

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, SEPTEMBER 12, 2005
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:30 p.m. by Council President Rick Davis. Present were council members Martha Burke, Don Keirn, and Carol Brown. Staff present included City Attorney Ned Williamson and City Clerk Heather Dawson. Mayor Susan McBryant was absent.

OPENING REMARKS

Davis thanked the city's emergency service departments for having planned such a successful Dalai Lama event, and the Hailey Fire Department for assisting with the Valley Road Fire in the Boulder/White Cloud mountains.

WOOD RIVER LAND TRUST – FISHERIES PROJECT

The Wood River Land Trust made a presentation about the Big Wood River Fisheries, which informed the council that a naturally functioning floodplain is the major component to a healthy fishery. In an ideal world, we would have no development at all in the floodplain. Since so much area is platted, the Wood River Land Trust will attempt to bring balance through planning and education efforts, will engage in restoration and protection projects, and will promote land use regulations and legislation that protects the floodplain. Phase 2 of the project will identify where the river can be protected, and where land acquisition for the sake of preservation should occur. There are concrete benefits, such as the creation of jobs and money spent, when there are more fish. Hailey's specific role should be to allow no more platting of lots in the floodplane, use ordinance models already on the books to increase protection of the floodplain, protect native vegetation, and enforce the floodplain regulations.

CONSENT AGENDA

Williamson pulled CA 295, saying he wanted to work further on the agreement. Brown moved, Keirn seconded to approve the remainder of the consent agenda. The motion carried unanimously.

- CA 291 Motion to approve Emergency Access Easement on property owned by Dreyer and Crists
- CA 292 Motion to approve claims against the City for August credit card use and utilities
- CA 293 Motion to approve Treasurer's Cash Report for the month of August, 2005
- CA 294 Motion to approve Special Events Permit from Hailey Ski Swap at the Idaho National Guard Armory
- ~~CA 295 Motion to authorize execution of contract with Transpo Group for Transportation Master Plan~~

OB 296 - 2ND READING ENCROACHMENT ORDINANCE RE: MAILBOXES

Davis read the second reading by title only.

PH 297 – COPPER RANCH PHASE III

Brian Yeager presented the third phase of Copper Ranch, saying the phasing agreement needs to be amended. Grotto said there was a second amendment to the PUD agreement that revised the phasing. Davis opened the public hearing, but there were no comments. **Brown moved to approve final condominium plat phase III, with conditions A-F, modifying condition E to state that plat notes are required, finding the application is in conformance with the comprehensive plan, does not jeopardize the health and welfare of the general public, and conforms to the subdivision ordinance.** Burke seconded; the motion carried unanimously.

FINAL PLAT WINTERFOX TOWNHOMES

The applicant was not present. Shay said the hearings examiner approved the split of these lots. After Davis opened the public hearing, there was no public comment. **Keirn moved to approve the final plat subject to conditions A-H.** Burke seconded; the motion carried unanimously.

WOODSIDE ELEMENTARY SCHOOL PUD AND PRELIMINARY PLAT

John Gaeddert said the commission recommended approval of both preliminary plat and PUD applications for the Woodside Elementary school. The application for PUD was initially made for one reason; to identify the school site, the city lot (mitigate Echo Hill) and workforce housing lots. To meet the fire department's goal of dual access, the school was always going to build a road that let access through Echo Hill Park. This private road sends the applicant down the PUD process. Typically need 5 parking spaces for every unit on a private road. We have a design recommended by the P&Z that shows 4 parking spaces. Williamson said at the commission level there was a discussion of the subdivision ordinance requirement regarding dedication of a park. The Commission accepted a waiver, in consideration of improvement of Echo Hill Park. A plan had been devised with Ron Adams. The district was to approve the majority of the area, but the parks and lands board recommended that the district approve the whole. The District wants to contribute \$35,000, do rough grading, and thinks the money will allow Hailey to improve topsoil, vegetation, and finishing of the park beyond grading. The work would be done next spring. The restoration on the parcel directly to the east, will have to be woven into the PUD agreement. Gaeddert said there was a lot of discussion about the design of the buildings. Lots 3A and 3B should be given special regard, including wildland interface fire protection and drainage under design review.

