

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, FEBRUARY 14, 2005
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:35 p.m. by Mayor Susan McBryant. Present were Council members Rick Davis, Martha Burke, Don Keirn and Carol Brown. Staff present included City Attorney Ned Williamson and City Clerk Heather Dawson.

EXECUTIVE SESSION

Burke moved and Keirn seconded that the council go into executive session at 5:36 p.m. to discuss pending litigation, land acquisition, and personnel issues. A roll call vote showed all in favor. Following a motion, second, and roll call vote to adjourn, the council adjourned executive session at 5:51 p.m.

OPENING REMARKS

McBryant thanked the council and staff for working on this Valentines day. She commended the Hailey Public Library on its moving into a fairly intense event schedule pertaining to art, called *Art (reframed)*.

CONSENT AGENDA

Several items were pulled from the Consent Agenda, including CA54, CA60, CA53 and CA57. Keirn moved and Burke seconded that the remainder of the consent agenda be approved.

- ~~CA 53 — Motion to authorize city staff to draft ordinance amendments which would require community housing lots in all subdivisions and Planned Unit Development in Hailey~~
- ~~CA 54 — Motion to approve Findings of Fact, Conclusions of Law and Decision for approval of annexation for Woodside Elementary School~~
- ~~CA 55 — Motion to approve Findings of Fact, Conclusions of Law and Decision for approval of Edgewood Townhomes Final Plat~~
- CA 56 Motion to approve Findings of Fact, Conclusions of Law and Decision for approval of Mountain Sage II and North Mountain Sage Townhomes preliminary plat
- ~~CA 57 — Motion to approve Findings of Fact, Conclusions of Law and Decision for approval of Mountain Sage II PUD~~
- CA 58 Motion to approve PUD Agreement for Mountain Sage II
- CA 59 Motion to approve summary of Ordinance No. 895, revised parking requirements for schools, for publication
- ~~CA 60 — Motion to approve minutes of January 10, 2005, and to suspend reading of them.~~

- CA 61 Motion to approve minutes of January 24, 2005, and to suspend reading of them
- CA 62 Motion to approve minutes of February 4, 2005, and to suspend reading of them
- CA 63 Motion to approve minutes of February 7, 2005, and to suspend reading of them
- CA 64 Motion to approve claims for expenses prepared between Jan 10 and Feb 14, 2005
- CA 65 Motion to approve Treasurer's Revenue/Expense Report for Month of January

CA53 Williamson said the motion should state that the council authorize city staff to conduct research and draft an ordinance amendments which would require community housing lots in all subdivisions and Planned Unit Development in Hailey. Brown moved that the revised motion be approved as stated by the attorney; Burke seconded. The motion carried unanimously.

CA 54 Brown clarified that 1000 square feet of linear passage is the correct figure. Brown also noted that parks dedication should be included in the bullet points at the end, and asked that the Findings of Fact and Conclusions of Law for the Woodside School Annexation include that additional parks dedication language. Keirn moved to approve the Findings of Fact with those changes. Burke seconded; the motion carried unanimously.

CA57 McBryant noted that Page 42, unrelated to the item, be deleted from the documents approved. Brown then moved that the council approve the Findings of Fact, Conclusions of Law and Decision for Mountain Sage II PUD, excluding the unrelated page. Burke seconded; the motion carried unanimously.

CA60 Brown noted that within the minutes of Jan 10, 2005, on page 4, the word "invite" discussion rather than "incite" should be used, and on page 10 she corrected the spelling of "been". Davis corrected the spelling of a name, Teddie. Burke moved to approve the minutes of January 10, 2005 as corrected. Brown seconded; the motion carried unanimously.

OB 66 3rd READING ORDINANCE 896

A second reading of a zoning ordinance amendment to the townsite overlay district had been agendad. Grotto asked for a waiver of the second reading, and that the council move straight to the third reading. The building season has commenced, and this ordinance is important to be applied to incoming projects. No public had any objection.

Keirn moved to waive the 2nd reading, and conduct the third reading by title only. Davis seconded; the motion carried unanimously.

**OB 67 3RD READING OF ORDINANCE 895
REVISED PARKING REQUIREMENTS FOR SCHOOLS**

Davis moved that the third reading of Ordinance 895, revising the parking requirements for schools, be approved by title only. Burke seconded; the motion carried unanimously.

OB 68 Leargulf Condominiums Final Plat

Scott Miley asked for final plat of his condominium project. Diane Shay said the final plat is consistent with the preliminary plat. Mayor McBryant opened the matter for public hearing. There were no comments. **Brown moved to approve the final plat, with conditions a-c as noted in the staff report.** Keirn seconded; the motion carried unanimously.

