

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, JULY 24, 2006
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, Don Keirn, Martha Burke and Carol Brown. Staff present included City Attorney Ned Williamson, Engineer Tom Hellen and Planning Director Kathy Grotto. Becky Stokes took minutes.

OPEN SESSION FOR PUBLIC CONCERNS

Keirn moved and Brown seconded that the consent agenda be approved with the omission of CA 251, CA 254, CA 255, CA 256, CA 257 and CA 258. The motion carried unanimously.

CONSENT AGENDA:

- ~~CA 251 — Motion to approve Findings of Fact and Conclusions of law on text amendment of Section 4.13, Townsite Overlay to increase maximum lot coverage in the Transitional (TN) District from 40% to 55% 1~~
- CA 252 Motion to approve Alcohol Beverage License Renewals for businesses whose applications have been approved by the Chief of Police, including Wicked Spud, KB's South, CK's Real Food, Chapala, Shorty's, Wiseguy Pizza, Atkinson's Market, DaVinci's, and Taste of Thai
- CA 253 Motion to approve Special Events permits for the Labor Day weekend antique shows – Alee's Hailey Antique Show and Dana's Main Street Antique Show
- ~~CA 254 — Motion to approve execution of grant agreement for Woodside Central Park Phase 2, naming the City Engineer as the representative of the City for this grant and authorizing him to sign the grant agreement and all subsequent grant documents~~
- ~~CA 255 — Motion to accept the bid for 3 years of city park maintenance from Idaho Proscapes, which amounts are \$45,605 for 2007, \$47,665 for 2008, and \$49,945 for 2009, and authorize the mayor to sign Agreement for park services for three years~~
- ~~CA 256 — Motion to approve minutes of the June 12, 2006 City Council meeting and to suspend reading of them~~
- ~~CA 257 — Motion to approve minutes of the June 26, 2006 City Council meeting and to suspend reading of them~~
- ~~CA 258 — Motion to approve minutes of the July 10, 2006 City Council meeting and to suspend reading of them~~
- CA 259 Motion to approve Treasurer's Report for the month of June, 2006
- CA 260 Motion to approve Quarterly Treasurer's report for the quarter ending June 30, 2006

CA 256, 257, 258 – Approval of Minutes

No minutes included in packet. **Burke moved to continue to review minutes, Brown 2nd.** The motion carried unanimously.

CA 251 Findings of Fact and Conclusions of law on text amendment of Section 4.13, Townsite Overlay to increase maximum lot coverage in the Transitional (TN) District from 40% to 55%

Davis requested that the text amendment read “Motion to approve **denial** of text amendment”. Williamson did not object. **Davis moved to approve the findings with the motion amended as stated; Keirn seconded.** The motion carried unanimously.

CA 254 Grant Agreement for Woodside Central Park Phase 2

Williamson said the Woodside Central Park Grant agreement requires that the property be dedicated to public use in perpetuity. It is clearly on record that Lots 1-10 are restricted, but the Grant requires adjacent property to have the same language. Go to extreme of changing/restricting 2.69 acres Keirn asked, what is the easiest way to get the grant money? Williamson said we should take steps to clear warranty deeds for the future. **Brown moved to authorize that the mayor sign the grant agreement for Woodside Central Park. Burke seconded; the motion carried unanimously.**

CA 255 Bid for 3-years of city park maintenance from Idaho Proscapes

Williamson said he reviewed the bid proposal, and is satisfied we are in compliance w/ law. Williamson has reviewed contract. Brown asked how RFP was noticed. There was some concern among the council as to why only one bid was received. Hellen explained that the notice had been published in the newspaper according to law. **Keirn moved to accept the bid as presented. Burke seconded; the motion carried**

OB 261 Joint Powers Agreement for Law Enforcement Records Management System (continued from July 10, 2006)

Williamson stated there are two issues and he has drafted changes to address these points – program and administration. Police Department has done additional research and feels it is a “mixed bag.” Overall it is a good purchase, and he recommended proceeding. Changes recommended are to give authority of full time administration (employee) for up to a year to begin with, rather than private contractor. (2 similar sized municipalities used a part time employee to administer, 3 hired full time). Ours would be first time 5 departments have used the system at once. It is hard to get 5 departments to talk, technology would support it. With outside updating, administrator responds to whom? Is the CAD administration the same as info administration? McBryant’s concern is the ability to be sure of administration, if a Blaine County employee is the administrator. Management services exclusively for EMS, CAD for record system. The overall entity in charge is board, an independent entity. Only work on records system, not CAD (BCSO duty) Williamson has drafted language to be sure.

