

**MINUTES OF THE SPECIAL MEETING
OF THE HAILEY CITY COUNCIL
HELD WEDNESDAY NOVEMBER 24, 2008
IN HAILEY CITY HALL MEETING ROOM**

The special meeting of the Hailey City Council was called to order at 5:00 P.M. by Mayor Rick Davis. Present were Council members Martha Burke, Don Keirn, Carol Brown and Fritz Haemmerle. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson.

CONSENT AGENDA

- CA 419 Motion to authorize Mayor to sign the Tree City USA application
- CA 420 Motion to approve special event 2009 Northern Rockies Folk Festival to be held at Hop Porter Park on July 31, 2009 – August 1, 2009 from 5 pm to 11
- CA 421 Motion to approve taxi license renewals for 2009, Airport Cab Company and A-1 Taxi
- CA 422 Motion to authorize Mayor to sign copier maintenance agreement with Magic Valley Business Systems for new copier for Finance Department
- CA 423 Motion to approve City Council meeting minutes of November 10, 2008, and to suspend reading of them
- CA 424 Motion to approve claims for expenses incurred during the month of October and part of November 2008
- CA 425 Motion to approve Treasurer's Cash Report for month of October, 2008

Brown pulled CA 423 for corrections.

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

Brown made correction to minutes on pg. 33 2/3 way down. The correct name here is Kelly Jackson.

CA 423 Motion made by Brown to correct name, seconded by Keirn, motion passed with Burke recusing.

PROCLAMATIONS & PRESENTATIONS

Help Committee presentation on county wide carbon footprint and baseline statistics
Kyle Livingston representing the Environmental Resource Center presented a power point presentation outlining Blaine County Community Carbon Emissions. Livingston outlined ICLEI's Framework and their campaign to reduce their carbon emissions. He pointed out that there are four local governments and they are all participating in this study. A community analysis was performed on residential, commercial, industrial energy, transportation, and wastewater. He broke out Hailey's percentages. (graphs and presentation are in the council packet) Brown pointed out that Hailey has the highest density, however, the lowest use on the residential piece of data. The numbers in the county look high and it was discussed that this probably is due to Baldy Mountain.

Livingston pointed out that the community comparisons on per capita basis shows Blaine County as slightly above the US average. Sun Valley's numbers would go down if they could take out the SunValley Company and the Mountain. Blaine County used about 60% more electricity than the national average.

Livingston wrapped up by pointing out the Important Notes slide in his presentation.

- This dataset is a valuable lens through which future County-wide decisions can be evaluated
- Further dissemination and analysis of dataset with focus on indicator inputs will yield additional insights.
- Opportunity for collaboration between local governments, private organizations, community groups, schools and citizens
- Two current valley-wide collaboration examples would be Mountain Rides and Clear Creek Disposal.

The full presentation can be found at <http://groups.google.com/group/ceechange?hl=en>

Mayor Davis pointed out that this data is what Susan McBryant is working on at the airport. Brown advised that we know that the Waste Water Treatment Plant is our gorilla and that we will continue to move forward to make changes.

Livingston pointed out the reduction of emissions will take involvement on all municipalities' part and that Commissioner Larry Schoen will be presenting these findings at the Blaine County Commissioners meeting in January.

Craig Berry, Environmental Resource center said that the Blaine County School District is working on getting the sustainability part and is making this part of the curriculum and going green. Berry complimented Livingston's work and feels the Environmental Resource center now has a starting spot. It was said that the County & Bellevue charge to recycle. Burke gave kudos to previous Mayor Seimer on the start of the curbside recycle program in the City of Hailey. A Solid Waste Coordinating Committee has been developed. Hailey a year from now will be involved in re-negotiating the contract with Clear Creek. Heather Dawson, City Administrator pointed out that currently the city has a center pickup for organic recycling two times a year. She would like to try this event curbside next year.

Peter Lobb, 403 E. Carbonate asked if the SunValley Company has been approached to actually prove their rating. Livingston said that the SunValley Company has been approached; however, they have not approved giving him any numbers at this time.

Ed Harding, 460 Motherlode Loop spoke and said that the Post Office is a major source of emissions. Commercial buildings use to have a different insulation standard than residential. Keirn pointed out that Idaho has the lowest rates in the country.

