

**MINUTES OF THE SPECIAL MEETING OF THE  
HAILEY CITY COUNCIL  
HELD THURSDAY, DECEMBER 20, 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 Rick Davis, Don Keirn, and Carol Brown. Martha Burke was absent. Staff present included City Attorney Ned Williamson and Clerk Heather Dawson.

Mayor McBryant opened the session for public concerns. Richard McIntyre of 721 Doeskin advised the council that he was surprised to find out in the newspaper that the Indian Creek initiative had become public. McIntyre passed out printed material and told the council that he was approached by Ray Hyde last year regarding this matter. After meeting with the state and many other entities, a technical advisory team was developed to come up with a plan to restore the connection from Indian Creek back to the Big Wood River. The goal of this team is to restore connectivity and assist in flooding issues. The advisory team will hopefully be able to come out with a plan in about a year. There will be a public hearing on water rights donation, a long planning process and a lot of public interest. This could be a 3 year project. McIntyre asked the council to allow the City Engineer to participate in the research. Mayor McBryant thanked McIntyre for his comments and for advising council of future plans.

Jerry Kafka of 710 Kintail Dr. spoke in support of the initiative. Mayor McBryant questioned Ned Williamson, City Attorney if Mr. Kafka could speak on this matter since this meeting was not noticed as a public hearing. Mayor McBryant allowed Mr. Kafka to explain that he felt that the area is threatened by flooding and encouraged the city to participate in discussion and produced pictures to show flooding issues. The pictures have been put in the record.

A new reporter from the Idaho Mountain Express was introduced as Tony Evans.

**CONSENT AGENDA**

- CA 399 Motion to approve Resolution 2007-18, adopting Hailey Transportation Master Plan
- CA 400 Motion to approve claims for expenses incurred during the previous month
- CA 401 Motion to approve Treasurer's Cash Report for the months of October & November, 2007
- CA 402 Motion to approve minutes of November 26, 2007, and to suspend reading of them
- CA 403 Motion to approve minutes of December 10, 2007, and to suspend reading of them
- CA 404 Motion to approve bid and approve contract for Robert Electric \$30,933.
- CA 405 Contract for Services with Hailey Chamber of Commerce to utilize Local Option Tax funds

CA 406 Motion to approve Resolution and signatures on documents pertaining to a Municipal Lease for the Snow blower from Mountain West Bank

Rick Davis pulled CA 403 from the consent agenda. There were two typing corrections in the minutes that needed to be made. **Davis moved to approve the consent agenda with the corrected minutes. Keirn seconded; the motion carried unanimously.**

### **PROCLAMATIONS & PRESENTATIONS**

Mayor McBryant read a letter she received from the Hailey Chamber of Commerce, Executive Director, Jim Spinelli thanking staff for their participation in decorating the City for the Holidays. The Mayor also received 2 emails thanking the city road crews for a well done job on the snow removal.

### **PUBLIC HEARINGS:**

#### **Presentation on Sustainability Conference by Building Official and Annual Progress Report by Hailey Climate Protection Committee**

Mayor McBryant talked about planet sustainability and leadership for the broader community. This effort started from the employees themselves who are interested. This has developed into something very impressive. The Mayor introduced Dave Ferguson, Building Official. Ferguson thanked Mayor and council for giving him the opportunity to present. Ferguson said that he, Diane Shay, Becky Stokes, Heather Dawson and Elizabeth Jeffrey attended an energy in green building conference. Ferguson presented a power point presentation which outlined what was learned at the conference. There were many slides explaining the effects of global warming. Trends in spring runoff show more water run off. Blaine County can expect to see more flood years and more sewer overflows. There is increased vulnerability to fires and insect outbreaks due to a longer dry season in the Northern Rockies particularly vulnerable to increase fire with projected climate change. Our goal should be to focus and reduce the emission of greenhouse gases.

Becky Stokes, spoke for the Climate Control Committee. Stokes said that approximately a year ago she and many other staff members attended a conference where Al Gore talked about the effects of Global Warming and emphasized the need for municipalities to become involved. The signing of the US mayor's climate agreement was the beginning. A committee was formed in the City of Hailey and a plan was developed. The plan is on the cities website. The City of Hailey has started to make internal changes. Statistics are showing great reductions in gas use and substantial savings in electricity use. A lighting retro fit will be coming in late January. The city is continuing to work on recycling, Electronic Recycling, Heating, Lighting, Metering, Mountain Rides, Safe Routes to School, and a free bus service in Hailey.

