

**MINUTES OF THE REGULAR MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, JUNE 25, 2007  
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, Martha Burke, and Carol Brown. Staff present included City Attorney Ned Williamson and City Clerk Heather Dawson. Council Member Don Keirn called by phone to establish a quorum, but was absent after the meeting was called to order. Rick Davis was also absent

**OPEN SESSION**

Geoff Moore thanked the city for having taken care of his trash issue, brought up at previous meetings.

**JASON MILLER KART/PEAK PRESENTATION**

Miller presented information to update the city council on activities accomplished through Wood River Rideshare, which is now in the process of merging its activities and programs into KART/PEAK. He proposed that Hailey, in the future, partner with KART/PEAK to help provide a free circulator bus within Hailey. By contributing into the existing system, a project which would cost Hailey on its own over \$250,000 could be done with a \$50,000 contribution from Hailey, which would include the current services currently under contract.

**CONSENT AGENDA**

Brown removed CA 235, and the Mayor removed CA 239. **The remainder of the consent agenda was approved with a motion from Burke and second by Brown;** the motion carried with Brown and Burke in favor.

- CA 235 ~~Motion to accept report of independent auditor on fiscal year statements of Sept 30, 2006.~~
- CA 236 Motion to approve treasurer's cash report for May, 2007.
- CA 237 Motion to approve findings of fact and conclusions of law for Sweetwater PUD Townhouses I.
- CA 238 Motion to approve findings of fact and conclusions of law for Meriwether Building Condominiums final plat.
- CA 239 ~~Motion to approve minutes of June 4, 2007, and to suspend reading of them.~~
- CA 240 Motion to approve minutes of June 11, 2007, and to suspend reading of them.
- CA 241 Motion to approve claims for expenses incurred May and June, 2007.

**CA 235** Brown asked if the independent auditor had submitted a management letter along with the financial statements. Dawson said the auditor had not identified any areas for management improvements. **Brown moved to accept the independent auditor's report on Hailey's financial statement ending September 30, 2007, as presented.** Burke seconded; the motion carried with Brown and Burke in favor.

**CA 239 Minutes of June 4, 2007** Mayor McBryant clarified the minutes of June 4, saying that approximately 2% of each department manager's salary would be in her budget. **Brown**

**moved to approve the minutes of June 4, 2007 as corrected.** Burke seconded; the motion carried with Brown and Burke in favor.

#### **NB 248 WICKED SPUD BACK ALLEY PARTY SPECIAL EVENTS**

Brown disclosed that she had held ex parte communications with Dana Dugan and Mary Ann Kindred in favor of the Back Alley events, with former Mayor Brad Siemer who had been distressed over an event with music on Friday night and complained that the noise ordinance has become a mockery, and with the owner of the Wicked Spud, with whom she spoke about his outreach efforts. Burke too had held a conversation with Brad Siemer, as well as with many residents in the grocery store. Brown said she and Burke had attended the event last Wednesday, and done a tour about town to listen for the effects of the event.

Mike Broman said he examined everything that was discussed at the last meeting. Officer England had stopped by one evening, and cell phone numbers were given to HPD so that the event promoters could be contacted directly. He said there is a significant effort being made to work with the city. He supplies the venue, but the events are produced by Dana Dugan and Heidi Albrecht. Dugan said bands have been informed that they are playing to a family neighborhood, at mid-range noise levels. If that directive isn't followed, the bands have been and will continue to be shut down. Albrecht said she understands that the outdoor venue is tricky, but nevertheless they are making an effort to be a mid-range family venue.

Williamson did not support the request by the city for financial information, as that request does not relate to the standards in Municipal Code Title 12. He added that additional insurance is not necessary for events held on private property. Brown said the producers of this event have created a model for outdoor business events in Hailey. She appreciated the effort. The council had been told that this event should be considered because donations are given by the producers for charity reasons. If that is not a standard of approval, she would remove that element from her consideration. Burke asked that the event producers, before the summer is over, to go with her on a bike tour to experience the areas into which the sound does travel. A single car-based boom box is far more disturbing to her than an event which serves an entire community. The council has gotten the time it needed to explore this matter. Brown said she and Burke could hear themselves at the corner of Myrtle and Fifth.

