

**MINUTES OF THE MEETING
OF THE HAILEY CITY COUNCIL
HELD MONDAY SEPTEMBER 8, 2008
IN HAILEY CITY HALL MEETING ROOM**

The meeting of the Hailey City Council was called to order at 5:30 P.M. by Mayor Rick Davis. Present were Council members Don Keirn, Martha Burke and Fritz Haemmerle. Staff present included City Administrator Heather Dawson, City Attorney Ned Williamson, and City Clerk Mary Cone.

Mayor Davis called the meeting into session at 5:30 pm.

AIRPORT ISSUES:

Susan McBryant wanted to let council know that people again have offered land for the future airport. It is true, not a rumor. However, the airport authority is not able to discuss this offer because it is in the hands of the FAA. Today is the last day for public comments on the phase I EIS study.

McBryant provided an industry overview to council. McBryant spoke of significant changes that are on the way with increased cost of fuel. The aircraft industry is looking at charging for 2nd check bags, what will that mean to our community (as a ski resort town)? The Q400 airplane is the most efficient plane but the airport must be “shutdown” in order for this plane to take off and land. This poses a real problem to the traffic to our airport. Skywest eventually has plans to run the Q400 here.

EXECUTIVE SESSION:

Keirn moved to go into executive session regarding pending litigation (IC 67-2345.f/j) at 5:38 pm, seconded by Burke, motion passed unanimously.

Mayor Davis reconvened council at 5:55 pm.

CONSENT AGENDA:

CA 315 Motion to adopt a revised Contract for Services with Blaine County Housing Authority for Oct 1, 2008	1
CA 316 Motion to adopt Contract for Services with Hailey Chamber of Commerce for \$75,500 LOT funding 2008-09	8
CA 317 Motion to approve amended contract with Becki Keefer – adding Tree Ordinance oversight to the list of duties – contract increased from \$1000 per month to \$1200 per month.....	16
CA318a Motion to approve 1 st pay request for Department of Environmental Quality (DEQ) Wastewater Master Plan Grant	22
CA318b Motion to approve second request for reimbursement for the LWCF grant for Keefer Park (previously named Woodside Central Park	193
CA 318c Motion to approve Resolution authorizing Mayor Rick Davis to sign documents relating to the Quigley Water Storage Tank DEQ construction and loan process	198
CA 319 Motion to approve Non-Motorized Access Easement Agreement with Harry Rinker for Toe of the Hill Trail and authorize the Mayor to sign.....	24

CA 320	Motion to ratify Mayor’s signature on Agreement for Noise Disclosure with Brian Bothwell, Debbie Bothwell, Terry Wall, and Kelly Wall regarding Electra Lane Condominiums – Final plat approved by council in July 28, 2008 meeting	29
CA 321	Motion to approve Idaho Dept. of Health and Welfare award of FY09 EMS Dedicated Grant Program.....	40
CA 322	Motion to approve 2009 Springfest Arts & Crafts Fair Special Event at Roberta McKercher Park – scheduled for May 23-24, 2009	54
CA 323	Motion to approve Spinelli Wedding Special Event at the Inn at Ellsworth Estate (702 Third Ave. S.) – scheduled for September 20, 2008 – includes amplified music	60
CA 324	Motion to approve Findings of Fact - Flood Hazard Development Permit and Preliminary Plat approval of Lot 15A and 15B, Block 1, Birdwood Subdivision (911 Silver Star Drive)	66
CA 325	Motion to approve Summary of Ordinance 1010 – Public Hearing Procedures amending section 2.04.010.06 of Hailey Municipal Code.....	87
CA 326	Motion to amend minutes of July 28, 2008, relative to 2 nd Ave Sidewalk Discussion	89
CA 327	Motion to approve minutes of August 25, 2008 meeting and suspend reading of them.....	93
CA 328	Motion to approve claims for expenses incurred during the month of August, 2008	107
CA 329	Motion to approve Local Option Tax Report for month of August, 2008	127

CONSENT AGENDA:

Craig Lawrence 910 Silver Star would like to pull Consent Agenda item 324. Lawrence suggests that further conditions be added. One condition Lawrence requests is adding a stop sign and reduce the width of the asphalt. Williamson spoke to council and offered that this item cannot really be discussed nor can conditions be altered by adding any new information as the public hearing is over. Hellen added that there will be another look at any construction to consider fill, which is one of Lawrence’s concerns.

Motion to approve CA324 made by Keirn, seconded by Haemmerle, Burke and Keirn approved and opposed by Haemmerle, motion passed.

Mayor Davis pulled item CA327
Williamson pulled items CA315, CA319
Haemmerle pulled item 318c

Motion to approve all remaining consent agenda items made by Keirn, seconded by Haemmerle, motion passed unanimously.

