

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, NOVEMBER 27, 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, and Martha Burke. Carol Brown was absent. Staff present included City Attorney Ned Williamson, City Administrator Jim Spinelli, and City Clerk Heather Dawson.

MAYOR'S REMARKS

Mayor McBryant reminded drivers to take winter precautions driving on Hailey's icy roads.

CONSENT AGENDA

Items C13-1, C13 -4 and C13-5 were removed from the consent agenda. Keirn moved and Burke seconded to approve the remaining Consent Agenda items as presented. The motion carried unanimously.

- ~~C – 13-1 — Motion to approve Water Storage Tank Change Order #3, extending the contract completion date by 19 days to January 4, 2007~~
- C – 13-2 Motion to approve Pay Request #7 to RSCI for \$225,331 for water storage tank project
- C – 13-3 Motion to approve purchase of a new Snow Blower
- ~~C – 13-4 — Motion to approve Purchase of a new Loader~~
- ~~C – 13-5 — Motion to approve minutes of the October 19, 2006 City Council Meeting and to suspend reading of them~~
- C – 13-6 Motion to approve minutes of the October 23, 2006 City Council Meeting and to suspend reading of them
- C – 13-7 Motion to approve minutes of the October 24, 2006 City Fire Station Open House and to suspend reading of them
- C – 13-8 Motion to approve minutes of the October 26, 2006 City Council Meeting and to suspend reading of them
- C – 13-9 Motion to approve minutes of the October 30, 2006 City Council Meeting and to suspend reading of them
- C – 13-10 Motion to approve minutes of the November 3, 2006 City Council meeting and to suspend reading of them
- CA 464 Motion to approve Mayor's signature of Task Order #2 with Carollo Engineers or Wastewater Master Plan and amendment to previously signed study grant application of \$150,000 to \$210,000
- CA 465 Motion to authorize the Mayor to sign Quitclaim Deed with Kurt Eichstaedt, for property adjacent to West Bullion Street
- CA 466 Motion to authorize the Mayor to sign Easement Agreement for water line utilities within Gateway Subdivision
- CA 467 Recommendation to reject bids for a new Vacuum Street Sweeper with ITD Grant

- CA 468 Motion to approve claims for expenses paid in November for October 2006 expenses
- CA 469 Motion to approve Treasurer's report for month of October, 2006

C-13-1 Burke moved to table the water storage change order #3, Keirn seconded; the motion carried unanimously.

C-13-4 Discussion of a snow loader bid and purchase was moved to new business following a motion by Keirn and second by Burke seconded, which carried unanimously.

C-13-5 Davis amended the minutes of October 19 to correct the spelling of Vicki Shapiro's name. Keirn moved to approve the minutes of October 19 as amended. Burke seconded; the motion carried unanimously.

WOOD RIVER LAND TRUST PRESENTATION

Kathryn Goldman proposed a restoration project at the mouth of Croy Creek, and asked for Hailey's involvement in that project. She noted that Croy Creek is recognized by DEQ as a polluted waterway. This project would assist in addressing sources of the pollution, and restore remaining areas of the wetlands. Wetlands restoration is one component of the area master plan, which includes an ice rink. She asked Hailey to budget 333 man hours and trucks to assist in hauling away material prior to restorative planting. She also requested that the Hailey Parks and Lands Board participate in the project planning. Mayor asked if the landscaping would be self-sustaining enough for the irrigation system to be removed. Goldman said an overhead irrigation system would be provided for 3 years. At some point, as the root system is established, the irrigation system can stop being used. She said the city cost in man hours and trucks would be approximately \$21,000. She planned to pursue getting a donation from the county on the landfill requirement, and other appropriate local companies. Mayor McBryant suggested putting this on the next meeting as a business item.

PUBLIC SAFETY FACILITY (JAIL) BOND PRESENTATION – Tom Bowman

Bowman was present with Heather Saunders for the purpose of soliciting city council support for a new public safety facility. The existing jail was built to house 36 inmates. The bond request is for \$10.4 million to construct a new facility. The presentation included a handout describing the new facility, and a slide presentation describing the outdated and inadequate present jail. Burke said before the council can give its support, it would need to know more about the new facility. Davis supported the jail process since it began several years ago. It's an accident and a lawsuit waiting to happen, both of which will cost the taxpayers in the end. The county did not find out that Hailey was interested in a shared facility until after the plans were already drawn. The old jail facility could potentially be utilized by the city. Keirn said there is a dire need for the new jail. McBryant supported going to a bond, because that venue gives the citizens a choice. Burke favored entering into a resolution of support. She wanted to see it done

well. **Davis moved to adopt Resolution 2006-17 upon review of the city attorney.** Keirn seconded; the motion carried unanimously.