Brown wondered about splitting time between EMS and CAD; charged as worked, if 75% time on records, 25% CAD. There must be a venue to go to for review. McBryant stated that it is difficult to adjust an employee. Why not use contract? Brown doesn’t want to kill this if the other 4 entities want an employee. Davis feels an outside source to administer is preferred. Burke asked if Ed Fuller is getting other feedback from communities.

PRESENTATIONS: Rick Davis presented Fireworks Boosters to Greg Bloomfield of Wood River Insurance, the primary sponsor for the fireworks display. He also recognized in-kind donations from Copy & Print, since 2002 and from Judy Stoltzfus who has designed poster since 2003 of Express Printing who has printed posters gratis since 1999. Others recognized by Davis included Roger Raymond, Sawtooth Auto, DL Evans Bank, Friedman Airport, Bank of America, Mountain West Bank, First Bank of Idaho, US Bank, Power Engineers, Alee Marsters of the Hailey Antique Show, Pepsi, Zions Bank, Rocky Mt Hardware, and KECH radio.

PH 262 Ehrenberg Annexation of Tax Lot 7273, located on W. Bullion St

Brian Yeager of Galena Engineer introduced Tony Ehrenberg's application for annexation of Tax Lot 7273, on West Bullion Street. It is a natural annexation since it is on the east side of river. P&Z requested a different configuration, can use existing access with Caplow. A flag lot is created for the time being, until Caplow annexes and that joint access can be used. Ehrenberg would like to discuss annexation fees, hoping to have relief from those proposed. Sidewalk issue (240') left as wherever best fits needs, perhaps on Hop Porter side. Flood plain – Parcel A is all flood plain, Lot 3 has smaller building envelope to accommodate flood and existing trees.

Grotto asked Ehrenberg to show flood plain boundary, which is all parcel A (on which no residential structures will be built). The P&Z recommends GR zoning, with flood overlay. Grotto said the council should consider some findings, including comprehensive plan riparian constraints, Bullion street should have 100' dedicated, as it hasn't been in city and hasn't been done yet, general compliance with the Comprehensive plan, and would the annexation have a negative fiscal impact on citizens of Hailey. She explained that the base fee from Old Cutters could be used as the fiscal component. If approved, then zoning district to be decided upon.

Brown asked about the sidewalk; would it be required beyond the 240 feet. Grotto said it would be. Brown asked if we can encumber the other property with an easement? Grotto said we could plat a 60' wide strip, the only access when Caplow develops. Regarding the recent high water, what is the subbing & groundwater potential? Tony Erhenberg stated there were no problems in spring. Burke discussed the sewer and water history, as this property has been operated as if part of city (water, sewer hooked up since Erhenberg purchased it, in 1976). Connection fees; don't know if paid previously. Erhenberg expressed difficulty understanding comparison to Old Cutters regarding fees.

Mayor McBryant opened the public hearing. There was none.

Davis stated this is a natural area to annex and the proposed GR zoning matches everything around it. Brown agreed. Parcel A functions as flood plain; GR makes sense and the comprehensive plan supports the application. She was unable to make fiscal impact decision at this time. Keirn stated as City tries to avoid a finger of county land within the city, zoning is a no-brainer. Regarding the fiscal impact; should we have an outside source come up with impact fee McBryant said as there will be more residences than now, increased use will impact current residents. She suggested continuing the

matter until the next meeting, saying the council generally finds the annexation acceptable, the zoning acceptable, but can't make fiscal impact decision. Brown suggested staff-client meetings and asked if the proposed fee by finance director Heather Dawson includes the Cutters fee updates? Grotto said this is a simple 5 dwelling unit project, Cutters is good as a starting point for fiscal analyses.

