

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, MARCH 10, 2008
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 Rick Davis. Present were Council members Martha Burke, Carol Brown, Don Keirn and Fritz Haemmerle. Staff present included City Attorney Ned Williamson and City Administrator/Clerk Heather Dawson.

PUBLIC CONCERN:

Robert Wiederick of 1120 Quigley Road advised that he will be lobbying for a traffic light at S. Woodside and Highway 75. Wiederick also wanted to personally let Mayor and Council know that he is distributing referendum petitions for the elimination of the Development Impact Fee and the Business License Fee. Wiederick plans to have these prospective petitions signed by 20 Hailey residents in the next few days.

CONSENT AGENDA:

- CA 80 Motion to approve letter discussing Spring Canyon Ranch terms of agreement with the Blaine County for its community housing requirement, and easement terms for the river crossing and sewer connections.
- CA 81 Motion to approve site access agreement with DEQ for Brownfield study at Lion's Park.
- CA 82 Motion to approve contract with a Elite Networks, a Quest Business Partnership, for city phone lines.
- CA 83 Motion to approve grant agreement with ICLIE for \$5,000 grant.
- CA 84 Motion to adopt the Findings of Fact, Conclusions of Law, and Decision for Final Plat of 21 Comet Condominiums, at Lot 21, Block 5, Airport West Subdivision, as drafted.
- ~~CA 85 Motion to approve special event permit for Sun Valley Center for the Arts Concert in Hop Porter Park on Friday, June 27, 2008, with waiver of provisions of the noise ordinance restricting sound to within 50 feet.~~
- CA 86 Motion to approve special event permit for Blaine County Recreation District concert at Lion's Park on Sunday, June 29, 2008, with waiver of provision of the noise ordinance restricting sound to within 50 feet.
- CA 87 Motion to approve minutes of February 11, 2008 City Council Meeting, and to suspend reading of them.
- CA 88 Motion to approve minutes of February 25, 2008 City Council Meeting, and to suspend reading of them.
- CA 89 Motion to approve Summary of Ordinance 1001, Zoning Ordinance amendments
- CA 90 Motion to approve Summary of Ordinance 1002, Subdivision Ordinance amendments
- CA 91 Motion to approve 2nd Reading of proposed Ordinance 1003, an amendment to the Subdivision Ordinance, adding bicycle rack standards to City Standards Exhibit A, Section 5, Improvements Required.
- CA 92 Motion to approve Claims for payment of expenses paid for February 2008
- CA 93 Motion to approve Treasurer's Report for month of February 2008

CONSENT AGENDA

CA 85 was pulled by Tom Hellen, City Engineer. **Keirn moved to approve consent agenda pulling CA 85. Burke seconded; motion carried unanimously.**

Hellen advised that the application for the concert for the Sun Valley Center for the Arts says that the applicant plans on doing their cleanup from 10pm to 2am. Hellen would like the crews to come in the following morning to clean up to avoid disturbing the neighbors any later than 10pm. Heather Dawson, City Administrator brought to council and mayor's attention that there are two major events in the west

Hailey parks that weekend. **Brown moved to approve the Sun Valley Center for the Arts Special Event application, with change to clean up the following day. Keirn seconded; the motion carried unanimously.**

AIRPORT REPORT

Susan McBryant, Airport Committee member gave a brief update from the airport meeting earlier this month. McBryant discussed aircraft flown by Sky West and the change in the fleet mix that they are anticipating in the next several years. The airport authority knew that there would be a change in the type of aircrafts that are being flown and was certain to be challenged by that change. We've been able to accommodate FAA safety up to this point. The newspaper story on this matter should not be alarming but should make you aware. At this time the committee has not taken an action to appoint a member to the Fly Sun Valley Alliance but McBryant believes somebody will go to be a liaison and the airport manager will be attending as an ex-officio member. The airport relocation site Environmental Impact Study is underway and last month there were meetings with FAA and Landrum & Brown who have been hired to explain this process. Shoshone and Richfield have no interest in being an airport sponsor. Susan McBryant, Martha Burke and Tom Bowman will be attending a Northwest Regional Airport Conference meeting that will be meeting the 3rd week in April and meeting with the FAA.

PRESENTATIONS

Greg Hagen of Piper Jaffrey on Hailey's investment program

Greg Hagen was present on behalf of Piper Jaffrey, an investment firm used by the City of Hailey since October 2006. Heather Dawson, City Administrator said that in a declining market we have gained approximately \$20,000 more than we would have had these funds been invested only in the State Investment Pool. Becky Stokes, Treasurer presented a spreadsheet showing how the money was invested and the yield on the investments. Hailey's investment strategy includes balancing longer term investments with shorter term. Dawson said that the one challenge they came up against was the limitation in Hailey's adopted Investment Policy Resolution, which requires that only the State Diversified Bond Fund be used for long-term investments over 3 years. She said that policy may be limiting compared to some of the longer term investments available through Piper Jaffrey. We may be bringing a change in the future to the resolution. Haemmerle asked about fees to Piper & Jaffrey. Hagen explained that fees are not charged over the yield quoted.

