

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, NOVEMBER 14, 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 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.

PRESENTATION - E911 and CONSOLIDATED DISPATCH CENTER

Hailey Fire Chief Mike Chapman presented the political history of a county-wide E911 and Consolidated Dispatch Center. In 1994 the local emergency response agencies reached a consensus to require a non-user to operate a consolidated dispatch system. Funding problems prevented that development. In 1998 Mayor Brad Siemer issued a letter of support for a consolidated dispatch center. A 2000 report released from Pacific Consulting Services identified the recommended size and relevant codes that should be followed during construction. In 2002 the issue of a separated E-911 system was put on the ballot and approved by voters. An implementation deadline was set at July 2004. In 2003 the BC3 Board was convened for the purpose of interim management of the facility. In November 2004 the matter of funding a facility was put on an advisory ballot. Only a small area of the jail facility is needed for the consolidated dispatch center; 800 to 900 square feet will suffice. In October 2005 bids for the project came in over budget, and the BC3 board discussed whether to ask Hailey to waive building and fire codes. Plans to secure a loan for \$9.5 million are underway, and E-911 is not likely to be operational until year 2006. He noted that there would be future operations expenses with the new facility. He said that the emergency services want the dispatch center to be under the jurisdiction of the county commissioners rather than the sheriff. County taxes should fund the base level of service across all jurisdictions. There are issues relative to how the joint powers agreement should apportion the costs. He recommended that judicial confirmation be sought separately for three facilities, the dispatch center, the dispatch facility, and the jail facility. Determination of what kind of oversight would be put in place is important.

Len Harlig said the question the entire valley community should be asking is how we are so deep into the project from the ballot measure and are at this intense level of distress. \$1,300,000 has been paid for a system that has not yet been delivered. Mayor McBryant asked if the city has some obligation to this distressed process. Chapman said the city has no obligation.. Brown said we need to help make the project fiscally responsible earlier rather than later, because we will end up with some responsibility. Tom Bowman said a petition for judicial confirmation has been withdrawn, and a new one is being prepared for filing. Brown said there may be some economy of scale between the three entities.

McBryant said this discussion will be brought back to the city council after the judicial confirmation process is finalized by Blaine County.

FRIEDMAN MEMORIAL AIRPORT PRESENTATION – Friedman Parcel

Airport Manager Rick Baird said he intended to give the council an idea of the functionality of the Friedman parcel donated to Hailey in 1931. In October the airport authority voted to not amend the preamble, which means that it has stated the airport has to be moved. A site was selected for further study inside Blaine County near the Lincoln County line. The Friedman parcel is approximately 102 acres. The hangar areas are outside that parcel, but the terminal area is inside of it. The present infrastructure could not be counted upon by the City of Hailey for revenue. He outlined the various revenues that are collected for operations from outside the parcel. The Runway Protection Zones would still be required if an airport on that site is publicly owned for public use, but if publicly owned for private use, the city would be accepting significant liability but could operate without the RPZ's being mandated. He said they would surely be advised.

CONSENT AGENDA

Brown asked if, relative to Consent Agenda Item 364, state code applies. The clerk noted the regulations are in Title 50-903. **The consent agenda was then moved for approval by Keirn and seconded by Burke;** the motion carried unanimously.

- CA 362 Motion to approve Findings of Fact and Conclusions of Law for final plat approval of Value Building II Condominiums
- CA 363 Motion to approve payments for invoices incurred during October, 2005
- CA 364 Motion to authorize the destruction of semi permanent records older than October 1, 2000, including claims, warrants, duplicate check registers, purchase orders, vouchers, invoices, duplicate receipts, registration and other election records, utility and other financial records, with the condition that the purging of records be under the direction of the city clerk
- CA 365 Motion to approve **November 8, 2005 GENERAL ELECTION Canvass** as follows:

Number of Registered Voters prior to the Election	3433
Number of New Election Day Registrations	2
Total Number of Ballots Cast	85
Number of Ballots Cast Absentee	4
Number of Absentee Ballots Requested	5
Number of Spoiled Ballots	1
Number of votes for Council Seat No 1.	
Martha Burke	78
Number of votes for Council Seat No 2.	
Don Keirn	79

There were no declared write-in candidates for this election; therefore no write-in votes were counted.

SUBDIVISION ORDINANCE AMENDMENT

Grotto introduced the miscellaneous amendments to the subdivision ordinance, including some regulation changes to lot line adjustments. She felt a short plat process would be better for subdivisions of this nature. Approval of flag lots has been somewhat modified. Language is added that all lots must have frontage on a private or public street. This would prevent lots from accessing only the alleys in old Hailey. Decisions by the hearing examiner is added to the processes subject to appeals. Standards and criteria for amending the subdivision ordinance is established, and mirrors the language of the zoning ordinance.