Dawson advised staff that this would be Kyle Livingston last presentation. His tenure has come to an end. Dawson thanked him for all of his efforts on this project.

Arbor Day Proclamation – November 12, 2008

Becki Keefer presented on behalf of the Parks & Lands Board. She started by saying the Tree Committee was formed in October and is in full force and functioning. They have been able to complete The Tree City USA Application. This Arbor Day celebration is part of the public education. A Tamarac tree has been donated by Bigwood Landscaping. The committee is moving forth on the tree inventory. The ability to write grants is huge once we become a tree city. Brown would like to be council liaison to the committee. Mayor then read the Proclamation.

PUBLIC HEARINGS

A city initiated text amendment to Article 4.6 of Hailey Zoning Ordinance No. 532 to clarify the purpose of the Transitional District, add multi-family residential as permitted use and delete multi-family residential as a conditional use.

Beth Robrahn, Planning Director, presented explaining that the ordinance amendment is a clean up for the transitional zoning district. The Planning & Zoning Commission wanted to clarify the intent of the transitional zoning district and to clarify that it is meant to be within the townsite. There are minor changes to the purpose section and one change in usage in multi family dwellings. It has been changed from conditional uses to permitted uses. Brown and Haemmerle questioned mixed use definition. Robrahn reiterated that mixed use buildings can be a mix of mixed use buildings and residential. Mayor opened up the meeting to the public. Peter Lobb, 403 E. Carbonate spoke and urged to keep it conditional. He feels that Council should be able to make the decision on use with regard to each project. Mayor Davis closed the public hearing. Brown was fine with proposed changes. Burke thought that we do not want to load up the transitional district with a lot of traffic. Robrahn said that ties to the next ordinance amendment to address the rezoning of general residential to transitional. It will help protect that issue. Haemmerle said that he agrees with Peter Lobb. He would like to look at each project closer. He is unsure what a multi-family dwelling will look like at this time. Robrahn pointed out that we do have design review standards for the townsite overlay to address those types of concerns. Haemmerle prefers keeping it conditional. The Mayor sees both arguments and feels they are both valid. The Mayor would go along with Haemmerle and Lobb. Brown believes in multi-family dwellings in this zone. Haemmerle agrees but would like to review and have as much comment as possible. It was decided to review this again as the year progresses.

Brown moved to approve ordinance #1020 and to read by title only and to authorize the mayor to read the 1st reading. One minor change to the report as presented - Multi family dwelling remains in conditional uses and in 1 year we will review again. Haemmerle seconded; the motion carried unanimously. Mayor read the 1st reading by title only.

A city initiated text amendment to Article 14.6 of Hailey Zoning Ordinance No. 532 to add criteria for rezones to Business, Limited Business and Transitional Districts.

Robrahn advised that the Planning and Zoning Commission is very concerned about property's being rezoned from general residential to transitional to allow for business uses when the business district has a lot of unutilized land for business use. The

conclusion was that it would be best to amend section 14.6 which deals with criteria for rezones. Criteria would be added so that when evaluating a rezone application to rezone property to limited business or transitional, P&Z would look at these two new criteria. The first criteria being the level of intensity of the use of the existing limited business for transitional zoning districts including but not limited to the vacancy's and underutilization of the land. The second criteria being the distance of the parcel proposed for rezone from the central core of the overlay district boundaries and that it is meant to deal with the issue of walk ability and keeping our business uses in a compact area. Mayor Davis opened the meeting for public concerns. There were no comments. Haemmerle likes the concept but has trouble with the way it is written. He questions the "level of intensity" and what this really means. Feels it could cause problems later. Haemmerle also had concerns about the 2nd part, evaluation of distance. He questioned distance and its importance? Feels it could lead to arbitrary results in any given case. He would like more objective criteria than what this says. Keirn pointed out that no matter what is decided, it will be a judgment call. Robrahn said were not looking at the intensity use of the business for those districts but were looking at the intensity of use of the zoning district overall and looking at the intensity of the use of that zoning district is. Including but not limited to vacancies and underutilization of land. Haemmerle stressed that the wording needs to be re-worked. Brown pointed out that they are all in agreement on the intent and that vacancy rates are a great thing to look at. **Brown moved to continue to next meeting on December 8, 2008 for word smithing. Haemmerle seconded; Motion carried unanimously.**

A city initiated text amendment application for amendment to Article 3.8.5 of Hailey Zoning Ordinance No. 532, to add community housing, Energy Star and LEED certified projects to the applications eligible for fast track status.