PH 69 S&S CONDOMIUM (formerly Higginbotham) FINAL PLAT

Higginbotham said the building already exists upon the lot. He recommended that the council make sure everyone follows the rules pertaining to development requirements within the Airport West Subdivision; that development is turning out very nicely. Mayor McBryant opened the public hearing; there was none. **Keirn moved to approve the final plat, subject to conditions A and B of staff report.** Brown seconded; the motion carried unanimously.

PH 70 FUTURE ACQUISITIONS MAP ADOPTION

City Planner Diane Shay said the council approved the future lands acquisitions map on September 13, 2004. The map needs a place to live; it needs to be part of our Hailey Zoning Ordinance. The purpose of this hearing is to make the map a part of the Zoning Ordinance.

Terry Hogue, 419 South Main, speaking on behalf of Quigley Canyon Ranch, said the city would like a fire station bay and an area to store snow. Quigley Ranch Partners has today filed an application for annexation, and the project has been designed so no snow has to be removed from the project, but the developers are willing to find a location on the project for the city to bring snow. The developers are also willing to site a fire station bay within the project.

Brown moved that the amendment to Hailey Zoning Ordinance 532 be approved, making the land acquisition map a part of the Zoning Map, through Ordinance 897. Keirn seconded; the motion carried unanimously.

PH 71 PARKS AND LANDS BOARD BYLAWS

Mayor McBryant said typically bylaws can be amended by the board of directors of the organization they govern. The Parks and Lands Board by-laws had been redrafted such that the board would make recommendations, and the council would then consider and

adopt the recommendations. Davis was concerned with a change in the bylaws that reduced city residency requirements for board membership from 2 to 1 years. Brown said the board's reasoning is to attract some outstanding candidates even if they haven't been here long. The council felt individuals would not yet have a sense of the community after only one year. **Davis moved to approve the amendments to the Parks and Land Board bylaws with the residency requirement remaining at 2 years, and approve Resolution 2005-05.** Keirn seconded; the motion carried unanimously.

PH 72 – SIDEWALKS MAINTENANCE ORDINANCE

McBryant said the previous focus of the City Council's discussion of this municipal code amendment was on whether all portions of town would require maintenance of sidewalks, and snow removal from sidewalks. Hyde said this ordinance addresses much more than snow removal, and said other issues need to be covered as well. McBryant said these regulations affect businesses, which need to invite the public into their business upon safe sidewalks, which is different than residential sidewalks in front of people's homes. Fixed income citizens and physical limitations need to be taken into consideration for residences.

Brown said she is not prepared to say it is unlawful to fail to remove snow and ice for residential neighborhoods. Davis said he had contacted some of the business owners in Hailey. It is difficult for owners to bring a vehicle around for the purpose of hauling the snow away. He suggested that the city continue plowing business area sidewalks when it is plowing its streets. Business owners would be responsible to keep sidewalks clear after the city plowing is done. Brown said Ketchum either allows business owners to pay the city a fee, or to put it in the right of way prior to the street being plowed. Burke said of all the services that we provide, this one is one of the most visible. She would like to see us continue the service, even if we have to charge for the service. Hyde said the possibility of liability to the city is an issue. He said the plowing is a substandard job because of the ice that builds on the west sidewalk. Williamson said if the city does a task such as this in a substandard manner, there is a liability. McBryant said if the city continues to plow it should do so very limitedly, giving proprietary service only to Main Street, not to River Street and others. Hyde said we get a lot of requests to remove snow from other areas as well, particularly near the schools. Keirn was concerned with the liability. Burke said we should eliminate the residential neighborhood issue, and institute the other sections of the ordinance draft. McBryant said removing snow is a condition of approval on design review projects, or subdivisions. She asked how big Hailey's work is outside these areas that have been subject to design review. Hyde said Hailey's annual snow removal cost is \$15,000. He suggested adapting a sanding apparatus on the Kubota. Hailey could bill this service back to the owners, in an annual bill based on linear feet.

Brown suggested the city continue to extend this services through the rest of the winter, thus giving an adequate notice period for businesses to plan accordingly for next winter. McBryant suggested withholding publication until April 15. Burke was concerned with approving an ordinance that we don't implement, because it furthers the liability of the

city. Hyde said most municipalities require the removal of snow, the deviation is in the amount of time that is given for the snow removal. Davis said Hailey is using the entire city taxpayers' money to help the downtown core to remove snow, and that aid is to a sub-par level. He preferred not to enforce this matter until next winter. Davis suggested there was some sort of handshake deal with downtown business owners associated with the Maine Street LID. Hyde said there is no written agreement; there was a statement from Mayor Roark to gain support for the LID.