REZONE LOTS ALONG FIRST AVENUE SOUTH FROM GR TO TN

Grotto said this rezone application was continued earlier and noticed fully for tonight, and concerns lots west of First Avenue to the alley, on both sides of Pine Street. She distributed a handout where she had starred and underlined the pertinent language which may make the council feel more comfortable with this application. She advised the council that their task is to look at the actual uses that are on Main Street, and determine if they are intense enough uses to affect these lots under consideration for rezone. Davis said the council initially denied this application, but after visiting the site found the impacts from the Main Street businesses in the evening were intense, and so at the last meeting a motion for consideration was made and adopted.

Mayor McBryant opened the public hearing. Larry Young said at the previous meeting he did not address the letters objecting to the rezone. These six owners have no grand design for a project, and John Plummer has explained in a letter the impacts of Main Street development on this area and his sentiment the adjacent property owners should benefit from those impacts.

Janine Bear, representing Shelly Barenfuss said her client had raised her children in her home on First Avenue. The impacts from the school traffic and the evening business on Main Street. A nearby church makes impacts on weekends.

Garth McClure of 1760 Second Avenue North said the transition zone makes an excellent buffer, and this is an appropriate location for that buffer. The comprehensive plan land use map designates this land for Transitional zoning.

Mayor McBryant closed the public hearing. She reminded the council that cities can't rezone the same property twice in four years, and the purpose of the rezone is to allow residents to sell their homes at a higher value. Keirn noted that we don't have more intense business use than on Main Street. Grotto noted that Pine Street Station, a three story building, adds to the intensity of the use. Keirn said we won't see a lot of sprawl out of this rezone; it is locked into a straight line.

Davis moved to adopt Ordinance 977, and read the first reading by title only. Keirn seconded; the motion carried unanimously.

REZONE LOTS IN BLOCK 39 FROM GR TO TN

Grotto said this application was noticed for tonight after being previously continued. The townsite overlay design review guidelines would apply. The adjacent uses are intense enough that staff felt this warranted a look at being rezoned. The Old Town Mercantile building across the alley makes this location not appropriate for residential uses. No public comments were made. Davis said there is an older building on Bullion Street

already being occupied by an attorney. **Davis moved that Hailey adopt Ordinance 978, and read the first reading by title only.** Keirn seconded; the motion carried unanimously.

FINAL PLAT HAILEY STORAGE CONDOS – ANCHOR INC

Brian Yeager, representing Bruce Bothwell of Anchor Inc., presented the 20 unit condominium plan. The snow storage easement has been relocated slightly and incorporated the original access easements from the original plat. When the mayor opened the public hearing, no public comments were made. **Keirn moved to approve the condominium plat subdivision subject to conditions A-D in the staff report.** Burke seconded; the motion carried unanimously.

PACE REPLAT Lots 6-8 Block 37

John Pace of 120 Third Avenue North said he wanted to build a smaller house on three lots upon which a house already stands, so this in effect is a subdivision application. When the mayor opened the public hearing, no public comments were made.

McBryant said each of the lots would be just short of what the ordinance minimums are. Grotto said Subdivision Ordinance Section 4.13.6 says those original townsite lots are slightly less than 3000 square feet because of dimensional inaccuracies, as long as those lots are a lot of record in the assessor's roles, they are considered three 3000 square foot lots, thus qualifying for lot split into two 4500 square foot lots. Davis said we are trying to create a mixture within the townsite overlay. Keirn said he had been concerned about access, but with property architecture that element could be surmounted. Pace said the road to the west has been there for 100 years, and its use in perpetuity is in the hands of this council. Davis moved to approve the final plat of the replat of lots 6-8 Block 37 with conditions A-F attached. Keirn seconded; the motion carried unanimously.

OLD HAILEY TOWNSIGE MORATORIUM ORD 928 RESCINDED

Mayor opened the public hearing on the question of releasing the Hailey Townsite Overlay from its moratorium on development. Pace said it is time now that the old Hailey townsite parameters are in place. **Burke moved to waive the three readings of Ordinance 979 and read by title only, and authorize the mayor to sign.** Keirn seconded; the motion carried unanimously.

