

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY AUGUST 24, 2009
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:31 P.M. by Mayor Rick Davis. Present were Council members Don Keirn, Fritz Haemmerle, and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson, and City Clerk Mary Cone.

PUBLIC COMMENTS:

Bill Hughes of 241 Eureka spoke to council about the nuisance ordinance. Because it is on the agenda, the council asked Hughes to hold his comments until later in the agenda.

CONSENT AGENDA:

CA 342	Motion to ratify letter to US Dept. of Housing and Urban Development regarding potential revitalization area designation within the City of Hailey	1
CA 343	Motion to approve and authorize the Mayor to sign the Idaho Department of Lands Grant Application for the E.W. Fox Demonstration Garden (\$30,000 grant request amount)	3
CA 344	Motion to approve and authorize the Mayor to sign the Notice of Acceptance and Participation in the Blaine County Multi-Jurisdictional All Hazard Mitigation Plan	27
CA 345	Motion to approve and authorize the Mayor to sign Amendment to Memorandum of Agreement with Idaho State Historical Society – time extension for completion of project to September 20, 2009 to allow for completion of products from professional photographer	29
CA 346	Motion to approve and authorize the Mayor to sign Idaho Power Memorandum of Agreement for Safe Routes to School project (to move power poles at Elm and 4 th Street) fee \$318	31
CA 347	Motion to approve and authorize the Mayor to sign contract with Pavement Markings Northwest, Inc. for annual painting of traffic and bike lanes in Old Hailey for \$12,951.50	37
CA 348	Motion to approve renewal of annual Alcohol Beverage Licenses for Hailey businesses	39
CA 349	Motion to approve BCHA contract and authorize the Mayor to sign.....	45
CA 350	Motion to accept proposal of Idaho Proscapes for Parks Maintenance and approve the 2010-2012 contract to Idaho Proscapes and authorize the Mayor to sign (total contract amount for 3 years is \$152,235).....	53
CA 351	Motion to approve minutes of August 10, 2009, and to suspend reading of them	65
CA 352	Motion to approve revised July expenses and revenue report	73
CA 353	Motion to approve claims for expenses incurred during the month of July 2009, including dispatch payment for having received acceptable service for the prior month.....	101

CA 351 pulled by Mayor Davis to revise the Aug. 10th minutes.
Items CA 347 and 350 were pulled by Haemmerle.

CA 347 – Haemmerle asked Tom Hellen, Public Works Director a question regarding the marking of bike lanes close to the bike path. Haemmerle wants to know if these are included in this estimate. Hellen, answered, it is not. These are areas covered up in the recent fog seal project. Haemmerle would like to see white lines at every crossing of the bike path and road crossing as well as a stop sign for the street traffic. Hellen clarified that the striping on today’s agenda is for streets only and not at the bike path crossings.

Burke moves to adopt CA 347, seconded by Keirn, motion passed unanimously.

CA 350 – Haemmerle was not sure if there was a contract included in the packet. On page 60 of packet is the first page of the contract. On page 63, item 13 is a contingency if sufficient appropriations are not available, council may terminate the contract.

Keirn moves to approve CA 350, seconded by Burke, motion passed unanimously.

CA 351 Mayor Davis turns to page 68 in the packet, next to the last paragraph, last sentence, strike the incomplete sentence.

Keirn moved to approve CA 351 as amended, seconded by Burke, motion passed unanimously.

Burke moves to approve all other consent agenda items minus CA 347, CA 350, and CA 351, seconded by Haemmerle, motion passed unanimously.

Mayor's Remarks:

The Eben S. Chase and Elizabeth S. Chase House has been added to the National Register of Historic Places as of May 5, 2009, announced Mayor Davis.

PROCLAMATIONS AND PRESENTATIONS:

Mark Johnstone, Hailey Arts Commissioner and Tracy Anderson Deputy Clerk, gave an overview of the Hailey Mural project which is currently in progress. Anderson reviewed the benefits to Mural projects while showing many examples of murals throughout the country. The Arts Commission believes that this Mural program would allow Hailey to stand out among other Blaine County municipalities by spearheading this project. Johnstone gave a few proposed program guidelines. The goal is to have the guidelines defined with the Planning Department and proposed/approved by council by January 2010. Anderson added that there is a design in progress (will be reviewed by the Planning department on Sept. 21st.) Tom Tietge a local artist is working with a building owner to do a building mural project.

Haemmerle asked why there is no advertising allowed on mural projects. Anderson feels this is good input and that the Arts Commission will most likely discuss the potential of advertising again.

APPOINTMENTS AND AWARDS:

Gary Brockman street department employee received the Roadmasters Award. Bruce Drews with the Local Highway Technical Assistance Council (LHTAC), Director of the T2 Center gave council an overview of this award and the purpose of this designation. Idaho Technology

Transfer Center is the department where Drews works. This is the first Roadmasters Award for the City of Hailey. Drews named all of the training classes, totaling 96 hours of training, which Gary Brockman has taken to achieve this award. Drews gave Brockman the award certificate and a jacket.