Brown moved to continue this matter to the April 11 meeting. Burke seconded; the motion carried unanimously.

NB 73 PAID TIME OFF PROGRAM CONCEPT

McBryant said this is the one element of the employee handbook that hasn't been adopted. Brown said the council adopted a policy which approved the concept of PTO, and wondered why these details have been brought back to the council. McBryant said there are significant fiscal impacts as a result of this policy. One controllable aspect of our tax dollar is our payroll, and felt the council's full knowledge and input is important.

Mike Chapman presented the Paid Time Off proposal. He said currently employees accrue 9 days of sick time per year. The proposed time proposes existing vacation leave with sick leave, calling it Paid Time Off and accruing at a level that would equate to a combined time of 5 days less per year. New employees preferred the PTO plan. Existing employees had some concerns about losing a benefit already accrued, and a potential lack of choice in utilizing their sick-leave bank. The sick time, under this proposal, could be saved or converted at a loss ratio of 2.5 to 1 hour sick time to PTO time. He said management has more flexibility to schedule time off under the new policy. PTO policies are most useful for businesses that don't operate 9-5 Monday through Friday. The proposal will reduce abuse of sick time as well as manager's liability in potential attempts to curb that abuse. Currently temporary replacement people are not utilized to cover other employee's time off. The proposal also phases out all accumulated sick time. The first three days of an illness would be taken as PTO, then a doctor's note would be required, and the Family Medical Leave Notice would be given to the employee, and then banked sick time could be taken.

Brown asked if this conversion would boost any employees over the maximum leave cap. Chapman said it would, but a three-year time frame would be allowed to bring that leave balance down by employees. Keirn said if all the PTO is taken by an employee, and then s/he gets seriously ill, we haven't protected our employees. Chapman said employees can take unpaid leave under the Family Medical Leave Act. McBryant said staff will need to understand that time off will have to be scheduled. Davis asked if the staff had bought off on the 2.5 to 1 ratio. Chapman said Library Board president April MacLeod had said it is not what the library board had hoped for, but something they could accept. Hyde said he did a report on the 24 employees in the public works department, and 13 have less than 40 hours sick leave on the books. He said the current

system is being abused. Brown said she would accept the concept as presented if staff finalized it and brought it back to the council as a Consent Agenda item.

NB 74 GEM COMMUNITY COMMITTEE APPOINTMENTS

Mayor McBryant asked for authorization to appoint Brenda Shappee, Jim Spinelli, and Dave Keir to the Gem Community. She said she wanted to task the core group to come back with recommendations for the remainder of the committee. Brown said a number of names had been submitted, and felt a bit disconnected from that approach to this new method. McBryant said this is a starting point rather than a change of plans; we could continue to appoint Gem Community members as interested people come forward. McBryant didn't want to color the committee with her own personality, and felt that would be better assigned to the core committee. **Burke moved to confirm the appointments as presented;** Keirn seconded; the motion carried unanimously.

NB 75 GEM COMMUNITY MISSION STATEMENT

McBryant said the Gem Community Mission Statement defines the mission of the core group. The core group could amend or redefine the mission. **Burke moved to adopt the mission statement as presented.** Brown seconded; the motion carried unanimously.

NB 76 CITY SAFETY POLICY

Hyde said the city council goals, adopted in August, were to provide training for staff in risk management issues. The proposed safety policy is a statement to its employees that they have responsibilities. He said this is based on one of three models submitted by State Insurance Fund. Williamson said Section II. A. 5, which states that the city will restore its employees to sound physical condition, is broad, and asked what responsibility that puts onto the city. Hyde said the city would offer encouragement from management to employees to come back, and would create light duty job descriptions, for a more effective result to the city than lost time. These are basic requirements of safety requirements in department policies.

Williamson said for the most part, these are laudable goals, but once you start stating we will do a, b and c, then there is liability for the supervisors to do what they are supposed to do. We will probably have a problem insuring that everyone follows such a detailed policy. The Disciplinary Action section conflicts with newly adopted Personnel Manual; the language contradicts the employee-at-will language. He wanted to get rid of Section III entirely. Keirn said that is an unrelated management issue. Brown asked if any of the templates have a here-is-our-philosophy approach, rather than a thou-shalt-and-shalt-not-do approach. McBryant suggested a rewrite by the attorney.

