

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

The regular meeting of the Hailey City Council was called to order at 5:33 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

Keirn moved and Burke seconded that the council go into executive session to discuss pending litigation and land acquisition. A roll call vote showed all in favor. The council went into executive session at 5:34 p.m. McBryant and Davis recused themselves at 5:50 p.m. Brown moved, and Burke seconded that the council go out of executive session at 6:08 p.m. A roll call vote showed Burke, Brown, and Keirn in favor.

MOTIONS FROM EXECUTIVE SESSION

Brown said the city has reached a settlement in the lawsuit Owen v. City of Hailey to enter into a mutual release and indemnity agreement, and to authorize the mayor to sign this mutual release that includes a total payment by Hailey's insurance carrier ICRMP to Brent Owen of \$27,020. **Brown moved to authorize the mayor to sign the Mutual Release and Indemnity Agreement to settle the Owen v. City of Hailey matter.** Burke seconded; the motion carried unanimously.

OPENING REMARKS

Mayor McBryant said she would like to schedule a special workshop meeting to begin discussion of a local option tax, and canvassed the council for available dates. Keirn said he would be out of town April 2nd through April 16th. Brown said she would be out of town beginning April 17th. The mayor and council chose April 7, 2005 at 5:30 p.m. for that local option tax workshop discussion.

OPEN SESSION FOR PUBLIC CONCERNS

The mayor invited the public to comment on any matters not on tonight's agenda. There were no comments from the public.

CONSENT AGENDA

Brown pulled CA96 and CA97. Keirn moved to approve the consent agenda without those items. Davis seconded, the motion carried unanimously.

- CA 95 Motion to approve Resolution 2005-06, amending the 2005 City of Hailey Personnel Handbook to change Hailey's leave-time policy from a vacation/sick leave policy to a Paid Time Off (PTO) policy, allowing voluntary conversion of previously earned sick time to PTO at a 2.5 to 1 ratio; and amending the definition of Work Week.
- ~~CA 96 Motion to approve minutes of February 14, 2005, and to suspend reading of them.~~
- ~~CA 97 Motion to approve minutes of February 28, 2005, and to suspend reading of them.~~
- CA 98 Motion to approve Findings of Fact and Conclusions of Law for Annexation of Little Indio Subdivision Lots 1, 2, and 38.
- CA 99 Motion to approve claims for expenses prepared between Feb 14, and March 14, 2005.
- CA 100 Motion to approve Treasurer's Revenue/Expense Report for Month of February, 2005.
- CA 101 Motion to set Special Meeting with Blaine County Commissioners for the purpose of discussing and identifying common issues, at 5:00 p.m. on March 21, 2005, in the Blaine County Commissioner's Old County Courthouse top floor meeting room.

CA 96 MINUTES OF FEBRUARY 14, 2005

Brown amended the minutes of February 14, 2005, saying that on page 7, under attorney reports, a paragraph in which Burke continues to discuss airport matters should be moved up out of Attorney Reports and into its proper context under Airport Reports. She also corrected page 8 to show that both Keirn and Brown had offered to participate in planning for future uses of the current rodeo grounds site. Davis corrected page 2, where language should read Townsite Overlay, rather than townhouse. Burke moved to approve the minutes as corrected; Davis seconded; the motion carried unanimously.

CA 97 – MINUTES OF FEBRUARY 28, 2005

Brown said at that meeting of February 28, 2005, a comment she had wanted to make during Cutters was not made, and that is that the council's task that evening was to discuss the findings sent up to us from P&Z, she generally concurred with the findings of the commission, even those findings the commission couldn't make. She wanted that in the record, and did not necessarily want to amend the minutes. **Brown moved to approve the minutes of February 28, 2005 as presented.** Keirn seconded; the motion carried unanimously.

OB 102 3rd READING ORDINANCE 897 – FUTURE ACQUISITION MAP

Davis moved that the council approve Ordinance 897, read the third reading by title only, and authorize the mayor to sign. Brown seconded; the motion carried unanimously.