Ron Adams said balancing the cut against the hillside with the amount of fill was the challenge of this project. A 5 to 6 feet high embankment with a deluge system for fire protection is planned. There will be neighborhood paths and a major path that drops

down to the school. Brown asked why water intensive Colorado Spruce are used rather than Douglas fir. Adams said Douglas fir are difficult to grow. He estimated less than 50% of Douglas fir have survived being planted in an ornamental situation.

Gaeddert said all the housing units will be deed restricted. The playfields will be maintained as playfields as long as there is a school. Peebles said the conditions from both commission recommendations have been integrated. The annexation agreement, recorded in April of this year, is blended into the draft PUD agreement. Lewis said a curriculum issue in terms of timing, construction classes are ready to go out and build a house. Williamson said the design review guidelines say that multifamily projects of three or more units must go through design review. This project has 10 units. There were some concerns raised about lighting, and consistently at P&Z we said that would be an issue to be dealt with at Design Review, rather than during those subdivision hearings.

Shay said the commission held three public hearings, and a site visit, all of which were well attended by the public. A lot of consideration was put into the recommendation sent forward to the council. Lot 3 was going to be left for future development, and had nothing specifically platted on it. The district decided to put another duplex on that. The commission was concerned about snow and debris that might come out of the draw that has been burned a few times. A debris flow study should be done, per the fire chief's recommendation. Tom Hellen, the city engineer, said event flow from rain events would need catch basin dry wells, installed by the district.

Davis opened the matter for public hearing. Harold Webb of 3310 Berrycreek spoke of the lack of respect he feels from the school board to homeowners in Woodside. A few meetings back, the school board was going to give a timetable, and homeowners haven't received any of that. He wished the school board would have been more forthcoming in laying out its entire plan. Neighbors, during the Fourth of July weekend, had to put up with bulldozers in the back yard. At what point will the city build on the lot it is acquiring? At what point is the access road going to be a permanent road?

Davis said city hasn't discussed development of its lots yet. The road will be gravel, to be used for emergency access only. Chapman said the urban interface code hasn't been applied to any specific property yet. The land on the south side wouldn't fit that designation, but 3A and 3B would, and that would need to be declared urban interface area by the city council. Those should be built with more fire-resistance material.

Pat Robinson of 3310 Berrycreek said she is disappointed with the way the school district has handled this matter. Homeowners were told it was an avalanche area when they moved in. It wasn't about community housing vs. housing. Construction starts at 6:10 a.m. and trucks unload bricks at the school site until past 9:00 p.m. There has been no communication from the school district. She said debris is an issue, in one area a foot and a half had deepened to 9 feet in less than 10 minutes. Tractors parked within 15 feet of bedrooms.

Craig Sunberg of Berrycreek Drive said his question is about deed restricted housing and if that road is going to be used for construction use? The emergency road was going to be finished with gravel after the utilities are put in, and was not to be used for construction use. The timetable seemed like it was going to be done sooner than it has been done. Trucks come early and in large numbers, and the water trucks come much later.

Davis closed the public hearing. Tom Hellen said there has been some falling out in the construction schedule. Woodside Boulevardd expected to be done on Sept 20, and then there will be no more access through that emergency access. The entrance on Woodside is currently torn up for a variety of reasons.

Keirn asked when the Echo Hill gate will be put in. Hellen said fairly soon. Chapman had not reviewed an urban interface plan. He has not been able to analyze the deluge system. Hellen said in general fire protection systems are not metered. Gaeddert added that it will be irrigated for establishing the hill in the first 2 years. Davis asked who would keep emergency acces clear of snow – the school district will. Residents will maintain the paths through the residential area. The school will be responsible, either itself or requiring the homeowner association. Williamson said we estimate the \$35,000 will work. A slight redesign of Echo Hill park could be done, and the school district has offered the services of Ron Adams. Brown asked why the plan would need to be changed, will the \$35,000 not cover the plan that is submitted. Williamson said the school will pay for only $\frac{3}{4}$ of the design at first, and now the \$35,000 will only cover that $\frac{3}{4}$, so some redesign might be in order. Adams said .27 acres would be the size of the required park per the PUD requirements. We would do the .27, and the city would finish the design.