**Brown moved to approve the Wicked Spud permit for the remainder of the 2007 season, removing the request for financial information and waiving the insurance requirement.** Burke seconded; the motion carried with Brown and Burke in favor.

#### **NB 249 – CALVARY CHURCH SPECIAL EVENT**

Williamson said page 141 of the council packet outlines his thoughts regarding standards of approvals.

Brown said the park ordinance restricts some events to once per month. Her concern was that a single group was not intended to tie up the parks consecutively. The special events standard doesn't tie to the park ordinance standards.

Burke noted that the amplified sound requires this event to obtain a special event permit. Brown wanted the parks board to give a recommendation on repeated use by an individual organization.

The council then expressed concern with 9:00 a.m. music during the September event. Brown favored approving, but was interested in hearing how the amplified sound will be controlled, and added that the sound should not be directed at the mountain. Burke suggested reviewing this matter after the 4<sup>th</sup> of July; following the same procedure we just went through. **Burke moved to grant the special event permits for July 4, August 26, and September 2 events as presented, except that amplified sound is not to begin until 11:00 a.m. at any of the three events, with music directed away from Della Mountain.** Brown seconded; the motion carried with Brown and Burke in favor.

#### **PH 242 CROY ADDITION FINAL PLAT LOTS 1-4, BLOCK 4**

Stephanie Smith said she understands the sidewalk requirement of the subdivision ordinance, but said there are some issues relative to the placement of the structures upon the property. Hellen said a meandering sidewalk to accommodate existing trees or buildings makes these older properties nice, and the linear approach required in new subdivisions is not necessary. Smith said it will be many years before the sidewalk is finished, and it will look unsightly, and she would consider an in lieu fee if she can get a reasonable bid.

Grotto said the hearing examiner approved the preliminary plat on January 5, 2007. The suggested Condition C could be amended to say the portion of the building encroaching into required setbacks be reconfigured. The suggested Condition B could be amended to allow an in lieu contribution. Mayor asked who makes the inspection prior to recordation. Grotto said a member of staff will perform that inspection.

Mayor McBryant opened the matter for public hearing. Tim East of West Croy said it will be a long time before there are sidewalks, and encouraged the in lieu fee option. He said the street is off-line, and drifts to the south, making it difficult to place sidewalks on the south side. When sidewalks are built someday, the street should be moved back into the center of the right of way. Geoff Moore questioned the in lieu process in general, saying the parcel may sit there forever without a sidewalk. Either way, a patchwork of sidewalks will be created. Brown asked if the revenue would be restricted only to that spot, or once paid, could it be used at other properties. Williamson said it can be used at the city's discretion, at other properties if so desired. Brown added that is why these requests are handled case by case, because sometimes it is appropriate to start a sidewalk in that spot, in which case in lieu fees wouldn't be accepted.

**Brown moved to conditionally approve the final plat, modifying Condition B that the applicant shall either install sidewalk in location required by city engineer or in lieu contribution sufficient for a 6 foot sidewalk of 130 linear feet, and modifying Condition C, that those buildings located within the setback be moved.** Burke seconded; the motion carried with Brown and Burke in favor.

#### **PH 243 PEARSON REPLAT BLOCK 62, LOTS 9-12**

Brian Yeager presented the application for final plat of Block 62 replat on behalf of Ralph Pearson. Grotto said the hearing examiner gave preliminary plat approval on March 9, 2007. The Historic Preservation Commission established the direction of the lot. This item and others are written as conditions of approval, including the option of volunteer in lieu fees rather than sidewalk development.