OB 103 3rd READING ORDINANCE 899 – HISTORIC PRESERVATION COMMISSION

The second reading of the Historic Preservation Commission Ordinance had been agenda, but Davis wanted to dispense with the three readings. **He moved to waive the second reading, and proceed to the 3rd reading of Ordinance 899, read the third reading by title only, and authorize the mayor to sign.** Burke seconded; the motion carried unanimously.

OB 104 VENDOR'S LICENSE DISCUSSION

The Clerk was asked to explain how vendors are currently handled under Title 5 of the Hailey Municipal Code. Dawson explained that approximately a year ago the council had amended the ordinance to allow the private sector to regulate vending from private property and to cease having city hall regulate that. If a property owner or business owner wants to rent space in a private parking lot or yard to a vendor, s/he can do so by filing for that use as part of the Business License Application on that property. The Business license regulations would prevent a vacant lot from being used, because the Business license regulations allow businesses only where there is a water and sewer hookup. The application would show the space upon which vendors could operate, and city staff would approve or disapprove the application after it assessed that proper ingress, egress, pedestrian flow, and permitted uses were in place for the activity. Davis wanted to make sure that property owners are notified or are aware that other business is being conducted on the property, so that insurance coverage can result. Dawson said city staff could ensure that notification has occurred by making it part of the application process.

McBryant said the goal of the ordinance re-write a year ago was to make a more lively, vibrant downtown, and she wasn't sure that goal is being met. Grotto said her recollection of the council's discussion was that single vendor stands could be on private property only in association with an event. Brown said part of the council's intent was to protect bricks-and-mortar businesses. Burke said a shop called Tiki's didn't meet the council's intent. Mayor asked if the council favored restricting vendors to a seasonal opportunity or to events. Brown said absolutely. McBryant then discussed a definition of seasonal, saying it could be from Memorial Day until the cold weather. Brown said the council's intent was to get pedestrian activity in the downtown, but the sale of coats such as was conducted from a vending cart a few months ago doesn't meet that intent. Williamson said he had always felt the council would have control over this, but he is thinking second thoughts. Mayor said the council may want to allow retail sales during an event, but didn't want vendors to be able to compete with other like businesses. Brown said the logic is that a business could allow the vending of products that compete with itself, such as Atkinson's Farmer's Market, which competes with Atkinson's own grocery products, but could not allow vendors whose product the business doesn't normally sell, such as King's allowing the vending of spas.

The Mayor asked Davis and Keirn to coordinate with Dawson to revise the ordinance according to this discussion, then bring in the city attorneys advise before presentation to

the council. Williamson said he would revise the ordinance and shoot it directly out to Davis.

PH 105 ENCROACHMENT ORDINANCE AMENDMENT

Williamson said some encroachment ordinance amendments had been drafted last fall, but have not yet been put in front of the council for approval. The amendment shows that any encroachment permit is a license, not an easement. Another change discusses who would have to get a permit; the city would not need to get a permit to work in its own right of way. Hellen said we require the permit from other utilities, but don't require the fee, because of our franchise agreements with them.

Mayor McBryant opened the matter for public hearing. There was none. **Keirn moved to approve Ordinance 900, waive the three readings, read by title only, and authorize the mayor to sign.** Burke seconded; the motion carried unanimously.

PH 106 SUDVISION INFRASTRUCURE INSPECTION FEES ORD

Hellen said another housekeeping ordinance that we thought was done, but wasn't, revises the subdivision ordinance to add the 1.5% fee, or minimum \$1000 fee for inspection of infrastructure installation. The fees are designed to cover the cost of personnel conducting the inspections.

Mayor McBryant opened the matter for public hearing. There was no public comment. **Davis moved to adopt Ordinance 901, waive the three readings, read by title only, and authorize the mayor to sign.** Keirn seconded; the motion carried unanimously.

