something like this before the 4th quarter. Mayor Mumford points out Jolie Turek's attendance at the council meeting. She has been doing a great job and appreciates her presence and support here.

Mayor Mumford talked about CEDA a bit. They are still focused on developing and finding funding for a community center. They are making a lot of progress. They had a meeting on the 8th where they discussed design. The next meeting will be at Redfish Lake Lodge next week. He thanked the CEDA group for coming here for meetings, at least once a year.

CITIZEN PARTICIPATION:

COUNCIL COMMENTS:

COUNCIL ACTION ITEM LIST:

No current updates were provided.

CONSENT AGENDA:

The Clerk asks to have approval of the May 13, 2010 minutes removed as they are not entirely completed. Councilman Julliano acknowledges all the work the clerk does and thanks her. Councilwoman Gadwa makes a motion to approve the consent agenda with the noted deletion of the May 13 minutes. Councilman Julliano 2nd; all approved; none opposed; motion passes.

BUILDING PERMITS:

Ron Gillett, Sign Permit #060710 – requesting approval to put up sandwich board sign. Councilwoman Gadwa makes the motion to approve the permit, but would like to see a copy of the sign ordinance sent to Ron as well. He can only utilize the sign for 30 days total over the summer, although the 30 days does not have to be consecutive. Council President Botti 2nd; all approved; none opposed; motion passes.

Jane McCoy, Building Permit #773 – Councilwoman Gadwa makes the motion to approve the permit. Council President Botti 2nd; all approved; none opposed; motion passes.

Rebecca Arnold, Building Permit #774 – Mayor Mumford points out that there are no city ordinances that regulate fish ponds, but there are definitely federal regulations. He notes that even if the city approves the permits, the applicant must still follow through with all state and/or federal requirements prior to proceeding. Councilwoman Gadwa makes a motion to approve the permits with the note that the

appropriate Corps of Engineers permits as well as all other agency permits which are required be applied for and received prior to proceeding. Council President Botti 2nd; there is some discussion regarding the size of the area as well as the fact that only rough boundaries are shown. The council is curious if the applicant intends to stay within the boundaries drawn on the site plan. The pond on lot 3 is shown with straight angle sides; the council wants to make sure that the pond stays on that lot otherwise another building permit would be required for excavation on the adjacent lot. Councilwoman Gadwa agrees with requesting some clarification from the applicant. Mayor Mumford points out that there is no ordinance that says a pond can only be so large or small; that is not addressed in the city code. Councilwoman Gadwa points out also that the applicant is asking for "fish habitat" not "ponds." There could be a difference in the construction depending on what exactly she is intending to construct. "Habitat" would not include any berming. Officer Isner is looking at the public safety side of this issue. He wants to be sure that if the "pond" were to breach that it would not damage any lots or buildings downstream. Councilwoman Gadwa and Officer Isner note that if the applicant intends to stock the ponds that Fish and Wildlife Services would have to be notified. It is pointed out the homes probably could not be built on the areas the applicant intends to put the ponds. A home could only be built in the wetland areas if an Army Corps of Engineers fill permit was applied for and approved. Other issues may exist with the State of Idaho Department of Water Resources if the stream is being altered. It is decided that although the city does not have ordinances addressing size or development of ponds, in the interest of community safety that the applicant will be asked about the approximate size and depth of the "ponds." The city can simply note that there are concerns but the information cannot be used to withhold or deny a permit. Officer Isner asks that the council reference the public safety and nuisance ordinances. Also, for Lot 3, the permit would not be acceptable if the pond ends up located on other adjacent lots. It must remain on Lot 3 or another building permit will have to be applied for. The council wants to make sure that the applicant does not intend to frame the "ponds." They would become more of a "pool" if they were to be framed in. Councilwoman Gadwa rescinds her original motion. Council President Botti accepts. Mayor Mumford would like the applicant to explain what is or will be done to prevent the "ponds" from becoming a hazard. Obtaining some clarification on these issues would be worth tabling the permit until the applicant can be involved in the conversation. Council President Botti does not think that simply constructing a pond makes it a nuisance according to the city code. Officer Isner feels that it is a possibility that it could eventually become one. Councilman Juiliano makes the motion to table Permits #774 and #775 until the next council meeting pending some additional information being received about the above noted concerns. Councilman Juiliano says that we have no problem with ponds, we like ponds, but we would like to get some clarification on these issues. Councilwoman Gadwa 2nd; all approved; none opposed; motion passes.