Williamson said the issue is increased density from currently zone R-4 allowing 2 units in dwelling and he's looking for 5 units. McBryant suggested that three units are to be added so we could charge fees on 3 units.

Brown moved to table the application, finding that generally the zoning is acceptable, and that a discussion of annexation fees to be brought back. Burke seconded. McBryant suggested that staff, including the attorney and finance director, negotiate with Ehrenberg regarding the annexation fees. The motion then carried unanimously.

NB 265 Off-Airport Rental Car Operator License and Use Agreement

Rick Baird, Friedman Memorial Airport Manager, stated that every 3 – 5 years the airport goes through a process to determine who and how many car rental agencies should be allowed to occupy the booths within the terminal, and how many should be allowed off-site. Bid on annual guarantee of money to be paid to airport (\$65,000, \$87K, \$165K/year). All agencies thought it imperative that the Airport Authority guarantee a policy will be put in place to limit off-site rental activity.

The policy that is proposed is that off-site companies run a shuttle to a designated area and pay 10% of their gross to the airport authority to create a more level playing field, have a better managed activity, and improve safety of travelers

Brown asked who would enforces the proposed ordinance, which institutes a misdemeanor violation. Keirn asked if the county is involved, since they own 50%? Brown wondered if the Airport has the authority to adopt policy? Baird stated they already have one. Brown asked about telephone service on Airport property? There is a courtesy board which is restricted to licensed businesses.

Ed Simon representing Budget rent-a-car, stated since 1998 Budget has employed 3 full time employees. Regulation is OK; but with the proposed pick-up and drop off in lower parking lot, Budget is unable to help with luggage. Clients must walk 76 yards, can't accommodate handicapped people as they are prohibited to help passengers. They've paid taxes, been good neighbors, etc. If this ordinance is enacted, criminalizing ...has heard 2nd & 3rd readings will be waived. Budget's business has lessened 50% and is declining daily. Concerns can be addressed, and he suggested a 1st reading, try to reach agreement.

Burke understands the Authority's understanding is to level playing field. Comments re having to walk a bit further is OK; not the issue. The issue is how to protect and honor those who won the on-site contract. Appreciate Budget's concern, but must protect

successful bidders. Keirn, playing devil's advocate, asked what if the off-site agencies left, what happens to competition?

Baird said the off-site option may not be quite as convenient as could be, but congestion in front of terminal must be minimized. A safe thing to do is separate to minimize activity. Too many cars left with keys under seat, contract on seat. We are a reasonable staff; if Budget calls with info of handicapped client, we will make adjustments. We are spoiled here, everywhere else we have to walk and carry luggage. No comment has been received from Budget.

Davis move to adopt Ordinance 955 and read the first reading by title only. Keirn seconded. Brown said her first preference would be to have more than 3 operators in the airport terminal. Davis stated that protectionism leaves a foul taste in his mouth. Keirn worries about businesses falling out. Burke stated we are encouraged to park our stuff in the lower lot, and asked what is the difference? Davis asked is 10% of gross near what on-site agencies are paying?

McBryant suggested further debate before the second reading. The vote was then taken; the motion carried unanimously.

PH 262 474 Club, LLC for a Planned Unit Development, Preliminary Large Block Plat and Flood Plain Development Permit - SWEETWATER

Katheine Benotto of Weber Thompson represented the applicant. She said the goals of the project are in creating safe sense of place, unique to local environment with a strong framework. Mountains and trees lend strength to Hailey; Strong sense of identity with entrances, porches, eyes on streets; buildings on courtyards, shared greens. Strong framework bordering on parks exist as well, with spaces linked with pedestrian framework; Plan will be rooted in existing framework.

The project has opted for less density than is allowed, and the creation of smaller but more building units. Taking care of cars, not front loaded units (provided alley loaded garages). Eliminated huge expanses of parking, tucked under. This will give strong identity to the project. Sweetwater will be priced at an affordable level for local work force. Units kept on smaller size; from 500 square feet to 1900 square feet in order to appeal to wide variety of people; with condo units on bottom; live-work units (home occupation) 6 unit buildings, duplex buildings.

Countryside Boulevard may have mixed uses under a CUP, including a deli, coffee shop, and street-side parking.