LOADER PURCHASE

Hellen said we need a Loader to run the snow blower, but the specifications were limited and another supplier objected. We have, under the advice of our attorney, determined to go forth with a new bid as a sole source provider. Hellen said it is a good price and a good loader, the only one that can fit our needs. Williamson said Hailey has some unique needs, the loader has to travel very slowly, the hydrostatic drive is made by only one

manufacturer, and it is the component that allows the equipment to move very slowly. He said the council could make a declaration that this is a sole source purchase, and the matter would be published and set for a hearing mid-month. There are 8 reasons why a city can do a sole source bid, one being the purchase of property for which there is no functional equivalent. The hydrostatic drive is the key portion for which there is no functional equivalent. The compatibility of equipment components is of paramount consideration, and this equipment's compatibility with the snow blower. Davis said you have to have the right tool to do the job, but asked if we will have problems purchasing parts. Hyde said that won't be a problem. Other manufacturers make hydrostatic drives, but they are manufactured for smaller pieces of equipment. **Burke moved that the council reject the bid from Central Equipment, authorize the purchase of the loader finding that there is no other compatible equipment, authorize the advertisement of the sole source purchase, and authorize negotiations with Central Equipment Co, and finding compatibility a requirement.** Davis seconded; the motion carried unanimously.

Mayor called a special meeting for December 15, 2006 at 7:30 a.m. Burke noted she would be in Seattle.

CANVASS OF ELECTION

Keirn moved to accept the election results as presented by the clerk. Burke seconded; the motion carried unanimously.

FOX ACRES GREENWAY PROJECT

Dawson announced to the council that the Idaho Department of Lands had offered a grant award of \$15,000 for the Fox Acres Greenway project, and asked the council if it would accept the grant offer under federal grant terms outlined in a Memorandum of Understanding. Geoff Moore suggested adding a bus stop. **Burke moved to accept the grant monies and authorized the mayor to sign the Memorandum of Understanding subject to attorney review and acceptance.** Keirn seconded; the motion carried unanimously.

WORKSHOP

Williamson informed the council that Cox Cable is interested in changing some of their programming.

PEAK/KART – Mayor said Hailey is under some criticism for not having donated cash to the PEAK/KART bussing program. She noted that the street department's time has been given, and bus stops have been constructed. Davis said there are other ways of supporting programs than throwing money at them. Sometimes we get a lot more for in-

kind work than for cash contributions. Keirn said as he read the documents, he wondered where we fit into the program.

Mayor said Hailey is perceived outside its boundaries as being takers but not givers. She noted that Hailey has entered into a contract for services in 2002 with the Blaine County Housing Authority, long before any inclusionary housing ordinances had been written, whereby the BCHA should have been taking 2% of the gross sales from many units constructed within Hailey before the housing ordinances were popular. She is going to try to identify for the public that we are participating. She asked the council to support her in putting out a positive image for Hailey in this regard.

Mayor said the council should discuss the extent to which the city should grow. If we exceed 10,000 population, we no longer qualify for our Local Option Tax. Fire bond is a classic situation where citizens tell a government no, and now we should continue to pursue appropriate growth, including shifting to a contract for shared services model. Ketchum has their own fire chief, but the rest of the fire department is contracted. She has invited Diane Barker to come talk to us in a workshop on December 11, 2006. Barker is passionate, she's given this time, and we can benefit tremendously from her ideas. We went to the county to lobby for second year of funding for SEIDO, and it was more difficult than she thought it should have been.

The mayor said she held a positive meeting held with south area mayors. They want to continue to hold these meetings, as some momentum was developed.

Burke said an MOU between the Federal Aviation Administration and Hailey relative to the EIS process is forthcoming. Information about the study after it has begun will only come through attorneys and be subject to attorney/client privileges. Our role as a community is to define the scope of work of the study.

Davis said he has been contacted by a resident with a one inch meter, who is being charged at a higher rate, but is using less water than ¾ inch service users. McBryant said the rate schedule was based on the type of delivery line coming to the house. Hyde said that resident could switch to a smaller service. McBryant instructed Davis to work with staff on identifying the number of larger residential services and the cost of downsizing them.

Burke commended the public works department's response to a sewer emergency.

Mayor McBryant said she no longer wants to hold Open Session for Public Concerns as an agenda item and wanted to replace that with a rotating schedule so that on city council meeting evenings one or two council members will make themselves available to the public. It's not appropriate to use the open session to grandstand, and catches the council members by surprise to the point that the sessions aren't useful. She said that these meetings would help the public develop a relationship with the council members.

EXECUTIVE SESSION

Keirn moved to go into executive session to discuss pending land acquisition and litigation. Burke seconded; a roll call vote showed all in favor. The council went into executive session at 8:05 p.m. Following a motion and roll call vote to adjourn, the executive session was adjourned at 8:28 p.m.

Burke moved that the council authorize Rick Allington to enter into negotiations to settle a small claims action with Jake Lemon. Keirn seconded; the motion carried unanimously.

There being no further business, the mayor adjourned the meeting at 8:30 p.m.

Susan McBryant, Mayor

Heather Dawson, City Clerk