Dave Ferguson, Building Official went on to explain that buildings are a major aspect of energy use and global warming. If we can improve the efficiency of building it will make a significant impact. He talked about the tools we can use to obtain this and went over price per square foot for convention, moderate or best practice. You can expect a 100% return in about 1 year on building green. He showed case comparisons on building

projects and went over Passive Technologies explaining how to keep the building cool. Ferguson explained sustainability and Efficient Building Practices. Energy Star and Leed both promote energy efficient products and practices for residence and businesses. Ferguson went over Energy Code comparisons which he will be passing out in the building department. The 2006 building code and the energy star level's are not that different. If you add \$16.00 a month to your mortgage payments it will decrease your energy costs.

Heather Dawson, City Clerk thanked Mayor McBryant, council and staff. Dawson addressed the next concern, where we need to go from here. Dawson would like to change the effort from a City Hall Committee to an Ordinance for the community to develop Leed. We will need to be more encompassing and working with the community at large. We will need to look at incentives for the builders to accept these new changes. We may want to consider collecting fees at the end of a project rather than the beginning. Zoning rules and regulations will need stricter enforcement. Dawson thanked Amanda Moulton and Candace Trautwein, community volunteers, for their assistance in gathering data and putting the presentation together.

Mayor McBryant spoke and said we should be talking about this together and working together. Look at the cost benefit and we'll realize we have a premium product. She said she always likes to see the city being proactive. Rick Davis submitted a memo to staff from Doug Brown, a citizen, with his ideas. Don Keirn will forward his ideas to Dawson at a later date. Brown said that a \$13,000 savings is very substantial. She is very concerned about flooding in the flood zone and educating the public. Our regional efforts have culminated in a grant. ERC is hiring a volunteer. Monies were awarded and will be getting a baseline from all other government entities.

Mayor McBryant thanked the citizen volunteers Elizabeth Jeffrey and Dan Goldman. They have come to every meeting and given countless hours. Gary Stivers, reporter for Sun Valley online said that The Sun Valley Center is going for Leed Certification. He also informed council that there is one Well in Hailey that dropped 50' from 1986.

Mayor McBryant thanked staff for their presentation.

### **PUBLIC HEARINGS**

A Recommendation from the Planning and Zoning Commission to amend the Hailey Comprehensive Plan to add a new section title Environment (continued from December 10, 2007)

Beth Robrahn, Planning Director gave a recommendation from the Planning and Zoning Commission to amend the Hailey Comprehensive Plan. Council made comments at the last meeting that are now incorporated into the draft in the packet. Robrahn outlined the changes that were made. There is a highlighted section that addresses regional work. The other changes are underlined. There were no questions from council and no comments for public. Brown said that this may be updated as we gain more experience but is fine. **Brown moved to approve resolution 2007-19. Keirn seconded; the motion carried unanimously.**

An Application by Mary Ann Mix for final plat of a lot line adjustment to a fraction of Lots 7-11, all of Lot 12 and 50' x 120' of vacated Pine Street, Block 105, Hailey Townsite (Continued from December 10, 2007)

Beth Robrahn, Planning Director was able to give council a corrected report than what was put in the packet prior to the start of today's meeting. There was one minor change on pg. 2 Condition C and on pg. 9 Condition C. This shows the sign will be placed on the east side of lot. All other conditions are the same. There were no questions from council and no comments from the public. **Brown move to approve final plat of a lot line adjustment to a fraction of Lots 7-11, all of Lot 12 and 50' x 120' of vacated Pine Street, Block 105, Hailey Townsite. Keirn seconded; the motion carried unanimously.**

Request by R. Davis Business Park for extension of time period for recording final plat, and approval of security agreement for infrastructure bond.