A 1.6 acre park is planned at the center, slightly larger than required. An amenity building sits at the head of the park, with 3 acres open space total.

Providing space for 2.5 cars / unit. 100% of the required parking is below grade. A 5200 square foot exercise room, great room, barbeque pit, and mail room facility is planned in a barn-like appearance.

Because the project is adjacent to Balmoral, the planners took special lengths to not dwarf existing units.

Snow storage is in excess of requirements. Eight sites are provided for dumpsters. Landscaping is designed by Kurt Eggers, and over 200 street trees will be brought in, creating a Boulevard-feel without center planting strip. An old orchard will be created as well as a Community Christmas tree.

Waivers requested include setback waivers with side yards coming closer. Building modulations sometimes come into setbacks. Building codes and fire setbacks discussed with Hailey Fire Department and the Building Department. Parking requirements; hoping to increase length required. Some parking is tandem, 21' (14-15% waiver requested). Bldg height waiver requested; all parking is below grade. Perceived height less than 35' limit;

Sub-lot size; if entirely a condo development, could have 24 sublots. With this, 12 subplot limit. Asking for townhouse to be considered same as condo. Amenities in return for waivers; park, bbq, bike path, widening of bridge, Totlot, bus shelters (3), ¾ parking located below grade, increases green space. \$54,000 flood plain survey of Quigley canyon done to ease insurance payments of many in area. Intersection improvements, \$129,000 will be added to Balmoral funds already contributed for Countryside/Hwy light.

Jim Laski, attorney for the project, said the property was already encumbered when purchased, tried to incorporate what we are doing w/ SGA, community housing obligation. The PUD agreement was not in packet, but the community housing portion is a 29% requirement, requesting 40 on-site, 40 donating land/cash in-lieu. The deed restriction document is to come.

In terms of dedicated Parks, Sweetwater is donating \$390,000 to Hailey Parks & Land board, plus the 1.6 acre park which won't be public, deeded to the city. Countryside signal; traffic study shows 50% impact on traffic. Offered to pay 100% signalization after 2nd phase completion. P&Z requests after phase 1. Laurie Labram, Peak Hour Consulting – Level of Service drops to level D with completion of Phase 2, which is why requests postponing traffic light until then. Bus Shelters – would like to build with pertinent construction.

Laski requested that the city review the PUD on basis of FEMA approval, will revise if needed.

MvBryant asked about parking and the short car issue. Kevin Adamson, owner representative 454 Club said every unit has access to one 21' stall. Some are "Tandem stalls", but with larger cars will there be problems? How many will exceed the height limit? 13 of the 86 will exceed the height limit of 35'. They will be roughly 37'. She wanted to clarify the signal contribution; Sweetwater will pick up the difference between Balmoral's and actual cost, not pay for the signal in its entirety.

Davis asked about the third bus shelter, which will be placed in an area yet to be determined depending on gathering. The lighting will follow the Dark Sky Ordinance. Keirn was concerned that the building court set backs are met. Brown asked about the

SGA park size, which was 1.2 acres and private with an in-lieu payment or a much larger public park. Regarding FEMA determination, if the flood determination doesn't change, the primary modification will be to the retail portion of the agreement.

Grotto said the project will be built in 4 phases over 4.5 years. 4% of the traffic will be routed through South Woodside entrance. Discussed preliminary Large Block Plat received by P&Z. There will be named alleys for HPD, HFD ease of finding. Flood Hazard Development Permit required for subdivision. The Woodside development began in the '70s and has never been threatened by flood. Brown asked about LEED-NA; this certifiable building project has not been finalized for neighborhoods. The Sweetwater project is "on track", good design. Are the amenity buildings rentable and unrestricted? She asked about the undedicated park space. The private park space meets the requirement. The Parks & Land Board has looked at the basic standards and has found it acceptable. Kurt Eggers assured the Council that there would be minimal spruce and aspen trees. Instead there would be "street trees" and Autumn Blaze Maple. There would really be an orchard, per the plans. Maintenance would be provided by the Home Owners Association with a Master Association umbrella.

Mayor McBryant opened the public hearing; there was none.