Mayor McBryant opened the public hearing. There were no comments. **Davis moved to adopt Ordinance 925, proceed with first reading and read by title only.** Brown seconded; the motion carried unanimously.

COX CABLE FRANCHISE

Williamson said he had sent additional language to the council by email of changes just requested by Cox Cable Company. The 15 year exclusive franchise is being replaced by a 10 year franchise agreement, with 5% of gross revenues going to the city. This has been a difficult negotiation and Cox has taken a very rigid approach and are insistent upon their agreement language. We had a lengthy discussion about the extension of services throughout all of Hailey, and Cox is not willing to extend services to areas that currently don't have it. He said Hailey is in a position to either have Cox stop providing service at all and/or be sued by Cox. He did not want to accept language that states we would have to provide the same terms to a future potential franchisee. Cox had earlier said they do not like exclusive franchises; this is, in effect, an exclusive franchise.

McBryant noted that the sentence which Williamson objects to in effect forward-commits a future council, and we can not do it. Williamson said the control of local entities is being further limited through amendments to the Cable Act of 1996.

Mayor McBryant opened the matter for public hearing. Jared Stoltsfuz said the city could push them to where they can't make a profit, but the council should call their bluff. Kira Keefer asked why other companies can't come in. McBryant explained that other companies could come in, but are not interested because of the expense. Andrew Hall asked if only Hailey has problems with Cox, or if other communities do as well. There being no further public comment, the Mayor closed the public hearing.

Brown was in favor of the agreement without Section 2, which is outside of Hailey's legal limits. **Keirn moved to enter into the franchise agreement with elimination of section 2.** Brown seconded. The motion carried unanimously. **Brown moved to authorize the first reading of Ordinance 926, by title only.** Davis seconded; the motion carried unanimously. The mayor executed the agreement, and it was forwarded to Cox for signature, and later in the meeting, following a recess, she read the first reading of Ordinance 927 by title only

BUS LOADING ZONE PARKING AMENDMENTS

Hellen introduced the proposed ordinance to the council, which set up actual bus stops in the City of Hailey. Mayor McBryant opened the matter for public hearing. There was none. Davis moved to adopt Ordinance 927, read by title only, and waive the three readings. Burke seconded; the motion carried unanimously.

THIRD AMENDMENT TO COPPER RANCH PUD AGREEMENT

Dale Bates, architect, said he and John Soffro were present to ask for one small amendment to the clubhouse. The facility had to be amended because it was not sustainable economically, the pool is sized down to 4 lanes from 6 lanes. The new exterior and completely changed building is being scheduled for Design Review consideration before the Hailey Planning and Zoning Commission. One of the retail spaces is still included, but the other two retail spaces have been eliminated. The retail square footage remains the same. Grotto recommended that the proposed amendment includes language that talks about the revised athletic facility.

Mayor McBryant opened the public hearing. Ed Lawson asked for direction from the council regarding the retail space. The council felt addressing the omission of two retail spaces would be appropriate. Mayor McBryant closed the public hearing.

Brown moved to approve the 3rd Amendment to the Copper Ranch PUD Agreement as shown in staff report, adding in a second condition noting design review as approved by the Hailey Planning and Zoning Commission, and adding a third item noting the deletion of two commercial spaces within the building. Keirn seconded; the motion carried unanimously. Ed Lawson indicated he would redraft the agreement to reflect the motion.

MAILBOX ENCROACHMENT ISSUES

McBryant said the council packet contained a draft letter which would be sent, with council approval, to mailbox owners which states that Hailey would not enforce this ordinance, but if we do destroy mailboxes this winter, it will be incumbent upon owners to replace them. We've instructed the street crew to know where the mailboxes are and to not hit them. Brown appreciated this approach to the problem. **Keirn moved to approve the distribution of this letter.** Brown seconded her support of this policy decision. The motion carried unanimously.

EMPLOYEE HOLIDAY PARTY

McBryant said city departments' conservative spending resulted in \$150,000 in unexpended budgeted funds, which will increase the fund balance. She said her staff assistant had identified costs for a party at the Senior Center on December 16. She felt this would be a good reward for the efforts of staff. The council concurred.

APPOINTMENTS

The mayor declined to make appointments as she was still conducting interviews.

TOWNSITE OVERLAY

Mayor McBryant noted that during the townsite overlay workshop held on November 10, 2005, there had been several letters submitted, and she wanted to clearly include those records in the record. Letters had been submitted by Michael Kaynick, John Bolton, Rick Barker, and Kimberly Johnson.