PH 107 RIVER STREET IMPROVEMENT STANDARDS

Hellen said it has come to our attention that we need to think about what River Street will look like in the future. This thought process fits into our transportation master plan as well. He displayed several diagram schematics of various configurations of curb, sidewalk, traffic lanes, and parking configurations. He did not favor River Street utilizing a four-lane configuration. Brown asked what the current thinking is on parking in a center lane, then using that lane for snow storage during the winter. Davis said he doesn't like diagonal parking. He was concerned with the bike lane being close to parked cars. Brown said River Street is a secondary business site, pedestrian friendly, walking from the dentist shop to the coffe shop. The center median may not be the right answer; we will be looking at that in the master planning. She favored a pedestrian friendly River Street. She liked the diagram on page 115. Burke favored the center median, saying we should start out with pressed gravel there, then trees, and metal grates. We will then end up with what Bullion Street used to look like, with arched Maple trees over the street and no lawn. McBryant thought it important we retain our 100 foot right of way, and any infrastructure put in should be able to be removed if we ever need the full width for lanes. Center land parking works very well. The median with trees is a good idea, but not more than intermittent trees. Sidewalks will be on either side. It is

awful to ride a bike on a skinny lane that is dedicated to bikes. She preferred a bike route, without a designated lane. She said the little lanes make bikers subject to being hit by people coming from their cars. She did like the idea of raising the pedestrian pathways to cross the street, because that serves to slow down traffic. Bikers who ride on the road, as opposed to neighborhoods, like to follow the rules of the road, riding in the center of the lane, and being able to utilize left turn lane options. Burke said when there used to be diagonal parking on Main, we cut our parking space by half when we moved to parallel parking.

Mayor McBryant invited comments from the public. Aaron Dominy said a lot of the standards are still quite large, on the high end of both parking and street widths. There is still plenty of room for parking with seven foot lanes. He said it is time to challenge ourselves on this snow-removal thing, and not compromise good design for the sake of snow removal. He liked Burke's idea of xeriscaping. He encouraged a plan with five feet on either side, and reduce the cost of the median, to create a buffer with the sidewalk. It's illegal for bikers to ride on the streets, and bike lanes are a safe zone. We are already competing with car doors, and bike lanes actually help to resolve that conflict. He challenged the council and the city to create a new economic hub for the city with good design. He challenged the council to work with the Main Street USA concept.

Matt Furber liked the comments about the street trees on River Street, and suggested having the west side in gravel, with the east side full of trees over a wider boulevard so it doesn't take 20 years to get the height to create a canopy, such as in Paris, where the trees don't have to go over the traffic, just the people. More parking would be developed on the opposite side of the street. He's seen that combination in other places.

Jay Cone of 651 El Dorado Lane agreed that the council has an opportunity to return a rural feel to this street, and to create a nicer, more rural second Main Street. There's no question that Beth Callister favors the bike lane behind parallel parking. Another scheme attempts to regain some of the parking spaces. He heard the word median, but all schemes had a direct effort to make the distance as wide as possible for snow storage. The drainage concerns are solved easily with porous material. Some traffic issues would need to be refined. Burke said every issue is related to traffic; and now we get the opportunity to be foresighted. She said we can identify everything we did wrong on Main Street.

Gary Poole of 680 Kintail said the parking is very tight at his River Street development. If a development is not on a corner lot, developers will have a very hard time getting enough parking. He encouraged the council to think about that. Two lanes of traffic going one-way will just fly down the street at 40 or 50 mph. He said there is speeding on Buckhorn Street in Foxmoore and Deerfield. The first diagram creates a natural turn, which slows people down.

Fire Chief Mike Chapman said whenever we have a snow storm, we are challenged in terms of personnel. Putting more work on a street department that can't find enough snow removal personnel now is not fore-sighted. Whether it is snow or trees or

barricades, such configurations eliminate the ability to use aerial equipment to suppress fires. This would be a business district, and the trees make the job a little more dangerous. Speed humps are a better method than speed bumps, but in no case are they used on a main collector. Unlike Main Street, River Street has overhead power lines, which can interfere with aerial ladders and trees.

