

**MINUTES OF THE SPECIAL MEETING OF THE  
HAILEY CITY COUNCIL  
HELD THURSDAY, NOVEMBER 26, 2007  
IN THE HAILEY TOWN CENTER MEETING ROOM**

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

Rick Davis, Council President opened the meeting with Public Concerns. **Jed Sidwell, a citizen residing at 109 S. Hiawatha Dr. 720-4633** spoke. Mr. Sidwell stated he has fears of absence of stop signs on S. Hiawatha and Hiawatha Dr. He talked with Tom Hellen the City Engineer and cannot get straight answers. Mr. Sidwell read a letter supporting a stop sign and asking council to reconsider putting stop signs in. Tom Hellen, City Engineer spoke advising council that we put a stop sign on the city side of the road. Hiawatha Dr. is in the County. Davis will get in touch with the County and talk with them regarding Mr. Sidwell's concerns and the placement of the additional stop signs in the county.

**CONSENT AGENDA**

- CA 375 Motion to ratify Resolution 2007-14 supporting sales price disclosure legislation in Idaho
- CA 376 Motion to approve Resolution 2007-15, which authorizes the city to enter into a Municipal Lease for the purchase of the city's new snow blower, and to authorize execution of all related documents
- CA 377 Motion to approve bonding Security Agreement with Old Cutters Subdivision as submitted
- CA 378 Motion to approve taxi license renewals for 2008, including Wood River Taxi, Airport Cab Company, and A-1 Taxi.
- CA 379 Motion to approve Special Events Permit for the Hailey Hometown Holiday Parade, with the City of Hailey as the applicant and the Hailey Chamber of Commerce a co-applicant conducting the organization of the event.
- CA 380 Motion to approve claims for expenses incurred during the previous month
- CA 381 Motion to approve unaudited fiscal year end treasurer's cash report for September 2007
- CA 382 Motion to approve minutes from the November 8, 2007 Special Meeting

CA 376 & CA377 was removed per Ned Williamson, City Attorney. CA 382 was removed by Rick Davis. **Burke moved to approve the rest of the consent agenda, Brown seconded; motion carried unanimously.**

CA 382 – Rick Davis recused himself from the approval of minutes because he was not at the previous meeting. **Brown moved to approve, Keirn seconded; motion carried unanimously.**

CA 376 – Ned Williamson, City Attorney tabled this discussion for now. Williamson would like to get into a discussion of Resolution 2007-15 at a later date. **Brown moved to approve; Burke seconded, motion carried unanimously.**

CA 377 – Rick Davis recused himself from this issue. Martha Burke was asked to run this portion of the meeting. Ned Williamson, City Attorney, explained that he drafted the Security Agreement with Old Cutters Subdivision and it's in the packet. There is a question regarding the restroom in the park. There is a debate going on as to whether one or two holes are required on this project. Williamson asked Jim Speck, the attorney for Cutter's, to make a presentation to council to support 1 bathroom.

