

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, DECEMBER 11, 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, Carol Brown and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Jim Spinelli, and City Clerk Heather Dawson.

DIANE BARKER'S PRESENTATION OF EMS CONSOLIDATION

At the invitation of Mayor McBryant, Diane Barker presented several ideas to the Hailey City Council about Fire Department and Emergency Medical Services consolidation, discussion of which was held by the city council near the end of this meeting in Workshop.

EXECUTIVE SESSION

Davis moved that the council go into executive session to discuss pending litigation. Keirn seconded; a roll call vote showed all in favor. The council went into executive session at 5:45 p.m. with Building Official Dave Ferguson and Public Works Manager Ray Hyde. Following a motion and roll call vote to adjourn, the council came out of executive session at 5:50 p.m.

CONSENT AGENDA

Davis moved that the consent agenda be approved as presented with the omission of CA 481, 486, and 487. Keirn seconded; the motion carried unanimously.

- CA 480 Motion to approve Memorandum of Understanding for Airport Environmental Study
- ~~CA 481 Motion to approve Settlement Agreement with Jake Lemon on small claims action~~
- CA 482 Motion to approve findings of fact, conclusions of law, and decision for rezone of Lots 1-10, Block 16, Hailey Townsite to TN
- CA 483 Motion to approve findings of fact, conclusions of law, and decision for rezone of West ½ of Lots 7-12, Block 39, Hailey Townsite to TN
- CA 484 Motion to approve findings of fact, conclusions of law, and decision for Hailey Storage Condominiums final plat
- CA 485 Motion to approve findings of fact, conclusions of law, and decision for replat of Lots 6-8, Block 47, Hailey Townsite, final plat
- ~~CA 486 Motion to approve minutes of November 27, 2006 and to suspend their reading~~
- ~~CA 487 Motion to approve Equipment Rental Agreement with Central Equipment Co for use of Loader at a \$3000/month rental rate for a minimum of 4 months beginning December 1, 2006~~

- CA 488 Motion to approve Reimbursement Request #2 to DEQ of \$1,250,000 for Water Storage Tank
- CA 489 Motion to approve RSCI's Pay Request #8 for Water Storage Tank of \$216,327.24
- CA 490 Motion to approve claims for expenses incurred in November, 2006
- CA 491 Motion to approve Treasurer's Report for November, 2006

CA 481 – Lemon Settlement Agreement

Davis moved that the acting attorney be authorized to finalize a settlement agreement with Jake Lemon as presented, following attempts to modify the agreement on two points and potentially incorporate one or both of those modifications. Keirn seconded; the motion carried unanimously.

CA 486 – Minutes of November 27, 2006

Mayor McBryant corrected the minutes to show that pertaining to the city-initiated rezone discussions on page 3, previously a motion for reconsideration was made and adopted. Davis moved to approve the minutes as amended. Burke seconded; the motion carried with Brown abstaining.

CA 487 – Equipment Rental Agreement with Central Equipment Co for Loader

Williamson said there is an inconsistency in the document which needs to be changed prior to the mayor executing it. Burke moved and Brown seconded to approve the lease with the amendment recommended by the city attorney. The motion carried unanimously.

PH 494 EHREHBERG ANNEXATION

Williamson said the Ehrenberg annexation had been postponed since late summer for the purpose of negotiating an agreement. The agreement as devised provides for a quitclaim deed to Hailey for property on Bullion Street, a remnant parcel. Further re-subdivision would require the payment of further annexation fees. Parcel A would be an unbuildable parcel. The agreement requires three installments of annexation fees of \$22,000 each plus cpi. Williamson said that Ehrenberg does not agree with one condition requiring up to 240 feet of sidewalk improvements on the Bullion Street right of way, although the city's requirement of this point has always been on the table.

Mayor McBryant opened the public hearing; there were no comments. Brown said the agreement is well done, and requirement of sidewalks have been a condition since the Planning and Zoning hearing. Davis said the city did give relief to the applicant in not requiring a full-on annexation study. Brown favored annexing as presented. Burke disagreed. Davis moved to continue the matter to January 8, 2007. Brown seconded; the motion carried unanimously.