CA315 - Motion to adopt a revised Contract for Services with Blaine County Housing Authority for Oct 1, 2008

Williamson wants to revise this contract and put in council’s packet for the next meeting.

CA318c - Motion to approve Resolution authorizing Mayor Rick Davis to sign documents relating to the Quigley Water Storage Tank DEQ construction and loan process

**CITY COUNCIL MINUTES
September 8, 2008**

Williamson explained that we are in the final stages of closing out the Department of Environmental Quality (DEQ) loan for the water storage tank. The resolution has been amended to reflect the current Mayor Davis instead of Susan McBryant.

Motion made by Haemmerle to approve CA318c, seconded by Keirn, motion passed unanimously.

CA319 – Motion to approve Non-Motorized Access Easement Agreement with Harry Rinker for Toe-of-the-Hill Trail and authorize the Mayor to sign

Williamson clarifies that this is a gift of an easement and he has not heard back from the other side that this is an acceptable agreement. This must be subject to approval to the LLC. He will bring this back to council when he hears back from Rinker.

Williamson states that council can approve contingent on the other party's acceptance.

Motion to approve this item contingent on other party's acceptance made by Burke, seconded by Keirn, motion passed.

CA327 – Motion to approve the minutes from August 25, 2008 meeting and suspend the reading of them.

Mayor Davis had two revisions to the minutes one on page 94, Haemmerle makes a motion to pull CA298 and CA302 and proposes discussion of item 302 in executive session. The second revision is on page 99, 3rd paragraph, Carla Scanlon not Scannon.

Motion to approve CA327 with revisions made by Burke, seconded by Keirn, motion passed unanimously.

PROCLAMATIONS & PRESENTATIONS:

Mayor Davis announced September 26, 2008 as Blaine County Senior Center Appreciation Day. A luncheon is being held that day at the Center. Mayor Davis will be attending the luncheon and he encourages others to join.

APPOINTMENTS & AWARDS:

Mayor Davis re-appoints Susan Carlson to the Library Board.

Motion made by Burke, seconded by Haemmerle, motion passed unanimously.

PUBLIC HEARING:

PH 332 *Discussion of Draft Memorandum of Understanding relative to County Dispatch Services*

Heather Dawson summarized for council the recent conversations since the last council meeting where they approved an additional \$4700 to go to the county. Council wanted something written from the county stating that there would be no reduction in service. Dawson met with the commissioners and then they drafted the memo of understanding that the council has in tonight's packet.

Dawson had a concern that the term "administrative calls" is not defined in the letter from McNees. Section 8 of the memo frames the understanding. However, there are other sections of the memo that does not which is also a concern to Dawson. This agreement between Hailey and Blaine County seems to be framed as an effort to pay for Hailey's service and Hailey has been clear that this is a county service that the city is contributing to. Dawson adds that the use of mobile data terminals to keep calls out of the dispatch center is important. But all jurisdictions should partake in the use of these data terminals; it should not just be Hailey only using these devices.

Dawson points to the "user based funding formula" in the memo and states that it undermines section 8 which frames it as an effort by all jurisdictions to get a secure and predictable funding source.

Williamson mentions an important point in the memo that emergency and non-emergency calls must be recognized. In the last meeting, Williamson reminded council that it was very important to them that the funds Hailey was giving was to provide funds until the override levy vote was successful or that another stable funding method was found.

No public comment.

Don Keirn wondered if we should make monthly installments until the levy election time.

Haemmerle would like the county to assure us that Hailey services will not change.

Tom Bowman spoke on behalf of Blaine County Commissioners, Gunter clarified that the after hours administrative calls are picked up by the City's answering machine, and these are not sent to the dispatch. The memo of understanding is incorrect where it concerns administrative calls. Bowman indicates that Chief Gunter (and staff) can reduce the impact to the dispatch center by performing license plates checks with the mobile data terminal. If you are unable to connect to service with the mobile data terminal or that police car is not equipped (only 3 Hailey vehicles have the mobile data terminal) then it is understood that the Hailey Police officer will call the dispatch center. Bowman believes the memo of understanding states that there will not be a reduction in service.

Haemmerle wants to have the city of Hailey "not singled out" and have assurance that we will not have diminished services. Haemmerle adds, if the memo of understanding can be revised to state this than he will not have a problem in signing the document.

Bowman says that the other cities perceive that they are paying for the city of Hailey. Bowman has to listen and balance these cities concerns.

Mayor Davis asked Bowman to ask the Commissioners to not diminish services. Davis offered to make a monthly payment so they can move forward.