Jim Speck explained that the Parks and Recreation board met in early November. Speck did not receive a notice of this meeting. At that time the board required a second bathroom. The 2<sup>nd</sup> bathroom would be an additional \$10,000. Jim Speck thought they were done with all haggling and he is now made aware that this is an issue. In the meeting of March 2006 when discussing the annexation agreement, no park restroom was discussed. On March 10, 2006 Speck was made aware that a restroom would be required and received an agreement from Williamson advising him of that. At the annexation meeting on March 13, 2006 was when the vault bathroom and drinking fountain were required. It was then approved as a singular bathroom, not 2 bathrooms. The Annexation Agreement was eventually signed as a restroom connected to city water & sewer. The Finding of Facts was signed as such. This went to P&Z in August. There was a drawing given to Kathy Grotto, the previous Planning Director, in August. Speck felt everything was approved as is with one bathroom. They cannot record the plat without resolving this issue. He felt they were acting in good faith. He feels it is unfair to ask for this at this point. John Campbell, the developer of Cutters, is happy to build the 2<sup>nd</sup> restroom if he doesn't have to pay for it. Martha Burke turned the floor over to Janet Fugate, Chair of Parks & Lands Board. Fugate advised council that she had no knowledge that there was only 1 seat that would serve a 5 acre park. A park of that size would require 1 more seat in the restroom. The drawing was not seen before the last meeting of the Parks & Lands Board. John Campbell submitted the bridges, picnic shelter and bathroom drawings about a year ago. They understood that Grotto showed them the drawings and the only comments he received back was about the treks decking. Tom Hellen, City Engineer asked to speak. He explained that there are no standards. He compared it to Hop Porter and Woodside Central Parks. He felt the park will be highly used. Burke had concerns regarding the submittal time of a year ago. It never occurred to her that a public restroom would not have 2 seats with 2 separate doors. Don Keirn felt we gave it review and he doesn't like the last minute changes. Williamson suggested we go back to Grotto for clarification. Burke feels our argument isn't as strong as she would like. If it falls to the city Burke thinks the city should try to possibly fund it to make it right. Speck thinks this is entirely unfair to hold them up. He wants somebody to approve the agreement so they can record the plat and move forward. Council felt that was reasonable. Williamson thought they should talk to Grotto first. He would like some resolution prior to signing. A letter of credit was filed and the work is continuing on the project. Carol Brown would like to know facts first and then we will determine 1 or 2 holes for the restroom. Brown is comfortable with signing the plat as long as we know

there is an outstanding issue. Call will be made tomorrow to Grotto for the facts. Burke does not want to hold up the development over the 2<sup>nd</sup> hole. Dawson suggested approval of security agreement tonight and amend at the next meeting. **Brown moved to sign security agreement tonight and amend at the next meeting. Keirn seconded; motion carried unanimously.**

## **PROCLAMMATION & PRESENTATION**

### Arts & Economic Study for Blaine County

Claudia McKain, Executive Director Arts Alliance & Sam Gappmeyer, of the Sun Valley Center for the Arts, presented findings of their study on The Economic Impact of Nonprofit Arts and Cultural Organizations and their audiences in the Wood River Valley. The arts not only make us feel good but it contributes to spending in the WR Valley. Arts in the WR Valley are a \$6.18 million industry. They support 161 FTE jobs. They thanked council for allowing them to present.

Presentation from Hailey Climate Protection Committee on survey conducted in Hailey  
Becki Stokes, a representative from the climate control committee, presented the findings from the Hailey Climate Protection Committee survey that was conducted in Hailey. 215 people willingly filled out the survey. Three-fourths of the people who filled out the survey felt everything we were doing was important. Stokes wanted the council to know that the committee is being supported. She thanked council for their time and support.

Davis commended staff and committee for their involvement.

## **PUBLIC HEARINGS**

### Application by Blaine County School District for Preliminary plat approval of Wood River High School PUD Subdivision

Mike Chatterton and John Gaeddert of CLPE and Benchmark Associates presented saying the goal of the application is to dedicate Fox Acres road thru the school to the city including the canal and bike path. One area to be aware of is the access road into Fox Moore. The deed restriction allows school purposes only. Prior to city accepting dedication the city will want the road chip sealed. They are talking with contractors and have put it off until Spring. Davis opened the meeting up for public comment. Becky Keefer, a citizen of 1221 Green Valley Drive spoke. This is the first opportunity she had to review these plans. She commented that when this first went thru P&Z the noticing was like Swiss cheese. Keefer questioned the light at the bus facility and when it would go off. She questioned why this is being done. If this is done does it mean that 40 acres of BLM land will be reserved for school use and the school can use that parcel? Diane Shay, City Planner commented that it was approved at the March of 05 preliminary plat approval meeting. Gaeddart said that the Deed restriction will stay in place. The only reason they are presenting this matter to council is to have the subdivision dedicate the road to the City of Hailey. Davis closed the public hearing on this matter and referred to page 116 of the council packets.

