

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, APRIL 13, 2009
IN THE HAILEY TOWN CENTER 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, Carol Brown, Fritz Haemmerle and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson and City Clerk Mary Cone.

OPEN SESSION:

Peter Lobb of 403 East Carbonate asked council what it has cost the city to litigate the marijuana initiatives.

Bob MacLoed 417 East Myrtle with the Hailey Library Board announced to council the Hailey Garden Tour is July 18th, 2009 in Della View – Gretchen Wagner and Heidi Husband are Co-Chairs for the Event. Also this is National Library Week, with Wednesday being National Library Worker Day.

AIRPORT ISSUES:

Susan McBryant spoke to council, the final document from Landrum and Brown will be out soon. It is important to get this to the city before the final presentation is done to make sure it is in line with the city goals and intentions. The parcel that reverts back to the Friedman Trust is the first impression of the city; we want to make sure this fits in with our long term plans. McBryant believes it will be late June when the council should expect this final document for their review. Once council reviews, it will go through the public hearing process in Planning and Zoning so that citizens will have the opportunity to comment. Expected open date for the new airport is 2016 added McBryant. There are many steps in the process before the new airport can open but some of them can work in tandem with each other.

Gary Stivers with Sun Valley Online spoke to council and offered them a video copy of the last goal setting meeting held on 3/30/09.

EXECUTIVE SESSION:

Motion to go into Executive Session for Pending Litigation IC 67-2345.f was made by Haemmerle, seconded by Burke, motion passed with roll call vote. Brown, voted yes but will recuse herself from the session. Keirn, recused. Mayor Davis recused. Haemmerle, yes. Burke, yes.

Council returned from executive session at 6:06 pm.

CONSENT AGENDA:

CA 148	Motion to approve Idaho Power Grant application for J.C. Fox Building Mural project.....	1
CA 149	Idaho Community Foundation, Deer Creek Fund Grant Application for the J.C. Fox Building Mural project...	63
CA 150	Motion to ratify COPS Hiring Recovery Program (CHRP) Application submitted by the Hailey Police Dept..	79
CA 151	Motion to approve scope of work for SPF Water Engineering for Engineering services for a 16” water transmission main and authorize the Mayor to sign.....	103
CA 152	Motion to approve and authorize the Mayor to sign a Site Access Agreement for a continuation of the soil and water analysis at Lions Park	115
CA 153	Motion to approve and authorize the Mayor to sign Release of Sewer Services Agreement for Peregrine Ranch.....	119
CA 154	Motion to approve Findings of Fact and Conclusions of Law – Final Plat approval of Lot 9A, Block 26, Hailey Townsite	127
CA 155	Motion to approve checks totaling \$1,175,000 to invest in 30 month Certificate of Deposits in separate local banks	139
CA 156	Motion to approve and authorize the Mayor to sign Resolution 2009-04 regarding Banner fees.....	141
CA 157	Motion to approve City Council meeting minutes of March 23 rd , March 30 th , 2009 and to suspend reading of them	145
CA 158	Motion to approve claims for expenses incurred during the month of March 2009.....	155
CA 159	Motion to approve treasurer’s cash report, including LOT report.....	179

Williamson pulled item 156.
Haemmerle pulled item 153 to recuse himself.

Motion to approve all other Consent Agenda items minus 153 & 156 made by Burke, seconded by Keirn, motion passed unanimously.

Motion to approve item 153 made by Brown, seconded by Burke, motion passed with Haemmerle recusing.

Williamson suggested a few changes on item 156. After some discussion, Dawson suggested to make revisions and present this in front of council at the next meeting. No motion was made on this item.

PROCLAMATIONS AND PRESENTATIONS:

PP 160 Second Quarter Budget Analyses and Cost Cuts presentation

City Treasurer Becky Stokes presented to council the latest budget analysis. Revenues are down, expenses are down compared to last year this time and two positions remain unfilled (one in Police Dept. and the other in the Street Dept.) which helps to offset the current deficit. Stokes anticipates approximately an \$80,000 deficit at the end of the fiscal year. Stokes, Dawson and the Department Heads have discussed ways to offset this potential deficit (example of savings is in tonight’s packet).