Robrahn presented and advised that the purpose is to make zoning ordinances consistent with other amendments that occurred in the spring regarding fast track, energy star and the leed program in the Building Department. It is also a token to reduce hurdles for projects that include community housing. Fast tracking means we could bump a community housing, energy star or LEED certified project to be on the agenda first. The length of time of the process will still stay the same. Mayor Davis opened the meeting up for public for comments. Vanessa Cosgrove, Citizens for Smart Growth commended the City of Hailey for taking these steps to encourage energy efficient options and community housing. Peter Lobb, 403 E. Carbonate is in favor of energy star and LEED certified projects. He pointed out that most people don't do this to get to the front of the line. He doesn't think this will make much of a change. He pointed out that energy star and LEED certified is more expensive. If in fact there was a long queue, there will be people that can't afford to do it and we will be discriminating against them. He isn't for or against but thought he should point that out. There was no further public comment. Mayor Davis brought it back to council for deliberation. **Brown moved to approve Hailey Ordinance #1021 with no amendments and to have the Mayor read by title only. Burke seconded; Motion passed unanimously. Mayor read 1st reading.**

A city initiated text amendment to Article 4.11, of Hailey Subdivision Ordinance No. 821 to delete the conversion of rental units to condominiums or townhouses from subsection 4.11.2

Robrahn brought this forward at the suggestion of the city attorney. Williamson wanted to make it more defensible. Mayor Davis opened the meeting up for public comment; no comments. **Brown moved to approve Hailey Ordinance #1022 and read by title only and to have the 1st reading. Burke seconded; Motion passed unanimously.**

Consideration of proposed amendment to Cutters Annexation Agreement, extension of Security Agreement beyond one year, with requirements for a new letter of credit or other security, and issued related to dedication of hillside open space parcels (continued from 11/10/08 meeting)

Mayor Davis recused.

Council President Burke held this portion of the meeting. Williamson is not prepared to make recommendations right now and asked this be continued to another meeting.

Brown moved to table the Cutters annexation questions. Keirn seconded; Motion carried unanimously.

Discussion and approval or recommendation on selection of firm to conduct the Quigley Canyon Annexation Fiscal Cost Benefit Analysis

Robrahn discussed the RFP that was passed by council and the 3 firms and the proposals that were presented. These firms have been ranked by Williamson, Dawson & Robrahn. Proposal from FCS is the number one choice and Caplan and Associates is their second choice. The FCS proposal was superior. Best public involvement process. They felt they would bring a fresh perspective. The Mayor opened the meeting for public comment.

Edward Robertson was here for Quigley Canyon Applicant and is standing in for Hennessey. He advised that he has read all proposals. He has an issue with the cost. FCS cost estimate \$99,460. Richard Kaplan's cost is \$24,500. There is a significant cost deferential. He has reminded staff that both of these are responding to the RFP. He has asked council to consider the Kaplan proposal. FCS has ranked higher in recreational facilities, however, there is background information already done and the work that has already been done by the BCRD will bring Caplan up to date. The scheduled delivery time for Caplan is better than FCS. For those reasons and with respect to the cost he is requesting that council consider Richard Caplan. John Gaeddert spoke and advised that he has worked with Caplan in the past and feels that other city administrations have been very pleased. Andrew Harding spoke and brought up the fact of the zoning issues that were already discussed tonight and the perpetual sprawl that is being discussed. Peter Lobb, 403 E. Carbonate said that if these two agencies are fairly close we should go with the cheaper price and we should stick with the local agency. Venssa Cosgrove-Fry, with Citizens for smart Growth said that we need to take into consideration the times and the cost of the study. Regardless who council decides to take this study, it is imperative that they work closely with sustain Blaine so the money we spend is well spent. Mayor brought this back to council for deliberation. Tom Hellen, Public Works Director explained that the lead person's qualifications from FCS were far better than anything they saw from any of the other applicants. Methodology goes more to the cost benefit analysis.