Keefer said lot 16 was gifted to the city for a park. At the time of the 10 unit PUD, a small portion of the park will be improved for the 10 units park requirement. Park Board wanted additional improvements beyond what is shown. The parks board wish list, now scaled back to $\frac{3}{4}$, shows more trees and additional amenities than what is required. If scale back to minimum improvements required by ordinance. 2.7 acres of land improved to a mini-park. The residential development is using City land to base its improvements upon. The school district said these improvements are not being made by the school. The cost of deed restricted units goes up accordingly. Improvements to the whole area because of the cost of weed mitigation. Accepting money for the park improvements is not as ideal as having the park for us. City staff becomes the project manager for this, a burden upon the taxpayers. Rand Peebles agreed with Keefer in terms of the way the process design came about. The school paid for Ron Adams services on this project. The school district could comply with the subdivision ordinance. In mitigation for the access road is one of the units being given to the city. The \$35,000 came from numbers that had been generated from the Woodside Central park, which is costing \$35,000 per acre. Burke now understood the use of the emergency access road, and wanted a firm commitment to the ballards being put in place. After the road closure, if construction hardships will effect neighbors, can the school let them know. Lewis said the school doesn't want the road ever opened, and would fight with neighbors against that.

Lewis said he hadn't received one complaint from this company during the high school project, but now there is a different manager, and Lewis said he will talk with the manager tomorrow. He extended an apology to the neighbors for the lack of communication, and pledged improvement in that regard.

Lewis said there will be \$9000 worth of boulders instead of \$3000 in fence, and the school will stand by that. The roadway was traded for lot 2. Burke suggested that in the school curriculum benches and park amenities be built instead of the houses. Lewis said if the city paid for the materials, the students could be built.

Davis asked about parking problems for the townhomes. Brown said the park design is the standard. Active recreation facilities and the dedication of school fields are a commensurate amenity which make him comfortable the PUD requirements have been met. He would like temporary irrigation on parcel 28, to avoid noxious weeds from establishing there. Davis said this way we will have the money to improve that parcel.

Keirn said if the park is done by the city, we will have day to day control of the park development. Gaeddert said the school would not allow the first unit to get occupancy until design review is done on it, but asked to begin excavation and foundation prior to design review, saying that is not injurious in any way. Davis said it sets a precedent. Williamson said the city could issue a foundation permit only, under the full understanding that the project is at risk if something changed during design review. Hellen said water main and hydrants have to be in place before foundation permit can be issued. Shay said there has been an incredible amount of give and take that's happened in the last couple of years. She attempts to get information ahead of time, and the day and hour of the meeting things like this crop up, and she is very uncomfortable with how ill-prepared that makes her look.

A question was asked regarding the condition for additional buffering from the baseball field. Shay said proximity of third base to the homes caused her concerns, and asked Gaeddert to make sure adequate fencing was in place. Additional buffering was then required.

Brown moved to approve the PUD application, incorporating conditions A-F, amending F to read that additional buffering from baseball field installed by district after approval by staff, D amended to add on \$35,000 to be submitted for developments of the park, find that comprehensive plan elements have been met, specifically through parking, private road, with active recreation facilities and 100% work force housing, and that the finding be made that the project is in conformance with the comprehensive plan. Burke seconded. Brown amended D further, adding restoration of the adjacent RGB parcel, add parcel 28 restored with native grasses, use temporary irrigation, rough grading of the park, replace fence with rocks, and have the rocks and bollards in place as soon as possible to avoid unauthorized use. The amendment was seconded by Burke, and carried unanimously. The amended motion approving the PUD then carried unanimously.

Brown moved to approve preliminary plat with conditions A-M, modifying I to include the necessary designation of wildlands interface as recommended by the fire chief. Keirn seconded; the motion carried unanimously.

Brown said citizens are our most important resource, and hoped they felt heard.

FOURSQUARE GOSPEL 6-MONTH EXTENSION FOR RECORDING FINAL PLAT

Bruce Smith said the church is having trouble affording the \$20,000 in improvements, and would like an extension of time or a bonding situation. When Davis opened the public hearing, there was no public comment. Keirn moved to approve a six-month extension for recording of final plat. Burke seconded; the motion carried unanimously.