WORKSHOP

Brown said she had drafted a letter to the Blaine County Commission regarding the Area of City Impact issue. She had met with John Anderson, Jim Phillips, Jacki Saul, and Diane Shay, and had found that Bellevue and Hailey share a lot of common goals.

Mayor McBryant said the county commissioners submitted a letter to the airport authority supporting the premise of 1994 Master Plan, that there be no continued expansion of the airport. She said it may help support the site selection effort if Hailey supported that goal as well. She asked the council if they do support that goal, which would prevent expansion either to the east or west. Burke noted that the extension of the runway into Eccles project would be required as well. She said lateral and lengthening extensions are both required for a C3 Standard, which is today's standard. Keirn said by the time we would have it done, we would have another standard. Planes would be coming in lower over Bellevue from the south. Brown said she assumed this body would have endorsed that Master Plan when it got adopted. Davis said he could make a more intelligent decision if he had a financial impact statement. He would back the existing master plan; this airport will not take us where we need to go in ten year's time. McBryant said council members are likely to be challenged individually on this matter, and if they support it as a group, she is comfortable sending a letter to re-endorse that support for the master plan. The council agreed.

Burke said without expanding the airport at this site, fiscal impacts are of no consequence, because we can't run an airport on that site. She hoped to level the playing field, and obtain in writing from the FAA what the objective is. She said starting fresh again, we can redefine what we are dealing with, then go back to this committee and start again. Brown suggested these letters from the FAA can be posted on the web site.

ATTORNEY REPORTS

Williamson said Hailey is facing potentially 9 different annexation applications. The annexation ordinance states the applicant can request a fiscal impact study. There is merit to an objective study, but he felt that should be considered as a bare minimum. He was concerned that there may be increasing pressure from applicants to accept the financial report as the gospel, and that annexation fees may become something to be negotiated down, not up. He felt the applicants should be notified of this mindset, if it is the council's mindset. Keirn gave this mindset two thumbs up, and would like to see the ordinance amended. Burke said if the city has more than one or two annexation applications in front of us, then we're not charging enough. We must be a damn fine bargain if all of these people are coming at us at once. McBryant asked what the purpose of contacting the applicants is. Keirn said the study would set an allowance for error, a base line, and we would negotiate above that. McBryant said there are other impacts that can't be measured. Brown said she never intended that an objective study would be something we would have to live by. Davis said density increase is the main purpose for annexation, and with the price of land, there is a lot of money to be made, and we need to share in that wealth.

COUNCIL REPORTS

Davis asked if the historical commission ordinance was being drafted. Grotto said had drafted it, and had not gotten any council feedback.

Davis said he had contacted a facilitator to get prices on a goal setting meeting,

Davis was in favor of getting the business community behind a Local Option Tax measure, and he would start on that after the historical overlay district was done.

Davis said he had gotten the reader's choice award of Valley's Best Councilman.

Keirn said the transportation committee will meet just prior to the next city council meeting.

Mayor McBryant said she is meeting with Michael David tomorrow regarding community housing. The Transportation committee has started to distribute posters which say Stay Alive on 75, Drive 25. She had held a goal setting meeting with staff, to make sure their own goals had connectivity to the council's goals. It is important that staff understands they have to achieve council goals, and also need to reach the goals of making their offices run well. We've done well with implementing many of the council's 8 goals, including completing the personnel handbook, the future acquisition map, the traffic mitigation program in the short term, and insuring an adequate healthy water supply. She said she had procured job descriptions and information from Prothman, who would help search for a short term contract for finance or human resource professionals. The Rodeo grounds become available in 2007, when the Sawtooth Rangers' lease expires. She wanted to devise a plan now for that property. If we don't have the dream today, it won't happen in 2007. Keirn and Brown offered to participate.

McBryant said she has been approached by the county to have a meeting with them the first Monday in March. Brown said she does not yet know if she will be in town that day. McBryant said these joint meetings need to serve our needs as well. She asked the council to think about the frequency of these meetings, and the benefit of having the county weigh in on our decisions. There will be impacts to the county as we grow. She asked the council to come back next time prepared to talk about this again. Keirn said we need to come up with 2 or 3 agenda items for that meeting.

OPEN SESSION FOR PUBLIC CONCERNS There were none.

There being no further business, the Mayor adjourned the meeting at 7:57 p.m.

Susan McBryant, Mayor

Heather Dawson, City Clerk