Bowman clarified that regardless of outcome of the election in November there is still a need to fund the 2009 year. Funding would be the following year if the election passes.

Haemmerle makes a motion to not approve the Memo of Understanding, seconded by Burke, motion passed unanimously.

Haemmerle makes a motion to make monthly (\$64,700 total amount) prorate payments to the county provided the county gives the same level of service as we have today, seconded by Keirn, motion passed unanimously.

Haemmerle suggests that the mayor attend these dispatch discussions with another council member going forward. Burke feels that these should come back to the council. Chief Gunter has been going to the advisory meetings, Gunter will keep the council informed, and the information must be presented to council on the agenda with specification of action needed by council.

Bowman responded to Burke's concern about more formal a process. Bowman reminded council of Haemmerle's suggestion awhile back for a joint powers agreement similar to the Airport Authority. All of the council members think it is a great idea. Bowman will take this to the commission.

PH 333 - Continuation of the public hearing on an application by Walt and Jenny Femling for final plat approval of Quigley View Condominiums, currently Lots 1, 2, and 3, Del Norte Apartments Subdivision (631 E Croy St) and consideration of community housing plan agreement and phasing agreement - continuation from last meeting

Williamson drafted a phasing agreement and housing agreement for council's packet. The ordinance requires 20% community housing in developments. Originally there were 12 units, and 20% of this is 2.4 units, rounded up to 3. Femling last week proposed to start the 3rd of 3 building next spring and instead of a four plex it will be a duplex. This changes the requirement to 2 community housing units with one unit being income based.

Walt Femling is agreeable to the changes Williamson has made.

Mayor Davis is happy with the agreement changes.

Burke makes a motion to approve the final plat with conditions A-L, seconded by Haemmerle, motion passed unanimously.

Burke makes motion to approve phasing agreement and community housing plan agreement, seconded by Haemmerle, motion passed unanimously.

NEW BUSINESS:

NB 334 HELP presentation; adoption of Resolution 2008-12 setting 15 X 15 carbon emission reduction goals

Becky Stokes presented the updates since the council adopted the reduction of 15% emissions by 2015. With employee awareness and replacement of more energy efficient equipment and lighting, we are more than half way to our intended goal in 2015 of 224 Equivalent CO₂ (tons), great news.

Motion made to approve Resolution 2008-12 and authorize the Mayor to sign by Keirn, seconded by Burke, motion passed unanimously.

NB 335 Elm Street Safe Routes to School Design Discussion

Hellen has made changes since last meeting based on public comment during the meeting. The sidewalk has been redesigned, widened and the power poles are still a concern with the Power company. A 15 foot gravel drainage area separates the bike path from the street. Hellen has not had a chance to present this to the nearby homeowners. Robrahn suggested that this in the future could be used for street trees (in the gravel area). Robrahn added that Jim Finch has spoken to one of the neighbors with this new design, and is agreeable to the project. As long as we have a signed contract by mid-October, we can qualify for the grant money (if under contract they will hold the money until next spring) and then realistically finish the project next spring.

Burkes feels this is what we were attempting to do initially.

NB336 – Discussion of Enforcement Policy for code violations

Mayor Davis wanted to retain the customer complaint model that the city has taken in the past, on a case by case basis. Dawson pointed to the draft for council to consider.

Haemmerle feels that this is a good start. Haemmerle counts 6 contacts with the homeowner before any action is taken. Haemmerle suggests one verbal, one written, then site visit, and then passed on to the prosecuting attorney. Haemmerle offers a suggestion to get a signed agreement for clean-up by the homeowner and then if not cleaned up, then it is a breach of contract instead of proofing what was done and when.

Suggestions on section A, by Keirn; if a private citizen calls, take the person's name.

Ferguson added that if the violation is with Title 15, then they write two letters, and then hand it over to the city attorney.

NB337 - Consideration of adopting misdemeanor contract with Rick Allington beginning October 1, 2008

Haemmerle points out that our contract with Allington is for criminal cases not civil cases. We would need to add language in Allington's contract.

Williamson suggests that this does not need to

Haemmerle makes a motion to approve Rick Allington, seconded by Burke, motion passed unanimously.

NB338 – Selection of elected representative for the Indian Creek Initiative Advisory Board

Haemmerle commented on the letter sent by Rich McIntyre dated August 27, 2008. Haemmerle attended the last Indian Creek Advisory meeting, not in a council capacity as the letter states, but asked by Dave Cropper to attend as an attorney. He wanted to let everyone know that he did not make any assurances on behalf of the City of Hailey or otherwise. Keirn agreed to go to these meetings. Hellen will continue to go to these meetings.