PUBLIC HEARINGS:

PH 161 An application by the Idaho Army National Guard for an amendment to the zone district map for the City of Hailey. The application would change the zoning of Lots 8-12, 20-24, and the northern half of vacated Cedar Street, Block 125, Hailey Townsite (311 Cedar St. East) from General Residential (GR) to Limited Business (LB). The purpose of the Limited Business district

is to provide areas for a wide range of residential uses, restricted business uses, and medical facilities. The LB District is intended to allow for commercial uses that would not detract from the established downtown retail businesses, hence general retail is not allowed

Robrahn clarified one item in the staff report regarding properties east of the Armory zoned Limited Business and a recent change of the Blaine County Senior Center from General Residential (GR) to Limited Business (LB). Therefore, rezoning the Armory to LB is consistent with the zoning of adjacent properties to the east and west. The main reason the Armory is asking for the rezone is to allow for a freestanding wireless tower which is currently not allowed in the GR zoning district.

Lieutenant Colonel Gene Gussenhoven of Boise, Idaho spoke to council. Gussenhoven added that this change would benefit everyone; it would help the Armory with their public safety and communications and clean up the zoning by having a more appropriate zone for the building and its use.

Williamson let council know that they have the ability, with a development agreement, to limit the uses of the property (page 227 in packet, 2nd bullet regarding reverting back to GR).

Brown asked Gussenhoven if he was okay with the conditions spelled out in the Staff report in tonight's packet. Gussenhoven confirmed he was fine with the conditions.

Motion made by Haemmerle to approve the application submitted by the Hailey Readiness Center (aka Armory) and the amendment to the zone district map changing the zoning of Lots 8-12, 20-24, and the northern half of vacated Cedar Street, Block 125, Hailey Townsite (311 Cedar St. East) from General Residential (GR) to Limited Business (LB) subject to a development agreement that will state if the use of the Armory and the freestanding wireless tower ever changes from its current use as an Armory the property will revert back to GR and finally finding that the project is in conformance with the Comprehensive Plan, seconded by Keirn, motion passed unanimously.

Motion to approve Ordinance 1027 and authorize the Mayor to conduct the 1st Reading by Brown, seconded by Keirn, motion passed unanimously.

Mayor Davis read Ordinance 1027 by title only.

PH 162 Request for 2nd extension of Preliminary Plat approval – West Maple Subdivision

Jack Brown spoke to council regarding this request. Brown reviewed the 3 options to them and asked council to extend this request.

Robrahn explained the recommendation that the Council limit future extension requests to avoid several years passing before the plat is recorded to keep plats consistent with current subdivision standards. The ordinance does not address the number of extensions that can be granted.

Council is okay with this request without limiting future extension requests.

Haemmerle makes a motion to extend this preliminary plat approval for one year, seconded by Keirn, motion passed unanimously.

NEW BUSINESS:

NB 163 Discussion of Marijuana Initiatives

Mayor Davis, Keirn and Brown recused themselves from this discussion.

Williamson summarized Judge Elgee's ruling stating that some of the wording in the Medical Marijuana Act, Lowest Police Priority Act, and Industrial Hemp Act is illegal. One provision that remains is the appointment of an oversight committee of 7 individuals. Williamson suggested that we not appeal or pursue further court action but redact the provisions that the judge struck down and explain the ruling and the legislative outcome. Williamson suggested that first step in forming the committee is to adopt bylaws.

Haemmerle summarized his thoughts on the marijuana initiatives. Burke agrees with Haemmerle.

NB 164 Request for comments by Bureau of Land Management for Animal Shelter land acquisition proposal

Dawson summarized that in August 2008 the Animal Shelter notified the city of the potential land acquisition for snow storage. The Animal Shelter had also submitted a request to purchase this same property in 1995. Council wondered if both the city and the Animal Shelter can find a way for both to have access to this land. Mayor Davis will attempt to have conversations with the appropriate parties on this idea.