OLD CUTTERS SUBDIVISION

Jim Speck said the Old Cutters Subdivision application is like the conceptual subdivision shown during the annexation process, except that there are now four lots where there used to be eight lots for cottage townhomes. Plat notes will restrict development on these lots to cottage units or townhomes. All the other lots are restricted to no more than ½ acre of irrigation. Speck asked that condition not be applied to those four lots. Speck requested that the fencing in the denser part of the subdivision be a privacy fence, as that is more important there than fish and game compatible fencing. He proposed to work with the city engineer on traffic calming. The recommendation from P&Z for private waterway and two ponds is that they be lined with a membrane. ESS-13, a soil sealant, is proposed by the applicant. An agreement with the Hiawatha Canal Company has been reached, and he is working with Fritz Haemmerle on memorializing that agreement. He asked the council to consider allowing a pathway to be constructed on the west side of the high ditch so as not to be in the backyards of 12 residences. He disagreed with staff's recommendation that Cutters pay additionally for water main installation. Instead, he wanted credit against the first annexation fee installment for that water main. Speck said the Management Partners study addressed service deficiencies and future investments of water and wastewater capacity. He felt that this expands capacity that will be paid for through the annexation fee, and Cutters shouldn't be asked to pay for them again.

Diane Shay described the notice for this meeting after P&Z had approved preliminary plat in August. Traffic calming for a pedestrian crossing area is warranted.

Williamson said there is correspondence from the county commissioners regarding relocation of a roadway connecting onto Hiawatha Drive, and the owner was not interested in relocating, and the city engineer does not concur with relocating this road. We can't condition approval upon third party consent, so in the event that applicant does not come to agreement with the ditch users, we will have to address that, but he suggested continuing down that path. Fish and Game recommended fences are not necessary on the urban type lots. A plat note such that those four lots can have irrigation even if the non-building area is in excess of ½ acre should be required. The concept meets the intent of our ordinance due to the number of units. Our subdivision ordinance does allow offsite improvements that encumber other users. The annexation ordinance does not deal with this water main line issue directly. Williamson said he would like to dive into the Management Partners report if the council wants to pursue this matter. It is staff's view that this matter should be paid for by the developer. This is a significant issue.

Williamson said Hailey has adopted the inclusionary community housing ordinance. We need to have a community housing plan agreement to memorialize that ½ the units would be income restricted, the other ½ resident base restricted. They should be dispersed throughout the subdivision. He suggested that Speck and Williamson work on a community housing agreement between now and the next meeting. The culvert issue may still be hanging out there. He suggested changing condition O to say adopted prior to the adoption of "findings of fact" not "recordation of final plat". A new condition dealing with community housing blocks is somewhat problematic. There should be a plat

note restricting areas of community housing units. Speck said he didn't want to identify on the plat which units are community housing units. They should look and feel just like any other cottage within the development.

Shay said the commission reviewed the proposed trail. There is a rogue trail being used on the east side of high ditch. The desire of the commission is that the trail be a four-season trail. A three season trail could be implemented provided the elk habitat is protected by posting the trail as closed during the winter. The City will do that routine maintenance. Speck said there are no connections proposed at southernmost end. The northernmost access point should be the bridge, not some other point.

Mayor opened the public hearing. Fritz Haemmerle, representing the canal users, said the path can't be located on the west side, because silt and debris gathers on the west side. Some similar concerns exist about the east side of the canal.

Lia Johnson of 157 Hiawatha Drive said the north access road to Cutters is directly across the street from her house. She requested that the road be moved to the far end of the subdivision, but that request was dismissed with no recognition by the developer. She and a group of neighbors received support from the Blaine County Commission, acknowledging the degradation of property values for several neighbors who will be affected. The owner of the vacant had seemed willing for the road to be moved, but changed his mind for some curious reason. She wished to communicate the frustration of county residents, who have limited representation during an annexation process. If the property had stayed in the county it would have been a much different development.

