

**MINUTES OF THE SPECIAL MEETING OF THE
HAILEY CITY COUNCIL
HELD THURSDAY, NOVEMBER 8, 2007
IN THE HAILEY TOWN CENTER MEETING ROOM**

The special meeting of the Hailey City Council was called to order at 5:30 p.m. by Mayor Susan McBryant. Present were Council members Don Keirn, Carol Brown and Martha Burke. Staff present included City Attorney Ned Williamson and Clerk Heather Dawson.

CONSENT AGENDA

- CA 361 Motion to approve Detection System Monitoring Agreement from Sentinel
- CA 362 Motion to approve minutes of October 22, 2007
- CA 363 Motion to approve claims for expenses for the end of fiscal year 06-07
- CA 364 Motion to approve claims for expenses incurred during the previous month
- CA 365 Motion to approve special event for Family Connection Folk Dance and County Fair
- CA 366 Motion to approve Hailey's Main Street Antique Show special event
- CA 367 Motion to approve Equipment Rental Agreement for loader for snow removal months.

Brown moved to approve the consent agenda as submitted with some typographical corrections to the minutes of October 22, 2007. Keirn seconded; the motion carried unanimously.

MAYOR'S REMARKS

Mayor McBryant spoke to the council about a conference she attended last week in Seattle, a U.S. Mayor's Summit on Climate Protection. She said information had been gathered about green collar jobs, and the ability to create upward mobility within an entirely new job sector. Information had been gathered about getting funding for projects. Light retrofitting can help reduce electrical generation costs and reduce the demand for water. Cities had developed procurement policies for vehicles and products, and many cities have retrofitted large portions of their fleets to hybrid vehicles. Roundabouts are encouraged, as is mass transit. She noted that Hailey's Police Chief had told her today that he is very close to procuring a hybrid vehicle for administrative police department use. We are an eclectic community of highly educated people who put a premium on our environment, and if we don't take the reigns of leadership on this issue, they will be highly disappointed.

PUBLIC HEARINGS

Ehrenberg Annexation Ordinance Amendment – Legal Description

Williamson said Ordinance 981 which annexed the Ehrenberg property did not have a proper legal description; the description did not close. A new legal description has been prepared, and the council will need to adopt a new ordinance adopting that legal description. There was no public comment. **Burke moved to approve the adoption of**

Ordinance 995, and read the first reading by title only, Brown seconded; motion carried unanimously.

Fapo Development Agreement Amendment

Williamson said the FaPo developer had recorded the development agreement without its exhibit attached, the Area Site Plan. The council will need to approve a development agreement with Exhibit A. There was no public comment. **Keirn moved to adopt the development agreement with Exhibit A, an Area Site Plan, attached. Burke seconded; the motion carried unanimously.**

Fapo Deferred Development Impact Fee Agreement

Williamson said the FAPO project will waive any challenge to the development impact fee ordinance based on a deferral of fees. In addition, city staff has worked with the developer on deferring the fees based on exploring a Local Improvement District for the purpose of under grounding power in the alley, which could potentially change the amount of development impact fee assigned to the developer. Work began on this project in violation of Hailey's ordinances, because ground was broken prior to a building permit being issued. Mayor McBryant said she had asked Chief Gunter to file a misdemeanor citation on a developer who had broken street development ordinances. She was opposed to developers building today and asking for forgiveness tomorrow. Williamson said a criminal citation could be filed against the developer. Brown said the deferred development agreement seems to have the sense of pending litigation being deferred as well. Brown wanted to know if this is a limited case. Williamson said it is extremely limited as a result of the exploration of the Local Improvement District. Tobin Dougherty said he could make some harsh replies to the mayor's remarks. It is an extremely difficult process to build in Hailey today. In addition, there are weather factors, as well as people's livelihoods. There has been work being done on that site for months; there have been a lot of small amounts of construction going on in general while they were trying to obtain a building permit. A couple of months spent getting a building permit is truly a long process. If we delay this project now, we will in effect delaying it to next year, which will hurt a lot of livelihoods other than the developers. He said he would do his best to make sure this type of violation doesn't happen again. Mayor opened the public hearing. Geoff Moore said a precedent shouldn't be set regarding the deferral of development impact fees.

Brown said her first reaction was to oppose this move, but a tightly narrow deferment has been written, and she would reluctantly move forward with that. She would like to defer to where the authorities lie, with building inspector and mayor. She would defer to our capable staff to handle this violation in the manner they best see fit. Keirn felt the agreement was tightly written. Burke agreed that it is not precedent setting, and is written well by Williamson. Mayor McBryant said in order to maintain well paced, steady growth, there might be instances where it is to the benefit of the whole community as well as the developer to change the manner in which it is collected. **Brown moved to approve the Deferred Development Impact Fee agreement for the FaPo Holdings Village development. Keirn seconded; the motion carried unanimously**

OLD BUSINESS

OB 371 and OB 372 were pulled from the agenda by Williamson

NEW BUSINESS

Sales Price Disclosure Resolution

Brown said that Representative Wendy Jaquet had put this measure together and asked for cities to support the legislation. Sales price disclosure at the time of sale of property would be helpful in setting the proper tax assessments against these properties. In a declining market it is especially critical to have correct tax assessments. Mayor suggested the resolution be authorized for signature, and set for review on the following consent agenda.

Election Canvass

Clerk said the election was conducted according to law due to the hard work and diligence of the election staff. She presented the election canvass as follows:

2007 CITY OF HAILEY ELECTION RESULTS

The results of the Hailey General City Election are as follows:

Number of Registered Voters prior to the Election3494

Number of New Election Day Registrations_67

Total Number of Ballots Cast1288

Number of Ballots Cast Absentee..... 146

Number of Absentee Ballots Requested153

Number of Spoiled Ballots.....14

Number of votes for Mayor

Richard (Rick) L. Davis.....721

Erin C. Dunn539

Number of votes for Council Seat No 3.

Carol Brown.....1039

Number of votes for Council Seat No 4.

Fritz X. Haemmerle	614
Stefanie Marvel.....	494
Geoffrey L. Moore	154

Number of votes for Initiatives.

Medical Marijuana Act	Yes 687	No 581
Lowest Police Priority Act.....	Yes 637	No 601
Industrial Hemp Act.....	Yes 683	No 565
Cannabis Regulation & Revenue Ord.....	Yes 573	No 674

Burke moved to accept the canvass of the election submitted by the city clerk. Keirn seconded; the motion carried unanimously.

STAFF REPORTS

Hellen presented the figures for installation of pedestrian lighted crosswalks, noting that they were not subject to council acceptance of bids, but he wanted the council to be aware of how much they cost.

Brown announced the hire of Nancy Gurney to Library Director Position, and LeAnne Gelskey as the Assistant Director.

Brown said she had been asked to sit as a liaison to the climate change committee.

At this time Williamson asked for Mayor and Council to go into Executive Session. Idaho Code 67-2345 litigation and pending controversies imminent likely to be litigation.

Brown moved, Burke seconded; a roll call vote showed all in favor. They went in to executive session at 6:45pm.

7:15pm executive session ended. Williamson suggested amending Hailey Municipal Code to allow a state resident to circulate an initiative petition. That resolves one of the issues in the state and in the federal case. **Keirn moved to accept the city attorney’s recommendation, and take the matter to a public hearing. Burke seconded; the motion carried unanimously.** Meeting adjourned at 7:18 p.m.

Susan McBryant, Mayor

Heather Dawson, City Clerk