Gary Poole said there are residential uses as well, such as with his development, which is a mixed use development. Davis said with residential uses on top of a building more credence is added to the fire safety discussion. He did not want a raised or concrete median if a median is used.

Kathleen Turner said Main Street could use lots of improvement, and creating inviting spaces as opposed to a wide two-lane street with no median offers opportunity to make an enjoyable livable space.

McBryant asked when the council needs to make a decision on what option it favors. Hellen said in reviewing the proposals, he has gotten down to two firms. There is a certain amount of planning left to be done. If we leave it at the 10 foot sidewalk, and some use of a median, that will give the consultant some direction.

Three of the council favored a median concept. Davis said where do you give up safety for aesthetics, and who is going to pay for it. Keirn said early in the game, we will need to discuss financing options, either a redevelopment agency or a bond issue. Burke said there are grants available for such development. Dominy said there is a large upfront cost to this, and safety issues can be worked out. What is the long-term cost if we don't do this. The city may put money up front, but in the long run will have more money coming back in.

McBryant suggested reconvening the traffic club to discuss this matter. Hellen said there may be ITD grants available because River Street is listed as a collector.

REPORTS

Brown said there are nine annexation requests before the city, and she was interested in what the county zoning is, and how the county would view these areas for development. As part of any annexation requirement, it is appropriate to have Tom Bergin give a report on what the county would require. Keirn suggested putting that on the next agenda. Williamson expressed surprise that Bergin would be willing to estimate on every city annexation application what the county might do.

Brown said we had received a letter from Smart Growth, and she had put the response in the hands of Grotto and Williamson. She was disappointed that Smart Growth's letter had contained incorrect information which she had given correct information on.

Davis wanted to pursue utilizing a firm to facilitate a goals setting discussion about what we would like to be like in 10 years. McBryant expressed some reservation about using a firm from Twin Falls.

McBryant instructed Dawson to obtain an agenda from Blaine County on next week's March 21 joint meeting.

McBryant had concerns with E911 consolidated dispatch. She has always been assured there would be no expenses to the city, and now that committee is assuming the city will be paying for a consolidated dispatch. Ketchum would be happy for LOT dollars to go toward that, but down in the hinterlands, we won't have the ability to have such emergency response. She said a Sun Valley Online news article quoted someone as having said they would have to stick it to the cities in terms of funding. The county allowed the cities to put forward a name to represent all of the city's interest, but the cities have varied interests. What is the mechanism the county has for requiring cities to pay for such a service. McBryant said this service is not being sought by our city, and asked the clerk to prepare a transcript of the October 25, 2004 jail facility presentation by Sarah Michaels to the Hailey City Council. She recollected being told in that presentation the dispatch center would not impact the city.

McBryant said the Gem Community Core Team has been tasked to address the list of interested names provided by city council members.

Hellen introduced Robyn Alleman, who started work in the Public Works department last Monday.

OPEN SESSION

Aaron Dominy said as part of his work as Community Planner for Blaine County Citizens for Smart Growth, he has prepared a presentation on "Density is not a four-letter Word", showing how it has been part of a way of life for hundreds of years. The presentation addressed different forms of density in single family form, townhouses, row homes, and all are done attractively. We have many examples in our community on how it is done poorly. The most important issue is how it is designed. He believes in compact development and compact neighborhoods. They create community. We don't know what a sense of community is anymore. He said he chose Elmwood as one of the only options he could find of community neighborhood that was affordable. Brown said seeing this presentation visually had a great impact, combined with the verbal presentation of Aaron. The design component is huge. Dominy said there is a focus on cluster developments.

There being no further business, Mayor McBryant adjourned the meeting at 7:55 p.m.