Brown is fine with the top two recommendations. The difference in price is so large that she is open to Caplan. Keirn is wondering if Caplan can get the job done for that price. He wants to be sure were getting a good job. Burke said that if they had to do this three times they could do that for under \$99,000. She feels Caplan can do the job. Haemmerle asked Gaeddert if Caplan went over budget in Bellevue. Gaeddert did not think he did. He has the numbers at home and can get those numbers if council needs them. Edward Roberson feels the Caplan RFP was well done. Haemmerle would like to get references. Robrahn is concerned about timing. **Brown moved to accept the Caplan & Associates proposal pending reference checks and enter into a contract with them for the Quigley Annexation financial analysis. Haemmerle seconded; Motion carried unanimously.**

Ordinance Amendment Section 5.04.105 Hailey Municipal Code to eliminate the restriction of sale of liquor during general and primary elections.

Ned Williamson, City Attorney advised that state law changed in June to allow the sale of liquor during general and primary elections. The City of Hailey did not change our municipal code at that time. Williamson discovered a few more things wrong with our Municipal Code. Williamson is trying to make the city consistent with state law and allowing the sale of liquor during elections and after 1am to 2am, on Sunday, Thanksgiving and Memorial Day. Williamson is also recommending the waiving of 3 meetings and have the ordinance go into effect immediately. It can go in effect on Wednesday after it is published. The Mayor opened the meeting up for public comment. Peter Lobb, 403 E. Carbonate said that many years ago this law was written for a reason but now he agrees that it should go away. Jeff Gunter, Police Chief was asked if he has any concerns. Gunter has no issues. **Keirn moved to approve Hailey Ordinance #1019 and to read by title only and to waive the 3 readings and authorize the Mayor to sign. Burke seconded; Motion carried unanimously.**

NEW BUSINESS

Parks and Lands Boards presentation of proposed trail project at the Friedman Preserve
Becky Keefer on behalf of the Parks & Lands Board presented. During the approval of Croy Creek Ranch Subdivision Bill Simon donated 2 parcels of land, 80 acres total. This gift of land is a large portion of the Croy Creek wet lands. A Grant opportunity has been discovered. The board found a place for a trail and would like to write the grant and part of what they wanted was design assistance. Preferred location of the trail is on the south side of the creek up on the bench outside of the wetlands and above the willows. The gift came with an access. The beavers have been really busy and the access is totally under water. Wood River Land Trust owns property south of Lions Park. There is a concern that we share with the WRLT and that is allowing people access to the resource also sent the message of “come on in and damage it”. The design of the trail is extremely important. On going in Lions Park right now are test wells that were installed by DEQ. Part of this carrot to the WRLT would be to extend that test area to include all of Lions Park and not just the ball field where it is right now. It boils down to a bridge over the creek. Without the bridge our 20 % match of the grant would be \$2,600 for a bench and signs, engineering and design. Keefer asked Hellen for a \$\$\$ figure if we were to throw a bridge in. Hellen said \$20,000 is what comes to mind. If we don’t want to include

ADA access to the Friedman Preserve we could drop a log across the water. Haemmerle asked about ADA requirements for park access. Hellen explained that ADA does not only mean wheelchairs, it could also mean walkers and vision impaired. Brown explained that this would be a primitive trail. It is an incredible wildlife area. We want people to have access to this parcel. There is a fine line between getting people to appreciate their land and just getting people there. Keefer asked if it is worth the P&L Board to go after this grant since we would still need \$2,600 to \$7,200. Deadline for the grant is January 31st. Mayor Davis feels we may have \$2,600 left from the bond for the building. Brown discussed the junk that is accumulating and getting a gate from the school district. Mayor would like to meet with Dr. Lewis and he will discuss this issue with him. Can we ask DEQ to expand the study to include 2 more in the spring? The landfill was there at one time. Davis asked for more information from the board and results of the tests and asked Keefer to bring this back in the future.

Staff presentation and recommendation on new medical insurance plan for Jan 2009 start date.