Mike Piva/Papa Brunee's, Building Permit #776 – Councilwoman Gadwa is concerned about the actual location of the addition. From the site plans it is kind of difficult to tell where they intend to place the addition. The council is confused over the diagram and concerned with possible setback issues and also some slight inconsistencies on the height listed on the diagrams as well. The clerk understood that the addition was to be built directly off the back of the building; therefore no setback issue would exist. Due to the confusion over the diagram, Council President Botti makes a motion to table the permit until the July meeting in order to clear up the confusion. It is decided that instead of tabling, the diagram and placement of the addition can be cleared up by the clerk as a caveat of permit approval and noted properly on the permit. Council President Botti amends his motion to approve Permit

#776 contingent upon confirmation that the placement of the addition complies with all applicable setbacks. Councilman Juliano 2nd; all approved; none opposed; motion passes.

Marilyn and Dean Qualls, Building Permit #777 – The council reviewed the application. Councilwoman Gadwa makes the motion to approve the permit with the caution to keep the building at or below 28 feet in height. Council President Botti 2nd; all approved; none opposed; motion passes.

Findings of Fact/Conclusions of Law for Arnold Building Permit #690/690-R1 – Under Part III “Decision,” the following wording will be struck from the plat note: “...so long as the utility is apprised of the plat note requirements and acknowledges that the subdivision is partially affected by a FEMA “A” flood zone.” This wording was considered contentious by the other party; the city feels like the plat note is still sufficient and its intention is not undermined by the removal of this sentence. Councilwoman Gadwa makes a motion to approve the document with the above noted strikeout. Councilman Juliano 2nd; all approved; none opposed; motion passes.

LAW ENFORCEMENT: (Officer Pete Isner)

We are working on a new Mutual Aid Agreement with the county to get signed by the new mayor. Pete has been running around town, trying to make a presence and mix up his hours a little bit. He was also out checking people’s business licenses to make sure they had paid and obtained current status. The county Sheriff’s report was handed out. Starting Memorial Day, the Idaho State Patrol is on a regular rotation in Stanley on weekends. This is the sixth year we have had their help. There is an alcohol awareness class, but Pete is unsure about the actual date. Pete received a package from I.T.D. including some flashing red lights to pass out to cyclers to help them be seen at night. The reserve officers recently finished with reserve academy. All five passed and are now considered Level 1 reserves. These are non-paid positions, but they have all the law enforcement powers. There is also a new deputy in Mackay. Stanley may work with them on some cross-training where he comes and spends some time up here. Stanley will get to have some reserve help on busy weekends. Councilwoman Gadwa asked about the new dispatchers and whether or not they still do ride-alongs. This helps to get them familiar with the area and allows them to be more specific and helpful when receiving calls. Pete also recently received his intermediate certification from POST academy.

STREETS AND ROADS: (Mayor Mumford)

Steve Stroud performed an initial grade on the city streets on June 7. The Mayor is happy with his work, but not happy with the quality of the surfacing material we had to use. It was mostly dirt, which turns to mud with the rains, and not enough gravel. The city will look into procuring some additional material from I.T.D. at the Fourth of July pit that will hopefully be more gravel than dirt. Councilwoman Gadwa noted the damage to Valley Creek Road during the heavy rains (Valley Creek is a private road), and that they are working on repairing it and will also need some gravel. The Mayor stated that the city is looking at doing some dust abatement on the city streets, dependent upon cost. I.T.D. does dust abatement on the Airport and we are hoping to “piggy-back” with them and save the cost of transport. It is not magnesium chloride; the product we are looking at is more of a resin-based material and does not readily run off the road surface with rain. It appears to be non-corrosive and safe; the EPA and DEQ have not identified any concerns over its use. Because of the cost, not all of the roads can be done. The ones receiving the bulk of the traffic will be hit including most of Ace of Diamonds, Wall Street from the

highway to the base of the hill and Niece Avenue from the highway to Ace of Diamonds or farther down if possible.