Rick Davis said that he is flattered with the name of this park but had to recuse himself from this topic. Ned Williamson, City Attorney presented the staff report which outlines when the plat was approved. The ordinance requires them to extend the time period for recording the final plat and approval of it. There is a security agreement attached and was signed by the developer. The Mayor opened this up for public comment but there was none. **Keirn moved to approve the request for an extension of time period for recording final plat and approval of security agreements for infrastructure bond. Brown seconded; the motion carried unanimously.**

**OLD BUSINESS**

2<sup>ND</sup> Reading Ord. 999 – Hailey Arts Commission & Percent for Public Arts Ordinance (as Amended)

Mayor read 2<sup>nd</sup> reading of ordinance 999

3rd Reading Ord. 1000 – amending municipal code, initiative elections Section

Read by title only. **Keirn moved to read the third reading of Ordinance 1000 by title only. Brown seconded; the motion carried unanimously.**

**NEW BUSINESS**

Agreement for sewer hookup with Spring Canyon Ranch (continued from Dec. 10, 2007)

Rick Davis explained that he received comments from some individuals that he may have a conflict of interest in this matter. Davis recused himself and left under Ned Williamson, City Attorney's direction. Mayor McBryant advised that she, Carol Brown, Ned Williamson, Heather Dawson and Barry Luboviski, Spring Canyon Attorney, met to discuss the possibility of increasing consideration. Additional consideration of \$750,000 is to be paid to the city. An amended agreement was forwarded to council for their review. If there is a need for expansion there will be a shared cost with the homeowners and the applicant. Carol Brown received a memo from Tom Hellen, City Engineer earlier today discussing the capacity of the wastewater treatment plant. Brown thought we had excess capacity in the sewer plant and after reading Hellen's memo she no longer has a comfort zone. Keirn agrees. Council asked if Luboviski has seen the letter. He

explained that he had and has had the opportunity to talk with Hellen about it. Luboviski explained that if the city decides, in the future, to service all of Croy Canyon we would need the additional trunk line at that time. Luboviski questioned why he is just seeing this now and not for the past number of years and so many meetings. He also said he feels they are not being treated fairly and went onto say he was questioning the council's good faith in this. Hellen explained if in the future we decide to service more of Croy Canyon his memo would come into plan. We are currently running under the projected amount. Mayor McBryant questioned the memo. If we choose to do more than Spring Canyon, and the school, will the memo then come into effect? If we stick with the Croy Canyon plan we could go forward without the memo concerns. Ned Williamson, City Attorney explained that new developments later will have to pay their fare share. The \$750,000 Lubovisky is proposing would be for general city proposes. Mayor asked council to deliberate. Keirn's concerns were addressed by Hellen. Brown asked for information. She needs to see clearly our existing capacity and what the citizens will need if everything in Hailey is developed. Hellen then explained that we would be at 60% of capacity if everything in Hailey was developed. Brown would like a draft policy. Is there clearly a benefit to Hailey citizens? Brown asked Becky Keefer, parks coordinator, to speak. Keefer explained the master plan for Lyons Park adopted in 2004. It is a 9 acre park not within city limits and is under utilized. The master plan includes many elements including the bridge from Spring Canyon and a permanent home for Hailey Ice. The county has to approve Hailey Ice for a CUP. The thing slowing down the approval is lack of a sewer line. Brown would like this continued to the next meeting. Keirn feels we have excess capacity and is feeling comfortable with this but is willing to be sure Brown is comfortable. McBryant asked Hellen how long it will take to put in print what he said verbally. Hellen can have that ready in morning. Hellen explained that with all things coming online, he still believes we will be under capacity load. Brown asked for summary from Hellen and draft policy from Williamson. **Brown moved to carry this item over to the January 14<sup>th</sup> meeting for completion. Keirn seconded, the motion carried unanimously.**

Discussion of Letter of Intent re: Recycling Collection & Processing Services.

Mayor McBryant received a request from the City of Sun Valley. It was a Letter of Intent to support a more broadly developed recycling program. **Mayor McBryant moved to sign the Letter of Intent. Keirn seconded; the motion carried unanimously.**

Discussion of Rubbish Franchise renewal as an opportunity to expand recycling services in Hailey

Heather Dawson, City Clerk/Treasurer advised council that our franchise agreement with Clear Creek Disposal had a 5 year term with an option to renew for 2 years. Clear Creek has applied for a renewal of the contract. Dawson said she would be working with Clear Creek on methods to increase construction waste recycling without changing the contract. Dan Goldstein said that the contract would be improved by bringing in a middle sized can. A recycling drop off is another option. We need to set a goal for recycling solid waste.