ESTABLISHMENT OF NEW FEES

Dawson noted that new fees for late licensing and special employee services had been published. When Davis opened the public hearing, there was no public comment. Burke moved that the council adopt Resoluiton 2005-15, authorize city officials to sign. Kerin seconded; the motion carried unanimously.

COX COMMUNICATIONS

Williamson said the Cox Franchise has been noticed for public hearing, is being continued for negotiations. We have been in constant communication with Cox, but they want to bring in representatives to meet with us. Keirn moved to continue to the meeting of September 26, 2005. Burke seconded; the motion carried unanimously.

INTERMOUNTAIN GAS COMPANY EXTENSION

Williamson said there has been good communication with intermountain gas company and their representatives, but our extension is expiring, and we need to renew it one more time. Davis opened the public hearing, but there was none. Burke moved to adopt Ordinance 921, read by title only, waive the three readings, and authorize the mayor to sign. Brown seconded.

ERRORS AND OMISSIONS AND PROPERTY INSURANCE PROPOSALS

Davis said he is in the dark regarding insurance proposals. Williamson said the mayor asked city staff to explore other insurance alternatives, specifically Moreton and Company, which is not as widespread as ICRMP. There have been some issues with ICRMP, and he has had some very candid discussions with Rick Ferguson of ICRMP. He has gone through both policies with a fine-tooth comb. ICRMP does meet risk requirements. ICRMP is currently more expensive, but the premiums can be adjusted depending on modifications of risk experience. After thinking about this at great length, we recommend ICRMP, which provides services relative to helping with risk

management programs. Keirn wanted to lean on the recommendations of staff. Burke said the comparison's are worthwhile. Brown couldn't find a compelling reason to change, saying it is fiscally responsible to do a cost comparison.

Keirn moved to renew policy with ICRMP for fiscal year 2005/2006. Burke seconded; the motion carried unanimously.

DEVELOPMENT IMPACT FEE PROPOSALS

Clerk introduced the proposals from consultants for development impact fees. Brown said Ketchum City Administrator Ron LeBlanc had said Ketchum covered the full cost of putting its ordinance in place with one application. Williamson said Tishchler will be more defensible, and will be more conservative in his approach. Brown said criticism of Tishchler was that didn't go far enough. Keirn moved to accept the Tishchler proposal. Burke seconded; the motion carried unanimously.

MEDICAL INSURANCE

Brown moved to approve THE health plan currently in place, with increased premiums, for the next six months. Burke seconded; the motion carried unanimously.

KODAK AMERICAN GREENWAYS CONSERVATION FUND GRANT

Brown moved to authorize acceptance of \$1000 grant. Burke seconded; the motion carried unanimously.

WORKSHOPS

Davis said the Old Mercantile developers want to be excluded from the moratorium. Grotto said inclusionary housing requirements would not apply to commercial projects. The council instructed staff to draft an amendment to the moratorium ordinance.

Hellen gave a progress report on the last Regional Transportation meeting. Brown asked who would prepare the joint powers agreement.

Burke said the town site overlay committee met once, and points will be distributed for approval, and a brief report will be given.

Burke said the irresponsibility of a meter issue in Woodside was staggering, and said trees should be allowed to be moved. Hellen was afraid of what utilities will be pulled from the ground with the trees.

Keirn said attending SEIDO's annual meeting on Thursday, and Jan Rogers will be coming up on the 29th.

Davis asked Hyde to visit Bellon's property to look at sap-dripping trees.

Davis said the Historic Preservation Commission has some issues with appointing a chair. He wanted to be appointed to the commission. After lengthy discussion, Davis said he would remain liaison but run the meetings until there is a chair.

Dalai Lama Event Report– Chapman said there had been 6 EMS contacts during the event, resulting in two ambulance deliveries each day. Another 1000 people could have attended the event. The number of 10,000 took a lot of time to derive, and it appears we had the right number. For future events, wiggle room would need to be left for making adjustments for time-of-day or type of concert. Because of staff's insistence, we had a good plan.

EXECUTIVE SESSION

Burke moved, Brown seconded; that the council go into executive session to discuss pending litigation, land acquisition, and personnel issues. Aroll call vote showed all in favor. The council went into executive session at 9:10 p.m. Following a motion and roll call vote to adjourn, the council went out of executive session at 9:30 p.m., after which Davis adjourned the meeting.