Dawson added that Brockman is the longest employee at the City of Hailey, over 20 years with the city.

PUBLIC HEARINGS:

PH 357 A city initiated text amendment to Article 9.3, Off-street Parking Dimension and Article 9.4, Parking Space Requirements, of Hailey Zoning Ordinance No. 532. The amendments would reduce the parking space dimensions for onsite parking spaces. The proposed amendments have been recommended for approval by the Planning & Zoning Commission

Robrahn gave an overview to council; this was originally coupled with the sustainability ordinance but has been pulled out to allow council to consider this now. The sustainability ordinance has been put on hold, and this would benefit a few projects currently underway with the city. Robrahn clarified that these are for parking spaces within a property not in the city right-of-way. Haemmerle asked why the spaces are proposed closest to the building. Robrahn replied that it encourages small car use, originally why it was in the sustainability ordinance.

Peter Lobb 403 E. Carbonate spoke to council. Lobb is not for or against this but it bothers him that government is driving this change.

Jennifer Biondi of 940 Forest Bend Drive agrees with Lobb.

Keirn sees this as a best use of space but not sustainability. Haemmerle disagrees with the motivation of allowing those with small cars to park closer to the building is wrong. Burke remembers discussing this over 10 years ago. The thought then with recycling is pulling out recycled materials from the main stream of trash, thereby reducing trash costs. Burke feels this is responsible. Haemmerle feels this is government regulation.

Robrahn let council know that part of the ordinance can be deleted, which specifies the compact spaces closest to the building.

Mayor Davis has received complaints from developers stating that our parking ordinance is too limiting, but by adopting this ordinance; it would encourage/support development.

Bill Hughes 241 Eureka Drive commented again to council. There are places around town like Bullion Square parking that should be compact only due to the limited turning radius space. Hughes feels that some places should be limited to compact parking for safety reasons.

Haemmerle makes a motion to continue item PH 357 to the next regular meeting, seconded by Burke, motion passed unanimously.

*PH 358 Consideration and approval of the Annual Appropriations Ordinance 1033 – 2009 / 2010 Budget
And Approval of Certification of Levy to Blaine County Board of County Commissioners*

Becky Stokes gave an overview to council. Nothing has changed with the budget since it was originally presented to council.

Burke moves to adopt the Annual Appropriations Ordinance 1033 and waive the three readings, conduct the 1st reading and authorize the Mayor to sign, seconded by Keirn, motion passed unanimously.

Mayor Davis conducted the first reading of Ordinance 1033 by title only.

Dawson pointed council to page 135 in packet. Every year the L2 allows for a 3% increase over the previous year. Balance to be levied is \$1,863,772.

Burke moves to approve the L2 Certification of Levy to Blaine County Board of County Commissioners, seconded by Keirn, motion passed unanimously.

PH 359 Discussion and consideration of LOT election, proposed resolution with next steps and ordinance

Dawson gave an overview of the consideration of a potential election. Mayor Davis sent out a letter to local businesses which administer and submit the funds to the City. Dawson explained the proposed term which staff recommends a term of 20 years. The council will need to adopt an LOT and approve the ballot summary language (page 169) in order to place this ballot in front of voters in November. The council would adopt the LOT Ordinance but not conduct any readings until it was put in front of voters and passed.

Mayor Davis opened the floor to public comments.

Peter Lobb 403 E. Carbonate feels this is a good idea to put in front of the voters. Lobb doesn't feel this is particularly fair but it will probably pass because the majority of folks paying for this are out of town guests.

Burke makes a motion to accept Resolution 2009-12, seconded by Keirn, motion passed unanimously.

Haemmerle makes a motion to accept the form and content of the Ordinance as well as directing city staff to summarize the Ordinance to place on ballot for voters on November 3, 2009, seconded by Burke, motion passed unanimously.

PH 360 Discussion and proposed resolution and authorize the Mayor to sign Metered Water rate revisions

Hellen gave an overview to council, highlights are lowering fees for low water users and increasing fees for usage over 50,000 gallons usage per month. These proposed fees would be effective on September 25, 2009.

Bill Hughes 241 Eureka Drive spoke to council. Hughes is complimentary of the city reducing its use of water. Hughes wants to thank council for seeing the importance of consumption. Hughes has reduced his personal consumption and believes that Hailey is probably the only entity in the valley that has reduced its consumption. Hughes compliments Hailey on this effort.

Haemmerle moves to approve Resolution 2009-13 and authorize the Mayor to sign, seconded by Burke, motion passed unanimously.

PH 361 Discussion on proposed Nuisance Ordinance

Dawson gave overview to council. The council has seen this ordinance for the third time tonight. Staff has worked through changes with the City Attorney. Tonight is the first time the public has been allowed to comment. Health and Safety is a first priority while preservation of property values is a second priority with this proposed ordinance.

Betsy Kauder, 930 Forest Bend Drive is in support of this ordinance because they feel properties around them are being ignored and it is degrading surrounding property values. Kauder handed out pictures of Woodside for council to review.