Sustain Blaine to present funding needs for WR Valley economic strategic plan

George Kirk presented for Sustain Blaine, a community alliance that has been formed to attempt to steer or implement some regional plan between the five municipalities in Blaine County and Blaine County. They plan to develop an assessment and compare to other communities to help us come to and create a strategic policy. Kirk said that they would like a complete testing of the economy for Blaine County and hopefully have a remedy for all that ails it. The aggregate costs is \$125,000 - \$150,000 total. Half of that source would be from the public and the other half from the private sector. Kirk explained that they were calling on Council tonight to solicit a contribution from the City of Hailey for this effort. He thinks the City of Hailey has been experiencing an economic upsurge. He thinks if we look further north where nothing has changed, a lot of those problems will migrate. There are several members of the alliance present and they all stood and introduced themselves. Kirk outlined the contributions that

others have already made. They would like to obtain commitments over the next month. Council will discuss the cities involvement in the workshop at the end of the meeting.

PUBLIC HEARINGS

An application by Life Church for annexation of a portion of Tax Lots 7734, 6879 and 6880, approximately 5.26 acres, located at the northwest corner of the intersection of McKercher Boulevard and Main Street. The applicant is requesting Transitional (TN) Zoning. The Planning and Zoning Commission recommended denial of the application.

Haemmerle asked to go over the noticing that was done for this application. Beth Robrahn, Planning Director advised council that it was noticed for 5.26 acres and the original application was for 10.6 acres. She went onto explain that there was discussion about annexing only the property that the church will sit on which is 5.26 acres which became the amended application and that was how it was noticed. The application is still for 10.6 acres. There was in fact a factual error in the notice. Haemmerle was concerned that there was a possibility that council could approve a 10.6 acre annexation. Williamson recommended we not go forward because of the notice and recommends council not make a final decision tonight. Any final decision would have to be cured with a final notice. **Haemmerle made a motion that notice is not proper. Keirn seconded. Davis clarified that the motion is to re-notice this application because of the error in the size of the parcel. The motion carried unanimously.**

Amendments to Municipal Code title 5 – Business Licenses Housekeeping Amendments Including clearer definition of required annual educational component for day care providers.

Heather Dawson, Administrator advised that the change brings the code in compliance with current state law with the dates and renewals particularly in the alcohol beverage renewals. It adds one key component in the day care licensing, in that it now requires more specific training than current state law does. Rick Davis, Mayor advised that he passed out these changes to the SVMA and Chamber and has received no comments back There were no public comments. **Burke moved to approve Ordinance #1004 and to read the first reading by title only. Brown seconded; the motion carried unanimously.**

Amendments to Municipal Code Title 15 – Building Permit and Development Impact Fees deferral for residential construction conducted under the Energy Star Program.

Heather Dawson, City Administrator introduced the amendment on behalf of the Building Official. Minor language is added to allow approximately \$4000 in building permit fees to be defrayed to the end of the project. These fees would be collected at the time the Certificate of Occupancy is issued. This time would assist builders who want to develop Energy Star Homes to help offset some of the costs during the building project. There was no public comment and no comments from council. **Burke moved to have the 1st reading of Ordinance #1005 and read by title only. Keirn seconded; the motion carried unanimously.**

Rick David read the 2nd reading of Ordinance #1003 in regards to bike racks, which reading had been approved with the Consent Agenda.

OLD BUSINESS

Sweetwater Alternative Deed Restriction (continued)

Davis recused himself. Burke chaired this portion of the meeting. Williamson explained that Jim Laski intended on being here however the meeting had moved along quicker than expected. Williamson recommended that council go into executive session. Litigation is likely. **Haemmerle moved to go into executive session at the end of the meeting. Brown seconded; the motion carried unanimously.**

NEW BUSINESS

Municipal Code Amendment – meeting procedures, including consent agenda

Ned Williamson, City Attorney explained that he is trying to clarify a couple of matters about the public meeting procedure. He has drafted ordinance language to amend the appropriate section of Municipal Code to allow for consent agenda procedures. Williamson said that the consent agenda is very efficient and this allows us to continue to use consent agenda. State law also talks about special meetings. Williamson explained that the Mayor sets the agenda and calls meetings; however, the council can call a special meeting. He is adding a public hearings section in the amendment. The point that everyone has a right to petition the government but they do not necessarily have the right to speak was brought up. Mayor Davis pointed out that tonight's public concern brought a lot to their attention that they would not have known about if it had not been for public concerns. Brown approved of the draft language. Haemmerle would like to see the public comments portion included in the amendment. Dawson pointed out that the public is not listed as a party that can remove items from the consent agenda. Williamson explained that Consent Agenda items generally consist of administrative matters which the public has no right to comment upon. Brown approved of the draft as presented, but agreed with Haemmerle that open session for public concerns should be added.