CEMETERY: (Councilwoman Laurii Gadwa)

First there was too much snow, now there is too much rain. It is currently too wet to do any work. Laurii would like to have the clerk contact the Forest Service about the condition of the cemetery access road, which is their responsibility to maintain. It is in pretty bad shape at this time.

CITY PARK:

COMMUNITY BUILDING: (Mayor Mumford)

Councilwoman Gadwa makes the motion to approve the Chamber's request to waive the usage fee for a workshop on June 17th. Council President Botti 2nd; all approved; none opposed; motion passes.

AD HOC COMMITTEES:

- Groomer Committee: (Mayor Mumford/Gary Gadwa) – new tools were purchased for the groomer shed to replace some that have gone missing or worn out over the years. Now that we have new tools, they need to be kept good track of.
- CEDA Report – discussed earlier in meeting.
- Gem Committee: (Charlie Thompson) – discussed earlier in meeting.
- Chamber of Commerce: (Greg Edson) – This is a new item Mayor Mumford recently asked to have added to the agenda. This was dealt with earlier in the meeting.
- Code Review: (Council President Botti) –

UNFINISHED BUSINESS:

NEW BUSINESS:

AlpenGrow Community Garden – requested earlier in meeting to have the city cover the fees associated with the hearing notice. Councilman Juiliano makes the motion to approve the request. Councilwoman Gadwa 2nd; all approved; none opposed; motion passes.

Variance Application for AlpenGrow Community Garden – Council President Botti makes the motion to approve the variance application from Title 17, Chapter 4 Section 020, since it does not substantially undermine the intent of the code. Councilman Juiliano 2nd; all approved; none opposed; motion passes. The Mayor noted that because of the materials being used for the greenhouse, it has the potential to become "ratty." He wants to make sure it stays neat and tidy. Jen Hettum notes that it is in the agreement and forms that they will agree to maintain the area.

CITY CLERK REPORT: (City Clerk/Treasurer Erin Fisk)

The city office will be closed Monday, July 5 in observance of the Independence Day holiday, since the actual 4th falls on Sunday.

OPTION TAX REPORT: (City Clerk/Treasurer Erin Fisk)

See copy of report available in city office. Thanks to a great steelhead season, both March and April saw higher revenue than in 2009.

TREASURER REPORT:

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

EXECUTIVE SESSION:

Councilwoman Gadwa made a motion to adjourn into executive session at 8:12pm per IC 67-2345(1)(d) to consider records exempt from disclosure as provided in Chapter 3, Title 9 of Idaho Code. Council President Botti 2nd; roll call vote: Councilman Juiliano – "yay;" Councilwoman Gadwa– "yay;" Council President Botti – "yay." All approved; none opposed; motion passes.

After a quick five (5) minute break, the council and Mayor discussed the business at hand.

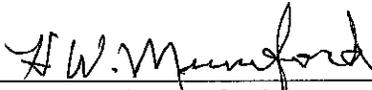
Councilwoman Gadwa made a motion to move back into open session. Council President Botti 2nd; all approved; none opposed; motion passes. The meeting was moved back into open session at approximately 8:28pm.

CITY ATTORNEY: (Paul Fitzer & Stephanie Bonney)

ADJOURNMENT:

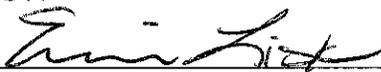
There being no further business, Mayor Mumford adjourned the City Council meeting at approximately 8:28pm.

ORIGINAL IN RED



Herb Mumford, Mayor

ATTEST:



Erin Fisk, City Clerk