Bob Macleod of 417 East Myrtle spoke to council. Macleod points to the word “sagging” in the proposed ordinance of which he has a fence which is sagging. Most of all Macleod opposes the language allowing “a private party to seek private enforcement of this ordinance.” Macleod feels this should be contained within the area to which the person lives.

Rebecca Fuller 930 Winter Fox fully supports this ordinance. Fuller would like to feel good about living in Woodside instead of people referring to the area as “the hood.”

Jennifer Biondi of 940 Forest Bend spoke to council. Biondi has been in Hailey for 5 years and has seen Woodside decline rapidly during this time. Biondi has never seen a car ticketed when vehicles are blocking the City’s snow removal efforts. Biondi would like to see sound offenses added to this ordinance.

Steve Crosser of 431 Aspen Drive spoke to council. Crosser feels that his neighborhood is in good shape now. Crosser would like to see “more teeth” in this ordinance. Crosser is in support of this ordinance. Crosser agrees with Macleod’s statement about private enforcement in one’s own vicinity.

Matt Hall of 302nd Avenue is glad the council is considering this ordinance. Hall feels this is very important to keep our city in good shape.

Denny Skahill of 320 Second Avenue North fully supports this ordinance.

Rebecca Fuller 930 Winter Fox spoke to council about the proposed chicken ordinance. Fuller wants to see this under control.

Peter Lobb of 403 E. Carbonate likes this ordinance because this gives law enforcement specific actions for various situations.

Steve Crosser of 431 Aspen Drive agrees with Lobb regarding the law enforcement specifics.

Bill Hughes of 241 Eureka Drive feels this proposed ordinance is subjective.

Brandon Jones of 2820 Woodside bought his house 5 years ago and he feels there are issues around town, but he doesn't want the city to adopt an ordinance which they cannot enforce.

Dan Henry of 308 North 2nd Avenue would like to see a citizen committee formed to discuss development.

Haemmerle explained the intent of this proposed ordinance, because there was a recent attempt to enforce our nuisance ordinance where the judge felt was too vague to enforce.

Does a neighbor who overlooks a neighbor's yard - should this neighbor be able to enforce the nuisance ordinance if the public view does not see the nuisance. Haemmerle feels the neighbor should have a right to enforce.

Haemmerle feels "sagging and leaning" are subjective terms and proposes to remove these words. The pictures handed out tonight by Betsy Kauder are compelling to adopt this ordinance. Haemmerle feels there could be a legitimate case in section 8.04.030, item 11, fixing up an old car. And item 13 page 185 in packet, animal manure is too vague. Haemmerle reviewed a few more concerns with portions of the proposed ordinance.

Burke believes if we can clean this up and adopt this it will be a huge benefit to the community.

Dawson adds that staff needs the ordinance to be specific so that enforcement is clearly defined.

Haemmerle feels that the city should have the ability to choose citation or notice.

Keirn moves to continue this discussion until the second meeting in September (9/28), seconded by Burke, motion passed unanimously,

Dawson mentioned that the rubbish contract is going to be considered at the same meeting so to have these two topics in the same meeting will be beneficial.

OB 362 Motion to conduct 2nd Reading of Ordinance 1031 amendment to Article 4.13.8 of Hailey Zoning Ordinance No. 532.

Mayor Davis conducted the 2nd Reading of Ordinance 1031 by title only

HAILEY CITY COUNCIL MINUTES
August 24, 2009

OB 363 *Motion to conduct 2nd Reading Ordinance 1032, revised Planning and Zoning Fee Schedule*

Mayor Davis conducted the 2nd Reading of Ordinance 1032 by title only

NB 364 *Resolution with stakeholders on Rodeo Grounds*

Haemmerle gave an overview to council regarding this resolution. Haemmerle states that this resolution confirms that the council is behind the diverse proposed uses of this property.

Dawson communicated this proposed resolution to the Sawtooth Rangers Riding Club and Hailey Ice which she suggests one change on the Whereas statement “ice rink use”. “winter uses include but not limiting to ice rink uses”, proposed Haemmerle.

Haemmerle makes a motion to approve Resolution 2009-14 as amended, seconded by Keirn, motion passed unanimously.

STAFF REPORTS:

Hellen reemphasized that the street department continues to go to training to keep working environments safe for crews and the public.

Hellen mentioned the Cox internet proposal to run cable to the Woodside treatment plant. The proposal has the city digging the trench and Cox laying the cable. This would allow other businesses to hook into this service. Hellen will communicate to businesses in Woodside that might want to have the opportunity to hook up to Cox cable.

Gunter is in the process of charging juveniles for vandalism throughout the valley, including some Hailey parks.

Haemmerle reiterated the overview he gave regarding the last Parks and Lands board meeting and what it would take to make this the best possible structure for the city, and the potential for a bond to fund this project.

Mayor Davis is meeting with Dr. Barber and Mike Chatterton to discuss the possibility of extra parking for the improved Rodeo Grounds.

With no further business Mayor Davis adjourned the meeting 7:50 pm.

Rick Davis, Mayor

Mary Cone, City Clerk