Shay explained that the release will not come into effect until plats are recorded. Shay has copies and is fine with preliminary plats as presented. **Keirn moved that City Council approve preliminary plat PUD Subdivision as presented. Burke seconded; motion carried unanimously.**

Municipal Code Amendments to Adopt the 2006 International Building Code

Dave Ferguson, Building Official, made a presentation to adopt 2006 Code and waive the 3 readings. There are some issues with formatting. He would like the Building Code changed from 03 to 06. Ferguson strongly recommended the adoption of Appendix F of the Residential Code for radon abatement systems. Blaine County is now zoned in the building code as being in a moderate to high potential area for radon. This will add approximately \$300 to \$700 to the cost of construction on a typical home. Ferguson explained fees were approved 3 years ago and are based on performance. They can be reviewed again the next time we adopt a new code. Rick Davis opened the meeting for comments. No comments. Ned Williamson, City Attorney, said that the Building code is not ready for a reading yet. **Keirn moved to table the meeting for the next council meeting scheduled for December 10, 2007 agenda. Burke seconded; motion carried unanimously.**

Municipal Code Amendment to Adopt the 2006 Fire Code

Mike Chapman, Fire Chief, made a presentation to adopt the 2006 Fire Code. The 2006 code reads that everything needed to be sprinkled. This would include single family homes. Our version exempts single family home as long as it is less than 9,600 sq feet. Rick Davis asked for questions. **Gary Stivers, reporter for Sun Valley Online**, asked about Global Warming and if the codes will address building codes for homes being built near Forests. Diane Shay, City Planner, spoke about the Comprehensive Plan and advised that it will be presented at another time. **Brown moved to continue the adoption of the 2006 Fire Code to the next council meeting scheduled for December 10, 2007. Burke seconded; motion carried unanimously.**

Municipal Code Amendment to allow metered wastewater rates to be calculated based on winter water usage.

Tom Hellen, City Engineer, explained that there should be some guidelines for adjusting both water and sewer bills based on certain conditions. The ordinance attached outlines the rules for issuing credits. Hellen advised that we caught some people off guard when changing the sewer billing rate because they leave the water running in the winter to avoid frozen water lines. Also some residents started irrigating in April which resulted in higher sewer rates. Hellen is recommending waiving the three readings of the new ordinance so credit can be on the December 1, 2007 bill. Rick Davis opened the meeting for public comment. Geoffrey Moore, a citizen residing at 1250 Woodside Blvd spoke. Moore wanted to clarify that the city was giving a 1 year grace period to fix the lines that were not installed properly or pay up. Hellen confirmed. Martha Burke asked approx. how much it would cost to have fixed. Hellen could not give a quote at this time. Davis asked about the circuit breaker costs and Hellen feels it would affect them also. Carol Brown felt it was fair and liked the 1 more year of notice to residence. Don Keirn feels staff did a great job on this. Burke is concerned that you have only next year to fix it.

Burke feels it personally affects her and is concerned that the cost may be a problem for people. Brown does not want to eliminate 3 readings but understands the rush. Hellen explained that it will affect a lot of people. **Brown moved to approve ordinance 996 and removed 3 readings. Keirn seconded; motion carried unanimously.**

Municipal Code Amendment to allow residents of Idaho (rather than only Hailey) to circulate initiative petitions in Hailey.

Ned Williamson, City Attorney, explained that the new ordinance would allow the circulator of a petition to be from the State and not just from the City. Williamson clarified that the ordinance would then be consistent in federal cases. **Burke moved to adopt the ordinance amending municipal code and to read the first reading by title only. Keirn seconded; motion carried unanimously.**

Municipal Code Amendment to allow a percent for Public Arts Ordinance

Mark Johnston, Hailey Arts Commissioner asked council to consider a percent for Public Arts Ordinance. There are only 4 other cities that have done this. This is an easy way to promote public arts. There are no guarantees however a creation and implementation of any ordinance helps any grant application. Carol Brown noted that in previous discussions of this matter the question of how bonds will be affected under the ordinance was discussed. Public art has been implemented on a National Level across the county. The language can be reviewed with the City Attorney. The ordinance refers to a staff position. There was a question inquiring if this is a paid staff position or can it be a consultant. It was clarified that it can be anybody council decides. This is a draft ordinance. Ned Williamson, City Attorney explained that it is missing a home in Municipal Code. Don Keirn would like to see the bond issue covered. Williamson would like the issue tabled. **Brown moved to table this discussion to the Dec. 10, 2007 council meeting. Burke seconded; motion carried unanimously.**