Dawson outlined the history of the city's health insurance program. She explained we saved \$208,000 by changing our plan 2 years ago. The health savings program has shown that 46% of the employees have been able to save \$66,000. Dawson gave kudos to Stokes, Hellen, Gunter & Gurney for consistently being on the committee. Stokes explained that it was time to look at Regence. Our consultants put it out to bid and two companies responded. Many options were considered. The committee is recommending staying with the same deductible and Stokes went on to describe the details of the plan which is outlined in the packet. We are looking at a \$39,000 savings to the city with lower premiums and deductibles. The Wellness benefit is back. The vision component is also being looked at. The cost is \$12,000 of the \$39,000 savings. Mayor thanked staff for looking at cost savings efforts. Peter Lobb, 403 E. Carbonate asked if tax payers paid for this. Stokes explained that dependent's pick up their own but the city pays for the employees. Lobb asked if it would be ok to ask employees to pay half. Mayor Davis would like to keep those benefits in tact for this budget year. He is looking at reducing another 10% in the future. Keirn said that wages aren't high, and this is a benefit we can give employees. Haemmerle asked about the savings and if we should change from Regence to Blue Cross and if we should include vision? Williamson asked if pre-existing conditions continue to be covered. Burke said that the City is a good & safe place to work and that we should provide benefits. She does not want to rehire and retrain because we lose people do to benefits. Brown agrees to make the change to Blue Cross after confirming the pre-existing condition. She is wobbling on vision but does like the co-pay. Dawson talked about moving to a hirer deductible, however, committee agreed with council that we should take the \$39,000 savings up front **Brown moved to approve the change from Blue Shield to Blue Cross, vision plan co-pay and move to obligate excess funds that are saved to bring this discussion back next year. Also, dependent on existing conditions. Burke seconded; Motion carried unanimously.**

Staff Reports

Robrahn discussed January's meetings. There is a special meeting with County on ACI. We also need to schedule the 1st set of public hearing for Quigley. Four to five meetings will need to be scheduled in a 2 week period, in addition to city council meeting. Burke – said January 7, 8, 13, 14 & 15 works for council. Robrahn explained that this is all about listening and learning. Haemmerle wants to hear about infrastructure.

Quigley developers have not been given the FCS report. Caplan will also need a copy of the report.

Dawson explained that Mayor Davis wants to pull together a council meeting on the new airport governance meeting on December 4th at 4pm. Barry Lubovisky will need to be present. If Lubovisky cannot attend the meeting will be rescheduled?

Dawson would like to talk with Keirn regarding Sustain Blaine. Brown said that she is very gun shy about valley wide joint efforts because of dispatch. She is worried that they asked us for the \$3,000 because they wanted us to have ownership. Does that mean that the recommendation that come out of that group, we are expected to implement no matter what? We welcome their recommendations but we don't know what their expectations are and she is afraid of another train wreck. She is hearing that because we all bought into this with our money they are brainstorming the airport and are going to come out with some really good recommendations but if we don't all do our part and the city does not do all that they ask we will have failed out contract. Brown would like to send a letter with the most positive of intentions stating that we didn't sign on for blind implementations. Haemmerle agrees that a letter needs to be sent to be clear on our expectations. Dawson will draft a letter for the next meeting. Keirn will call Dawson on Wednesday morning to discuss further.

Jeff Gunter reported that McNees choose not to have a user groups meeting because the council had a meeting the night they would have had it..

Brown asked if anyone is attending the meeting on accessibility. Hellen said the meeting was canceled. Hellen attended a meeting in September. Dawson understands that Angenie McCleary has been meeting in a very small committee that includes Jason Miller from Mountain Rides. We do not know when the meeting is rescheduled. The grant money is going to come from the recommendations from that group. Brown would like us to have an in.

Brown missed the Library board meeting because she was at the 911 meeting.

Haemmerle & Hellen had a good meeting with SPF. They have come up with an action plan on water rights and communication and an active plan for permitting and licensing. They now have a plan for accounting for unaccounted water in the city. There will be more meters going in. There should be something to report shortly. Hellen is meeting with Gerald Martin regarding other possible sources.

Mayor Davis said he will be attending Blaine Regional Leadership Council on December 10, 2008 and he attended the Legislative luncheon last week.

EXECUTIVE SESSION

RE: Pending & Imminently Likely Litigation (IC 67-2345.f/j) and/or Real Property Acquisition (IC 667-2345.c)

Brown moved to go into executive session at 8:23pm. Keirn 2nd. Motion carried unanimously.

Matters & Motions from Executive Session or Workshop

Council returned from Executive Session at 8:40 pm and with no more business, Mayor Davis adjourned the meeting.

Rick Davis, Mayor

Mary Cone, City Clerk