There were no further public comments. McBryant asked why the road relocation is not acceptable. Hellen said the proposed development uses an existing right of way onto south Hiawatha Drive, which becomes a right angle intersection. An angled intersection is not preferred. Johnson said the county felt South Hiawatha could be straightened somewhat to make the angle more of a right angle.

Davis said the water and sewer main is a \$120,000 value. A lot of subdivisions are already within the city, thus the annexation agreement wouldn't come into play. These were addressed at the study, thus they are already being paid for. The ditch and bridge improvements still need to be moved from verbal to written agreement. He would approve the ESS-13 product if it is acceptable to the engineer. As regards connections to the pathway, he asked the council to visualize how many easements are fenced off or landscaped in central Woodside, drawing the conclusion that these connections wouldn't remain in use at Cutters, either, other than as easements. Keirn said the point made by Haemmerle regarding the Hiawatha canal maintenance is important; the canal users were there before Cutters. He wanted Blaine/Ketchum Housing Authority to get a copy of the housing proposal.

McBryant said the water and sewer connection is outside of our annexation fees, which she felt had been soft, and she was reluctant to waive the water main size requirement. She expressed concern about the optional pond protocol, and wanted to make sure the

Homeowners Association is responsible for failed pond sealants. She wanted to revisit the pathway along the ditch with our staff. She was open to holding off on a fixed definition on the way the road connects at the north end. It's worth an effort to have conversation with the land owner. She was sensitive to density that's coming and changes that are happening to our city.

Burke said we need to discuss the maintenance of the culverts. Burke too viewed the sewer hookup as the developers' responsibility, part of the subdivision. If there is any way through our discussions with the lot owner, a road that is not detrimental to anyone is the best result.

Brown didn't want to credit the infrastructure requirements against the annexation fees, and expressed that not interfering with where deer and antelope play is important. She would have liked to have heard the recommendation of the Parks and Lands Board. The road issue is certainly worth a second phone call to lot owner.

Becki Keefer said the board is most interested in the park, and is willing to let the city council hash out issues on the trail. It is easier to throw debris onto the west side of the ditch, and the debris does come in massive quantities. The trail works better on the east, but the connections are problematic.

Hellen asked if the Idaho Department of Water Resources has restrictions on irrigation of property over ½ acre. Hellen said the water line was not identified as a specific need to Management Partners, and would not have been included in their calculations. The city has no need for this line except for the annexed subdivision coming in.

The Mayor then noted that Keirn and she would get together with BKHA, and Brown and Davis should get together with the parks board. Williamson would make sure the agreements for maintenance are signed. She wanted an understanding in the HOA documents that the pond sealant will function properly. Dawson would get a good daytime phone number for Lia Johnson to explore the road issue. Speck said he had agreed to do culvert maintenance. Speck asked if the application will have to go back to the Planning and Zoning Commission to get approval on the reconfigured plat. Williamson did not have the answer to that. Brown moved to continue the Cutters Subdivision application to Jan 8, 2007. Keirn seconded; the motion carried unanimously.

FUTURE ACQUISITIONS MAP

Shay said the former ordinance described the future acquisitions map as a change in zone district boundaries, but it is really just a planning tool. This amendment removes that offending language. Mayor McBryant opened the public hearing, but there were no comments. **Davis moved to proceed with the first reading of Ordinance 980 by title only.** Burke seconded; the motion carried unanimously.

WOOD RIVER LAND TRUST RESTORATION PROJECT

Keefer said the Parks and Lands Board endorsed cleaning up any problems in and west of Lion's Park. They also strongly endorsed partnership projects. Davis asked if we can squeeze this out of the street department budget. Ray said man hours and equipment can be fit in unless some emergency comes up at that time. Brown said every little bit that restores wetlands to functional healthy wetlands, helps us in the long run. It is a key location. Davis moved to enter into support of the Wood River Land Trust's project. Brown seconded; the motion carried unanimously.