Authorization to sign investment accounts in Piper Jaffrey

A draft signature authorization form for investments was withdrawn for approval until such time as the Investment Policy Resolution is amended to indicate signature authority and oversight authority.

STAFF REPORTS

Dawson advised that the confirmed date for the Goal Setting meeting is Monday, March 31st at 4:30 pm. Haemmerle asked that Dawson send out email confirming the date.

Keirn attended the Fly Sun Valley Alliance. He advised that they are going out for a proposal on a lobbyist to see if they can do a better job getting Frontier Airline to come in to Hailey.

Sustain Blaine Discussion

Brown pointed out that Rick Davis is a voting member on the Sustain Blaine Board. Davis agreed but advised that he has only attended one meeting and nothing was voted on at that time. Davis opened up this portion of the meeting for discussion to see if the City of Hailey should offer money to the Sustain Blaine Economic Study. Davis thinks it is an important cause however, E911 is charging the City of Hailey \$250,000 for E911 service and we don't have that in the budget. Keirn pointed out that even if we could raise the money we could only raise 3%. Davis pointed out that no matter how good a cause this is he has a fiduciary responsibility to the City of Hailey. He will look as hard as he can to find some funds but cannot guarantee anything. Davis asked if Sustain Blaine could hold off until we start our budget process in April. Tom Bowman, County Commissioner asked if we could at least say we were going to look at it. Haemmerle pointed out that he is always concerned about noticing and how we do that. He said that this is noticed as a proclamation and presentation. Haemmerle doesn't think anybody knows

we were going to take a vote tonight on public funds. Until he hears a potential opposing side he's not going to take a side. Burke asked for current report from SEIDO to review. Vanessa Cosgrove spoke and said that SEIDO is a baseline investment and that Sustain Blaine has done much further research. They are trying to make this a regional effort to see how all community's can help each other out. Haemmerle asked what kind of recommendations Sustain Blaine would give to a government. Bowman said he was skeptical from the beginning however he now feels we need this as another strategy tool. This is a study that he would like to refer to when making planning and policy decisions. What's the goal, who's going to do it and when is it going to be done? Haemmerle feels it's not going to do us any good if it's not going to tell us as a government what we should be doing. Bowman is hoping this will help the county with guidance and solid suggestions. That was the weakness with SEIDO. Vanessa Cosgrove from Sustain Blaine spoke and said that it will be help us with land use and zoning decisions. Burke questioned the discovery and if it is something we do not want to implement. Cosgrove explained that if the community shows they do not want something then it will not go forward. It may boost economy but may not be what the citizens need and the consultants understand this. Burke asked how much were spending on working with SEIDO. Keirn said that we are paying \$6000 a year. (July 1st – June 30). Brown said that after review she is in support of this project but is not ready to give any money at this time. Keirn agrees with Haemmerle and this should be put before the public but thinks we should figure out what we can contribute before putting it out for public hearing. Bowman asked if he could say the council is in favor, however, there are budgetary concerns. Haemmerle is not comfortable giving an opinion at this time.

EXECUTIVE SESSION

Following a motion, second, and roll call vote, the council went into executive session at 7:00 pm to discuss Personnel (IC 67-2345.a/b/d) Pending Litigation (IC 67-2345,f/j). Following a motion, second, and roll call vote, the council came out of executive session at 7:40pm

Sweetwater Community Housing Deed

Davis recused himself. Ned Williamson, City Attorney presented the Sweetwater community housing deed, saying that the document before them is the same document Jim Laski, Sweetwater Attorney and he worked on last week. This document does not set forth employment requirements or a flip clause. Laski understands that it say's "any real property".

Haemmerle moved to approve the community housing deed restriction as presented by Williamson and approved by Sweetwater. Keirn seconded; the motion carried unanimously.

Brown thinks we have learned from this exercise and will be more careful in future deed restrictions.

Motion to approve Release Agreement in a personnel matter

Burke moved to approve as presented a release agreement in a personnel matters. Keirn seconded; the motion carried unanimously.

Motion to approve terms of pay in a personnel matter

Brown moved to approve the terms of pay in a personnel matter as shown in staff report. Keirn seconded; the motion carried unanimously. Brown pointed out that even by approving these terms of pay the City is paying significantly less than what we budgeted for salaries, including that of a City Administrator.

There being no further business, Mayor Davis adjourned the meeting at 7:50pm.

Rick Davis, Mayor

Mary Cone, City Clerk