Brown suggested separating the PUD from the Preliminary Plat. She is neutral with regards to waivers and amenities and feels the underground parking is an enormous benefit. She was worried about Woodside Speedway and would like to see 7' sidewalk along that Boulevard, which would line up with the other sidewalks. Burke felt there is a balance between the amenities and waivers. She wants to see everything in Phase 1, especially the traffic light to help facilitate the construction traffic. Burke has no concern with waivers requested. She can't comment on PUD without agreement. Community Housing development could benefit from cash in lieu for half of the unit, which could then be interspersed throughout. An interesting concept. The staggered front setbacks are appealing which gives a more interesting streetscape. What about traffic calming? Are trees enough?

Hellen is leery of recommending when to install the traffic light with state funding not firm. Labrum is able to design to accommodate the potential widening of the highway. Keirn felt the waivers are logical and well thought out. Davis said this is much better than the full-on business community and has no problem with the requested waivers. "What we get far outweighs the waivers." The light should be up ASAP. The bus shelters don't need to be built with no use. He is hesitant to approve anything without PUD, which should be scheduled ASAP. Burke loves the 7' sidewalk concept and felt the "Request"/"Comment" presentation was a "joy to read." She feels the preliminary large-block plat was interconnected and has no big problems.

Mayor McBryant asked about Sweetwater's experience with the P&Z; was it thorough? Effective? Kevin stated everything was orderly and efficient; public comment was productive. Perhaps everything could have been done in three hearings/meetings, but better design was achieved with four. The hard work was appreciated, compliments to Grotto's guidance. McBryant stated that the council is unable to do anything, will need

further discussion. **Keirn moved to continue discussion of application, PUD agreement to July 31 @ 4:30 p.m.. The motion was seconded by Davis and carried unanimously.**

PH 264 Municipal code chapter 13 revisions – Water/WW Regulations

Hellen discussed four aspects:

- 1) Ordinance option for 2 services, ADUs or Landlord Tenant agreement
- 2) Bond payments for vacant land removed
- 3) Backflow prevention to comply with State rules
- 4) Fees and charges.

In June, 300 units used in excess of 100,000 gallons; 12 residents used over 200,000 gallons.

Williamson said the revisions are fine.

Public hearing – no comments.

Questions: Brown asked about the even/odd requirement – should it be back? Next year there will be more reserves with the new tank. Is there enough water now for a house fire? Hyde told the council that the parks and school district have enacted special uses. These reductions in water demand have filled the tank every night. The tank is back to 3'-4', pressures are back up. If need be, we can isolate parts of town. **Davis moved the Hailey City Council read the 1st reading of the amended chapter 13 by title only; Keirn seconded, motion carried.** It was determined that dragging out the procedure has produced a better product.

NB 266 RFP for prosecuting misdemeanors

Williamson recommended later negotiation of contract rate, perhaps a flat rate was more likely. Davis asked about a percentage and wondered about the length of contract (2 years?) and application deadline of August 15, 2006. **Brown moved to authorize distribution of RFP to solicit for a two year prosecutor of misdemeanors with a deadline of August 15. Burke seconded; motion carried.**

NB 267 Council Adoption of 2006/07 Budget not to exceed \$10,806,715 to be noticed for public hearing on August 14, 2006. Burke moved to adopt the tentative budget as presented. Keirn seconded. Motion carried.

NB 268 Introduction of Water & Sewer Rates for 2006/2007 introduction by Tom Hellen. Rate increase to decrease to 4% (previous few years had been 7%). Brief explanation of where council's water bills would be with same usage at new rates. Action – need public hearing on water rates.

Council Reports

Burke asked about the vulnerability of the city, will the valley die if the airport moved? City should consider what our response could be.

Brown said. KART/PEAK is still hoping for money.

Keirn – Met with John Flatery (BKHA) who is hoping to meet with Hailey City Council. Don told him McBryant sets the agenda.

McBryant suggested a meeting be set to let those interested in LOT funds pitch proposals to the council.

Grotto was asked is she is comfortable with where Planning is with regards to Prop 2.

9:12 p.m. Williamson requested adjourn to Executive Session for reason of litigation. So moved by Brown, seconded by Burke. A roll call vote showed all in favor. The council made no decisions in executive session, after which the meeting was adjourned.