RESOLUTION SUPPORTING LOCAL OPTION TAX LEGISLATION

Mayor McBryant proposed a resolution to the council which would support the enactment of enabling legislation intended to allow jurisdictions to put local option tax measures in front of voters to fund transit systems. Davis said he is an advocate of letting people decide their own destiny, although he would have mixed feelings about such a tax. Keirn said, since Idaho has not home rule, we should force the legislature to let us vote on anything as much as possible. **Keirn moved to allow Hailey to enter into a resolution supporting legislation allowing the finance and construction of transit systems through local option taxes.** Brown seconded; the motion carried unanimously.

APPOINTMENTS

Mayor McBryant offered the names of Michael Pogue and Owen Scanlon as her choice appointments to the Hailey Planning and Zoning Commission. Brown noted that the commission would then be comprised of three people residing in old Hailey, one in the Area of City Impact, and one in Della View, saying that we are starting to get a tightly clustered group. McBryant said she is aware of that. Brown otherwise fully endorsed these 2 exceptional candidates, and moved to ratify their appointment. Keirn seconded; the motion carried unanimously.

Mayor McBryant continued the appointment of the hearings examiner to the next meeting.

WORKSHOP

Davis said the Hailey Historic Preservation Commission wants to increase its membership to 10 because of its ambitious work load. Brown asked how the commission functions when there is a divided vote. Mayor McBryant said her experience has been better with smaller boards rather than larger ones. Attendance becomes invisible when there are too many people. It is harder to get things done with more people, and it lessens the obligations. McBryant asked for the names of those leaving, those left, and those interested.

WATER METER RATES – OVERSIZED RESIDENTIAL SERVICES

Hyde said his department installed over 3100 meters, 28 of which are over the standard $\frac{3}{4}$ inch size. Not all of these want to reduce the size of service to obtain a lower rate. An apparatus to reduce the service size from 1 to $\frac{3}{4}$ inch is \$13 material and with manpower costs, the city's total exposure is \$1674. What we would recommend is that we notify each by certified letter, what they will need to look out for in their decision. Give a period of six months to make the decision, to June 30, when start irrigating it might be a big thing to them. We would make change at our expense – that is our recommendation. Mayor suggested extending that deadline until July 31, so that the user would see the cost. **Brown moved to approve the program as recommended by Hyde, with extension of time through July 2007.** Burke seconded; the motion carried unanimously.

FIRE STATION OPTIONS

Mayor suggested that the council take home the material distributed by Diane Barker, read it, digest it, and identify their level of interest in pursuing this. She advised that we take the information and do something with it, because someone else's passion makes our work easier. Burke said she is uncomfortable taking as our viable options someone's efforts who so clearly helped the bond be Barker had not talked about budgeting and other issues. If we are looking at options, we should initiate them, and we should look at them with support from our community. Keirn noted the approach is flip-flopped from the way Ketchum and its rural district do it and the 2 cities in California in which he lived. Brown said she has no energy to put this on her plate, but we should be talking with every smart person we should be talking to. Keirn said residents hold council responsible for fire protection. We are not responsible for people in county. Within 30 days we may need to purchase our own aerial ladder truck. Davis preferred to workshop with our staff first.

Chapman said all the options are marvelous and need to be looked at, and are in the consolidation report of 12 years ago. We simply can't do Option 1, the do nothing option. We're bursting at the seams. Several options haven't made the list yet. He encouraged the council not to have tunnel vision on these five, but to look at the 11 options, start investigating and eliminating.

Brown said the first issue is how reach the perfect decision; the second issue is how then to fund it. We would have to allocate money to these studies. Mayor asked if we want to respond to Barker's request for a series of workshops. Burke asked what are the models other communities use. Mayor suggested scheduling 2 workshops or private meetings with staff, and accomplish that between now and our first meeting in March.

Williamson said the aerial ladder request isn't simple. This Agreement will terminate Sept 1 2007. Chapman said the longer the agreement the better. Williamson said right now we don't have a longer agreement. Mayor suggested a 60 day intent of non-renewal. Williamson suggested first extending the term, then making the change.

There being no further business, the mayor adjourned the meeting at 8:45 p.m.