Mike Goittandia, owner of Clear Creek passed out a handout explaining what Clear Creek is doing to improve recycling efforts and what they've been doing with garbage and recycling and what they are planning for future. When Clear Creek took over services in 2004 they inherited a fleet of vehicles that needed to be repaired and they've repaired the entire stock of containers and retooled operating procedures. They started a cardboard pick up on Bullion and River St. in the Park and Ride and it's going really well. They use oooops tickets at customer homes to explain incorrect recycling to the homeowners. They are installing stickers inside each recycle bin explaining how and what to recycle. Clear Creek is creating a HELP committee with the city of Hailey to help create some creative ways to help recycle items such as wood that they can haul rather than put in landfill. No questions or comments from Council. Mayor McBryant thanked Mr. Goittandia for his presentation.

#### Discussion of Sustainability Guidelines prepared by the Hailey Climate Protection Committee

Heather Dawson, City Clerk/Treasurer presented the guidelines that were created by the Climate Protection Committee. The committee met with department heads and talked about what they were currently doing. She was pleased to see how much they were already doing. Dawson feels this is best presented as guidelines rather than policy. Feels the guidelines were well embraced. Safety is paramount. Mayor McBryant is impressed with this. Rick Davis feels this is work in progress. He has made notes that he will address later. Dawson gave credit to Dan Goldstein and Elizabeth Jeffrey.

#### Discussion of Attorney Generals report on the marijuana issue

Brown recused herself.

Williamson received Attorney General's opinion today on the last election of November 8<sup>th</sup> when 3 of 4 Marijuana initiatives were passed. The AG's office found that there are at least 3 issues with the initiatives. There are conflicts between state law and free speech (it goes against council's oath to uphold the law). It is inappropriate for legislation to deal with matters of administration. Bottom line concludes that the initiatives are invalid and we now have to decide how to proceed. We can litigate, repeal or we can amend. If we amend we can create a committee to oversee and submit recommendations.

Williamson asked for a decision. Mayor McBryant asked if this can wait until there are 3 council members present to make a decision. The only time concerning thing is the committee. Williamson feels comfortable for council to wait. Don Keirn had a question on the committee. Since things are illegal what are they going to talk about? Williamson feels they can talk about an advocacy group. There is nothing illegal about the committee appointing a committee member. That does not mean their advocating. Davis agrees with McBryant to wait for 3 council members. In all fairness to council elect, Fritz Haemmerle, Williamson will summarize this item and put as new business at the next council meeting.

#### STAFF REPORTS

Tom Hellen, City Engineer advised that snow removal has gone smoothly. The new snow blower had a problem but it is in Paul getting repaired. The old snow blower is in use at this time and things are going well.

Beth Robrahn, Planning Director advised council that the P&Z recommendation on the area city impact ordinance will hopefully be on the 2<sup>nd</sup> meeting in January. Williamson suggested waiting until we see what the county does before putting before our council.

Ned Williamson, City Attorney talked about the Indian Creek Project. The #1 issue to be potentially aware of right now is Indian Creek going into the dry well in Northridge. We currently have a good recharge of our wells. This may have an impact on our wells. Indian Creek has objected to several water rights we filed. Williamson has conflicts. He is recommending Attorney Mike Cremer. Cutters did file plat. We will be receiving a large parcel including park on January 28<sup>th</sup> of next year.

Ned Williamson requested an executive session.

Carol Brown would like Planning & Zoning to look at the sign policy because of a sandwich board advertising businesses outside the city.

**Rick Davis moved to go into executive session subject to pending litigation (IC 67-2345). Keirn seconded; a roll call vote was taken and the motion carried unanimously.**

Mayor, Council & City Attorney went into executive session at 8:05 pm. After coming out of executive session, the meeting was adjourned without further business.

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Susan McBryant, Mayor

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Heather Dawson, City Clerk