NB 165 Discussion on draft of Capital Improvement Plan

Hellen spoke to council and summarized the current Capital Improvement Plan. Hellen noted that the Rodeo Grounds master plan was not in the original Capital Improvement Plan but is important to our citizens and the council as indicated by the citizen survey recently conducted. Hellen reviewed the steps needed in order to make changes to the Capital Improvement Plan. Hellen named the Woodside Boulevard project as first in the priority of the near term capital projects. Haemmerle would like to see which projects are needed the most. Keirn agrees with Haemmerle. All of council is in agreement that we need to begin discussing and educating the public on the future need for a bond for some of these capital project needs. In the short term, Hellen added that this document needs to go to Rich Caplan for Quigley analysis. Council is in agreement with providing this document to Rich Caplan.

NB 166 Discussion and approval of letter inviting south valley emergency services entities to summit meeting

Dawson summarized the intent of the letter and asked for council to provide their feedback. Haemmerle would like to see what interest these entities may have in this idea before setting up a formal meeting. Brown, Keirn and Burke are in agreement with Haemmerle.

NB 167 Discussion of Dispatch

Dawson gave council a background on where this letter was distributed; first it was handed out to Sun Valley at one of their council meetings and then it was handed out to the Dispatch Users Group during their meeting (which Dawson and Keirn attended). Keirn is concerned that the letter indicates that the users group would determine a future funding model instead of the political entities responsible for their own budgets. Haemmerle called Schoen today to ask for clarification on his statement regarding suggesting that the users group re-evaluate the principal funding models. After some discussion, Mayor Davis suggested that council draft a letter in response to Commissioner Schoen's letter.

Williamson also suggested that council get a copy of the letter which was sent to the Attorney General from Blaine County Commissioners.

STAFF REPORTS:

Mayor Davis commented that the Library continues to make do with less.

Mike Chapman, Fire Chief regarding the Dispatch office, they are moving into the new location on April 21st. Hailey Fire Department is wrapping up training for new recruits; they will be full with 30 volunteers.

Hellen announced that May 1st is Arbor Day celebration - noon at Balmoral Park (north end by the parking area) where a tree will be planted. May 2nd is ERC clean up day will meet at Hop Porter Park. May 9th is Clear Creek's organic waste pick up at the park-n-ride. Wednesday night April 15th the Parks and Lands Board will hear from the 3 architects who submitted applications of interest in the Request for Qualifications on the Rodeo Grounds. Music in the Streets 2009 night has not been decided yet. More information to come on this, added Hellen.

Police Chief Jeff Gunter announced that on April 21st the call center will answer after hours calls for Hailey Police. Gunter also noted that they have increased their presence at the skate park as they have had problems with vandalism.

Brown attended the All Hazard Blaine County Mitigation Plan meeting with Mike Baledge and Tom Hellen. Hailey's individual plan was well regarded at this meeting. Brown came away from the meeting with a different perspective on power outages and what to do if the situation were to occur.

Mayor Davis announced that the absence of a Hailey elected official at their meeting is causing the Sustain Blaine group some angst. Mayor Davis asked council to attempt to go to the next meeting. Keirn will try to make it to the next meeting.

Haemmerle clarified that there is a group of children hanging out at the skate park that are causing trouble (vandalizing property) not the actual children using the skate park. The skate park rules sign was taken and needs to be replaced. Hellen has already ordered a replacement sign.

EXECUTIVE SESSION:

Motion to go into Executive Session to discuss both pending litigation IC 67-2345.f and real property acquisition IC 67-2345.c at 8:03 was made by Brown, seconded by Keirn, motion passed by roll call vote. Brown, yes. Keirn, yes. Haemmerle, yes. Burke, yes.

Council came out of Executive Session at 8:10 pm. Mayor Davis adjourned the meeting at this time.

Rick Davis, Mayor

Mary Cone, City Clerk