Jeff Davis of 423 Third Avenue North said the unit itself is being rented out, both upstairs and basement. There are approximately 6 cars parked in the right of way. He said if another structure is built, more parking issues are likely to be developed.

Peter Lobb of 403 East Carbonate said this is what happens when zoning is changed in old Hailey. The responsibility is the council's. It's a done deal now, so the comments made are a moot point. Brown asked when a new structure will be built, what parking requirements apply? Grotto said parking for single family residence does apply, if two rentals exist within the building, then it is an illegal duplex. A new building on either lot would go through design review, and parking is allowed in the right of way. Mayor noted the rental situation is in place prior to this replat consideration. Burke said if the property is not being used the way zoning has intended it to be used, follow up outside this meeting is required. Because there is a historic structure, she would favor the lot configuration. Design review should examine the parking issues. **Burke moved to approve the final plat for replat of Block 62, Lots 9-12, with conditions noted in staff report, A-H.** Brown seconded; the motion carried with Brown and Burke in favor.

#### **PH 244 HAILEY GARAGES LLC FINAL PLAT**

Brian Yeager presented the condominium plat for a building already constructed after going through design review. Grotto said she received the final condominium declarations since she wrote the staff reports, which address the water and sewer services to the units. She added a condition that the title of the plat be corrected.

Mayor McBryant opened the public hearing; there was none. **Burke moved to approve the final condominium plat with changes to condition B, requiring that the plat shall include a note referencing the instrument number of CC&R declarations.** Brown seconded; the motion carried with Brown and Burke in favor.

Burke wished we had encouraged the look of the back side of these developments, which are now fronting upon the main access to Friedman Memorial Airport.

#### **PH 245 AND 246 WATER & WASTEWATER RATES AMENDMENTS – CHAPTER 13**

Hellen presented the ordinance amendments to Chapter 13 of the Hailey Municipal Code. The wastewater base fee was structured to mirror the water base fee. A first year needed to be established for those accounts that have no winter history. In the resolution, connection fees stayed the same. The water base fee went up \$2.00 per month. The wastewater monthly base fee went up \$5.00 for an increase to \$34.15, variable upon how much water is used. A metered charge for water discussed at the last meeting had been implemented into the resolution. Brown asked Hellen if he had a comfort level that we will be able to cover our obligations. Hellen said he does, and the wastewater fee is brought up to cover the deficiencies in the previous rates.

Mayor McBryant opened public hearing; there was none. Following a question from Burke, Dawson said the ordinance and resolution represent very thorough work.

**Burke moved to read the first reading by title only. Brown seconded.** A discussion about implementing the ordinance and potentially waiving the three readings followed.

**Brown moved to reconsider the motion;** Burke seconded. The ordinance adoption date and the effective date of the proposed resolution, and how those two would dovetail, was discussed.

**Burke moved to authorize a reading by title only of Ordinance 987, and waive the three readings.** Brown seconded; the motion carried with Brown and Burke in favor.

**Brown moved to adopt Resolution 2007-09, adopting new rates to take effect upon the July meter reading.** Burke seconded; the motion carried with Brown and Burke in favor.

#### **NB 250 – Carollo Engineers Change Order**

Williamson suggested the matter not be discussed at this time, but tabled. Brown moved to table this matter indefinitely. Burke seconded; the motion carried unanimously.