CLEAR CREEK DISPOSAL FALL CLEANUP

Brown moved and Burke seconded to allow the fall cleanup required by Hailey's rubbish franchise agreement to occur the Saturday after Thanksgiving, at the request of Clear Creek Disposal, but with a letter that in the future cleanup occur no later than the first Saturday in November.

APPOINTMENT OF REPRESENTATIVE TO SEIDO BOARD

Davis moved to appoint Don Keirn to the SEIDO Board, with Jim Spinelli as an alternate at the will of the council. Burke seconded; the motion carried unanimously.

ATTORNEY REPORTS

Williamson said the State of Idaho has informed Wally Morgus of the Blaine County Recreation District that the state does not want to allow snowmobiles in the ITD right of way. The holder of interest has to obtain a conditional use permit, and neither the state nor the recreation district will be doing so. The use of snowmobiles is prohibited on certain streets, and everywhere else it is fair game. State law doesn't allow snowmobiles on streets unless exception is made. The Chief of Police has stated he receives only one or two complaints per year. Keirn said insurance requirements should be the same on snowmobiles as cars if they are allowed on the streets. Mayor McBryant said this is an issue we need to keep in front of us. She said since no CUP will be issued, the fact that the ITD right of way can't be utilized for snowmobile use should be published. Brown said the snowmobile clubs already know. Davis noted the matter can be put in our newsletter. Burke said she would like the council to think about the safety issues as snow banks get winged and snowmobilers do not stop at stop signs.

Williamson said at last Thursday's meeting, an interim moratorium was discussed relative to the townsite overlay. An interim moratorium does not need to go through P&Z, and Grotto said she would notice the interim moratorium for the December 12 meeting of the City Council.

Williamson said the community housing inclusionary ordinance is in draft form for discussion at the November 28, 2005 meeting. This ordinance involves many different issues, like an onion with many layers. He distributed it to the council to avail ample time to study the ordinance.

COUNCIL REPORTS

Davis said he will need matching funds for the Historic Preservation Grant. This spring he plans to start an awards program for builders and architects that work to preserve historical elements of Hailey. He said he will be asking for three more commissioners to be appointed at the next council meeting.

McBryant said the council can not just continue to hear reports – we have to discuss and make a stance on some of these issues such as the E-911 consolidated dispatch issue. Williamson said the legality of the financing will be objected to or questioned. Brown asked if Hailey should put comments into the November 22, 2005 public hearing.

Keirn moved that Hailey become members of the Idaho Economic Development Association, and pay the \$250 membership fee. Davis seconded; the motion carried unanimously.

Brown said that Wednesday is the transit group meeting, preceded by joint council meeting of Ketchum and Sun Valley, owners of KART. She had received minor comments from Williamson for the joint agreement, and will make sure those are distributed at the appropriate time.

Brown said the city council, after establishing a Parks and Lands Board several years ago, had no clue as to how active that board would be, and she distributed a handout to give the sense of some of the intensive planning that has been accomplished by the board. Becki Keefer, currently the chair, is going off the board, and much of this work has been done by Keefer as a volunteer. When she leaves, a lot of this work will drop off the plate. Brown said she and the mayor have asked Keefer to put forth a proposal for a contract for services. Keefer did so, with some very specific tasks to be accomplished. It would be irresponsible to fund an entire position, but a contract for services might be in order. McBryant said there is merit in this idea, and the funding of the contracts could come out of the Capital Improvement Plans. The council will need to think through whether they want to continue that level of support for the parks. She said she doesn't have anyone on staff asking or able to step into those tasks. The contract would reduce the public works manager's duties somewhat, and that wasn't a problem; maybe in fact a relief.

McBryant said Kathleen Eder has asked that the city council give a letter of support to Croy Canyon Ranch Foundation. The council concurred.

McBryant had a request for posting a "dollars for scholars town" sign permanently at the end of town. Her reason for not allowing that is the concern about where we would limit such signs. Brown said the banners, hung a couple of times a year, is far more effective.

McBryant said we will need to talk about the airport also. General aviation wants to know if the city will make the effort to continue operation of the effort. Burke said she is being lobbied by general aviation pilots who want Hailey to underwrite the Friedman airport. McBryant suggested that we add this to an upcoming agenda.

Brown said she is working with staff on an Area of Impact ordinance. She wanted some individual time with each of the council in the next few weeks. She expressed how impressed she is with the current planning and zoning commission.

EXECUTIVE SESSION

Brown moved to go into executive session to discuss land acquisition, pending litigation, and personnel issues. Keirn seconded; a roll call vote showed all in favor. The council went into executive session at 8:07 p.m., and emerged, following a motion to go out of executive session and roll call vote, at approximately 8:20 p.m. There being no further business, Mayor McBryant adjourned the meeting.