NB339 – City Clerk call of special election, and City Council discussion of balloting options

City clerk, Mary Cone calls for special election (November 4th) as a result of perfected petitions regarding the Development Impact Fee Ordinance (DIF) and Business License Ordinance. Council will need to authorize attorney, Williamson to draft a summary for these ballots as the DIF is approximately 55 pages in length and the Business License ordinance is 4 pages.

Mayor Davis would like to hold a town hall meeting in mid October to discuss items up for election and others.

Motion to summarize ballots for DIF and Business License election made by Burke, seconded by Haemmerle, motion passed unanimously.

Mayor Davis asked for either 10/15 or 10/16 to hold public round tables. Council to let Heather Dawson know which of these dates works for council and staff.

WORKSHOP:

Hellen let council know that all of the surplus equipment was sold at yesterday's auction; net income is \$49,000 (in conjunction with Hailey Nursery). Hellen would like to replace one semi to replace the three lost and possibly an electric car with these funds. Hellen is checking into prices for used semis, he believes they will cost around \$22,000.

Hellen mentioned that we are beginning to see 3rd violations for the odd/even watering ordinance. And we are turning off water as a result of the violations. Citizens are not very happy with the enforcement of the ordinance and Hellen as well as the city has received a few complaints. Hellen spoke in regards to the odd/even violations. Northridge complaints are virtually non-existent this year since we have been enforcing the ordinance and the tank has stayed full.

Hellen has received comments from the public on the violations and leniency. There was a power outage this morning and people did not reset their sprinkler timers before going to work, so the violations that were issued today have been thrown out. Hellen asked for violation clarification from council. If third violation and water is turned off, then they do not start over with the number of violations. If they have another violation after the 3rd violation and shut off, then their water should be turned off again. Council is in agreement with this process.

Robrahn announces that October 6th is the Life Church meeting. All council members announced that they can attend the meeting.

Dawson has been contacted by the Idaho Survey and Rating Bureau to update our Insurance rating (class 4). The last time we were rated was in 1998. We have scheduled a visit for October 13th.

Also last summer the Masonic Lodge was nominated for historical status with the state. The Hailey Historical Preservation Commission is going through the nomination process again with the Idaho State Historical Society for Martha Burke's house (referred to as the Elizabeth S. Chase house in the nomination). On October 13th Dawson will put a letter of recommendation in front of council.

Gunter wants to pursue looking at an amendment of the downtown ordinance regarding vehicles for sale in the city right of way. Gunter has received a few complaints regarding this topic and wants to see conflicts cleared up. Possible solution is to amend our existing parking ordinance to tow the vehicle, after noticing. Another area that needs work is our bike safety ordinance. Our ordinance in some parts are in conflict with the state code, Gunter would like to clear this up.

Mayor Davis mentioned that Jaywalking is problem around the car dealership and the farmer's market. Mayor Davis asked that we start giving warnings for this.

Keirn attended Fly Sun Valley Alliance meeting this morning. There were many topics of discussion, one of them being plans for funding of MRG's Minimum Revenue Guarantees. Also, they are attempting to go to legislature to gain the ability to use LOT funds for airport transportation. Sun Valley Company is working to get good bus service from Boise again Keirn added.

Tomorrow Keirn and Dawson are going to a meeting with Larry Shoen on Housing from 2:30 to 4:30 pm. They will provide an update to council with what they learn from the meeting.

Haemmerle is pleased with the enforcement of the odd/even water violations, he thanked Hellen, Gunter and city clerk Cone for their participation in the enforcement.

Burke went to a meeting with Idaho Congressman Simpson and Congressman Blumenauer from Oregon as well as Ada county commissioner, Tom Bowman, mayor of Boise and staff member from Boise. These two put together a transportation and infrastructure conference in Boise, Burke did not attend the conference. Blumenauer has spent the last 18 years in Oregon working on the infrastructure there. Portland has a light rail, and reinstated trolleys. Burke states that Blumenauer is a fantastic resource and will share his biography and contact information with council. Blumenauer and Simpson are working together to solve the transportation problem we are facing nationally.

Mayor Davis was asked by Tom Bowman a couple of weeks ago, how does Hailey want to participate in the relocation of the airport?

Burkes view is that the county would be the official sponsor to sign documents, but would include joint powers of elected officials, including Carey, to break ties, not having it a political vehicle. The idea would be that Hailey would not relinquish the two seats role until the new runway is open in the new airport. Part of the thinking is get involvement early in the process they become proponents of the project.

If anyone has any additional comments regarding how to participate in the relocation, please contact Martha Burke or Susan McBryant.

With no additional comments, Mayor Davis adjourns the meeting at 8:50 pm

Rick Davis, Mayor

Mary Cone, City Clerk