**OLD BUSINESS**

Rick Davis, read the 2<sup>nd</sup> reading of Ord. 995 – Ehrenberg Annexation Ordinance Amendment.

**NEW BUSINESS**

Draft agreement for Sewer hookup agreement with Spring Canyon Ranch.

Barry Luboviski, Attorney for Spring Canyon Ranch, submitted a memo given to Council and attached a revised Sewer Service Agreement with revisions. He outlined the revisions and asked Council for questions. Rick Davis feels it is a tight agreement. Carol Brown asked for public comments. Geoffrey Moore, a citizen residing at 1250 Woodside Blvd, spoke and said that it bothers him to send services outside the City of Hailey. He does not think giving land to Blaine Manor is reason enough to use our cities sewer system. Peter Lobb, a citizen residing at 403 East Carbonate agrees with Moore. He is concerned that the next thing they will ask for is water. Lobb went on to explain that he does not think it is a good idea to expand services to the county. Once we cross that river we are opening things up. They are going to request water next and we don't have enough water for Hailey as it is. Don Keirn felt we should be expanding our sewer system. He feels the fees they will be paying will pay for all expansion but we should

never give up water. Martha Burke talked about sewer capacity and aquifer but she thinks we addressed those concerns in the past. Carol Brown was persuaded by the donation from Croy Canyon Ranch. Her only concern is what if Croy Canyon Foundation does not work? Does the financial dedication come back to the City? Is there a plan B? Davis explained there are good points on both sides of this. We have to stop people from putting septic systems in the ground. He feels we have to set a precedent. We are the largest community in the area. Keirn went back to Brown's financial concerns. Barry Luboviski feels public comments are well taken. However, one million dollars will be given on approval of the plat. He thinks it will make a lot more sense to hook into the city. Beth Robrahn, Planning Director suggested the agreement say the money could go to the city as a holder. Ned Williamson, City Attorney clarified that we would hold the money in trust. Luboviski disagreed saying they need the money to get going. It is also a better selling feature to say that sewer is included in the lots. Luboviski said the City is stepping up in a lot of places the county is not. Brown is comfortable with moving forward but wanted her comments on the record. Brown thanked Davis for opening conversation up to the public. Brown asked to delay the decision one meeting. Keirn asked foundation people to be present at the next meeting, because he would like things clarified. Geoffrey Moore questioned how we will figure their fees. Williamson explained their metering system would be similar to our water metering system. **Brown moved to table the decision to the next city council meeting on December 10, 2007. Keirn seconded; motion carried unanimously.**

Chamber of Commerce request for local option tax funding through contract for services. Mike Beck, President of the Hailey Chamber of Commerce, noted to Council that over the last 3 or 4 years the chamber and city have worked together tightly. The Chamber is now proposing that we formalize our relationship going forward. The Chamber would like to provide a number of services to the city to promote the City of Hailey and its business community. Carol Brown asked the City Financial Director if we have the money. Heather Dawson said we have funds through a general Local Option Tax allocation made by the council, wherein \$10,000 was budgeted this year and last, and an additional \$30,000 was recently allocated.. There is an assumption that we will have more LOT funds again this year. Dawson said that Tracy Anderson, a staff member, suggested that Chamber take over the beautification project such as Lily & Fern hanging flower baskets program and the events banners. That would free up some funds budgeted elsewhere by the city. Don Keirn questioned Hailey's business promotion. Beck explained that there would be emphasis on the people that collect the LOT funds but will not limit it to Chamber members. Ned Williamson, City Attorney commented that we need to make a contract for services. He would like to create a tight agreement to direct funds to eliminate any questions. This needs to be outlined as to how this will benefit both parties. Chamber will propose a draft agreement and will bring to council for adoption.