#### **NB 251 – Meriwether Building Sidewalk and Monumental Stair**

Jim Laski said the corner design for the Meriwether building at First Avenue and Carbonate is the same as the Old Town Mercantile building. We based our parking requirements on that number. Proposed units are 47 spaces, and parking requirements are based on the uses, and we don't know what those will be yet. The impact of the soft bulb sidewalk corner design is that approximately 5 parking spaces are lost. If the city wants a sidewalk configuration, we would like a credit on our parking; otherwise we would like to go back to a more simple design. Taylor Walker said the staff report had indicated during preliminary plat approval that we had met our parking requirement. Design review was conducted upon the simple design, not the soft-bulb design later requested. Laski added that the design had been intended for retail with a bit of wiggle room for a restaurant, which requires twice the parking. The elevation of the building is lower in the middle unless the street is repaired. A solution is to put a monumental stair into that portion of the building, on the property line. The building official has asked that we move the step one foot inside the property line, because three railings are required. There is a requirement that the top of the railing must extend one-foot beyond the top of the stair. If the railing is on the property line, that would encroach a foot into the street right of way. He felt the concession could be made because the sidewalk the railing juts into is a 10 foot sidewalk, rather than a 6 foot sidewalk as at other similar buildings. Grotto said a 10 foot sidewalk was proposed from the start, which is the minimum width when that design with street trees is used. Walker explained that the code is silent on whether restricted accesses could be used rather than the 80 foot single stair, which makes for a better flow into the building. Ferguson said the code states that on monumental stairs, handrails must be on either end, or at the most accessible point of egress, of which there are two.

Williamson addressed the sidewalk design, saying the ordinance requires calculation of the number of spaces and is a provision that can't be waived. Hailey may want a design that is 10 feet wide and more expensive than traditional design. The city may want to revisit the ordinance so a parking credit can be received for traditional design, if the council thinks this is unfair to this or future applicants. Williamson said he walked through the code with Building Official Dave Ferguson, and identified that the railings are needed, and as regards to the extension into the right of way, based on his reading of the IBC, it is a right of way issue. This interpretation came about because of a prior project at Cari's. Brown said she has become fond of railings now that she has an aging parent who needs them. If a tree is right there by the railing, the sidewalk would be further reduced. Brown said she doesn't ever want to lose parking. We have to figure out how

to make sure we maximize parking, not eliminate it for ascetics. Taylor Walker, the developer of the Meriwether building, suggested allowing reconstruction of the 5% slope on the roadway. We had to cut the right of way back to put in the sidewalk. Burke didn't want to do anything that exacerbates the problem. She would rather fix it with the sidewalk than discuss the street. Hellen said on the north side of building, cars could slide into there and may not be able to get out. The road slope standard is there for that reason. Reconfiguring Carbonate would be an expensive remedy. Brown said she would rather spend money on sidewalks for children. The City Engineer will work with the applicant to redesign sidewalk to be more ADA friendly and allow more parking spaces. Brown didn't feel this should be a council action, but should be left to staff. **As regards the stair, Brown moved to allow the Meriwether Building to allow the appropriate hand railings on the north side of carbonate, to encroach into the sidewalk airspace one foot, and not be adjacent to another obstacle such as a tree, and should the railing be damaged, the building owner shall repair it, not the city.** Burke seconded; the motion carried unanimously. Ferguson clarified with the council that the encroachment into the right of way was limited to this specific building.

#### **NB 247 ADVOCATES REQUEST FOR FUNDING**

Burke recused herself, because she was a former employee of the Advocates. Dawson said Trish Swartling of the Advocates for Survivors of Domestic Violence had requested a continuance. **Brown moved to continue the matter until July 9, 2007.** Mayor seconded; the motion carried with Brown in favor.

#### **2007-2008 BUDGET OVERVIEW**

Mayor McBryant introduced the concepts of the proposed 2007-08 budget, saying revenue is anticipated as follows:

- 4% increase in property taxes (3% plus new growth) (+ \$70,000)
- 8% increase in franchise and sales tax revenues (+ \$90,000)
- decrease in LOT revenue from 14 month to 12 month time frame (- \$75,000)
- 10% decline in construction related permit fees (- \$78,000)

for a net increase in operating revenues of .2%.

Offsetting these revenues is a projected 4% increase in operating expenses, consisting of the following:

#### **Salaries:**

A 3% increase in wages for city employees. This increase is commensurate with the CPI throughout the state and closely mirrors the national CPI.