Discussion of implementation issues relative to voter-adopted ordinances including Medical Marijuana Act, Industrial Hemp Act, and Lowest Police Priority Act. Ned Williamson, City Attorney, explained that this is an information gathering meeting. No action will be taken tonight. Carol Brown explained that she works for the federal

government and will be recusing herself from anything to do with these ordinances. Brown explained that she may need to resign due to conflict of interest. She would let everyone know her status as soon as it is decided. She asked that nobody ask her opinion so she can avoid saying she has no comment. Williamson went on to present a power point presentation that helped council and citizens understand what the next steps are for the 3 initiatives that passed in the November 8<sup>th</sup> 2007 election. He explained each of the initiatives and the issues that accompany each of them. In the end he gave 4 options to council; leave as is, amend, repeal or litigate. Williamson explained that the Attorney General may be involved and may in fact pursue a challenge to these ordinances. If Hailey passes a law that is illegal, it is Williamson's duty to advise council. The judicial system can review the legality of the ordinances. Don Keirn brought up the fact that he was sworn in to uphold laws. He asked if this would be a violation of the oath Mayor and Council have taken. Williamson feels the court needs to decide the legality of this. Rick Davis feels repealing it would be against the will of the people that voted it in. He also said he will not enforce laws that are illegal. Davis would like to wait to hear from the AG's office for the results of their decision before council makes any decisions on how to handle the initiatives that were passed. Martha Burke talked about the voting results from the November 8<sup>th</sup> election and Brown's votes being higher than any of the votes for initiatives. She does not think the voters understood the consequences. Burke said she is worried about Brown having to resign. **Davis moved to table this discussion until we hear from Idaho Attorney Generals office. Burke seconded; motion carried unanimously.**

#### Discussion of amending Hailey City Standards to include bike rack standard

Beth Robrahn, Planning Director, requested this discussion item because of design review ordinance. The problem with the bicycle rack is the placement makes them nonfunctional. Robrahn suggested we adopt those standards as city standards. Rick Davis' only concern is that people don't know we've adopted these standards. Robrahn would like these standards sent to chamber and downtown merchants to be sure the word is out there. We can bring this back at a later date.

#### **WORKSHOP**

##### Staff report – Regarding side-walk in lieu fees amendments.

Tom Hellen, City Engineer, suggested we change this ordinance so we don't have sidewalks that go to nowhere. Heather Dawson, City Clerk/Treasurer suggested we accept fees to use at a later date. Dawson explained that funds would be kept separate. Council agreed to move forward with some changes.

Davis talked about the transition meeting he had with Mayor McBryant and their discussion regarding hiring a City Administrator. After speaking with Mr. Prothman, a recruiter, Davis was advised that the neighbor to the north had to come up with salary incentives to hire an Administrator. Davis felt that we can't go there. Davis asked council if they want to wait a full year to see where we are or do we put the job out there at \$80 – \$90 and see what we get. Council thinks we should test the water and see what we get. We won't know if we don't try. Davis will meet with Heather Dawson, City

Clerk/Treasurer to go over the budget one more time and will come back with some scenarios.

**COUNCIL REPORTS**

Martha Burke gave the airport update. There is a meeting set for Dec. 3<sup>rd</sup> and Dec. 4<sup>th</sup> for an FAA Agency meeting. Burke advised public to make sure as a community to turn out to be sure their opinions is heard. The north valley will be there voicing their opinion. You should be there. Dawson reported that Mayor McBryant asked to be sure that the FAA knows that she is attending.

Don Keirn announced that Fly Sun Valley has picked a date to meet. That will be the 2<sup>nd</sup> Monday of every month at 10am in the morning.

Rick Davis reported that the Hailey Art Crawl was well attended. The Holiday Hometown Parade is set for this Saturday

There being no further business, Rick Davis adjourned the meeting at 8:45 pm.