While past years have seen substantial wage increases, and specifically for certain personnel, those increases have made city wages far more commensurate with averages for like communities.

The proposed budget allows a 3% wage increase for all employees, and an additional opportunity for additional merit pay for job enhancement training, additional education, participation on specialized committees such as the impact fee committee, and others as deemed significant in enhancing the value of the employee. This will allow recognition of competent staff through an

anticipated wage increase, and the incentive to surpass the expectation and requirements of the job description.

The Planning and Zoning Commissioners will receive a 45% increase in wage in recognition of the importance of the decisions they make, which will increase their monthly stipend from \$155 to \$225. The Council salaries will be increased by 55% for the same reason, from \$515 to \$800 per month. The Mayor will be increased at the standard % of all employees.

There is accommodation for all council members to elect to take city insurance. This line item is now fully funded in the proposed budget.

All the aforementioned are intended to motivate staff, increase professionalism, and to recognize performance.

### **Annual Capital Maintenance**

Service vehicles, building repair, and computer replacements are a necessary annual operating expense. Proposed is funding of approximately \$100,000 to cover such expenses. As such, funding is included for building component replacement (\$65,000 in Public Works), and for a high efficiency city vehicle (\$24,000) to be used for transportation to meetings located away from city hall. This vehicle would be reserved through the admin office, and would be used for meetings from Sun Valley to Boise to out of state events.

The total increase in operating expenses of 4%, and the anticipated increase in operating revenue of 2% will require an approximate \$315,000 in fund balance to effect operations with a capital maintenance component.

### **Capital Projects**

Anticipated revenue streams for capital projects include:

- |                                                      |               |
|------------------------------------------------------|---------------|
| - reserved annexation fees Airport West & WS Schools | - \$1,250,000 |
| - development impact fees per Tischler study         | - \$ 535,000  |
| - park in-lieu fees from Sweetwater                  | - \$ 24,000   |
| - new annexation fees from Cutters Annexation        | - \$ 200,000  |

A Capital Improvement Plan expense budget is being developed by city staff to plan for this \$2 million in improvements.

The mayor said she had not included funding for any organizations outside of the city. This is omitted due to her continuing concern about the legality of using tax dollars for that purpose. She said groups such as Advocates, YAK, KART/PEAK not funded, that would be up to the council. The exception to that exclusion is funding for marketing for the Chamber of Commerce as defined in the local option tax ordinance, and continued support of SIEDO.

### **WORKSHOP**

Mayor McBryant read a draft letter which she had prepared to summarize the Hailey City Council's discussions regarding regional leadership council of government efforts. Brown said she is uncomfortable with the secondary level of government, but felt the mayor can be trusted

during such meetings with representing Hailey. Burke said the letter should also name the issues the mayor would want to talk about from the audience seat.

Mayor McBryant said she had held the down-valley mayor's meeting, in which there was good discussion about personnel management, an update on the AIC meeting in northern Idaho, and a tour of Carey's new subdivisions, which showed a remarkable evolution from the first subdivision with no sidewalks and lighting to the third subdivision with those amenities.

Mayor McBryant announced the resignation of City Planning Director Kathy Grotto, and expressed appreciation for Grotto's generosity with her time in the transition to a new director.

Brown said the Hailey Arts Commission is seriously talking about an ordinance which would require a 1 to 2 percent arts component to public buildings. The commission will present this ideas at a future meeting under New Business, to ask the council if they want to come forward with that.

Hyde said Blaine County is preparing an onsite wastewater management ordinance, and he would pass that on to the council with his comments.

#### **EXECUTIVE SESSION**

**Brown moved to go into executive session to discuss personnel issues and pending litigation.**

Burke seconded; a roll call vote showed both in favor. The council went into executive session at 8:25 p.m., and following a motion and roll call vote to come out of executive session, adjourned at 8:50 p.m.

There being no further business; the mayor adjourned the meeting at 8:50 p.m.