

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY SEPTEMBER 14, 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 Carol Brown, Fritz Haemmerle, and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson, and City Clerk Mary Cone.

The following documents were received after production of packet and given to council before meeting:

- Letter from Sarah Heiden re: LOT
- Letter from Bonnie Mara re: LOT
- Email from Heather Dawson re: airport governance workshop 9/10/09 agenda, notes and proposed amendments to the BCAAC Mission Statement.

PUBLIC COMMENTS:

Kary Kjesbo of 1730 Northridge Drive has concerns about the watering ordinance odd/even restrictions, code 13.08. Kjesbo has received two watering violations and tries to reset her sprinkler every 31st day of months. Kjesbo was excited when the City switched to water meters and states that she is a frugal waterer. Kjesbo has to begin her watering by 2:30 pm in the day to end by midnight. She wants council to reconsider other ways to enforce the watering ordinance odd/even restrictions. Mayor Davis stated that the Water department personnel will think about this over the winter months.

Brown suggested that Kjesbo talk with City personnel regarding tips around watering and the timing of such.

CONSENT AGENDA:

- ~~CA 368 Motion to accept Grant award of \$15,238 and approve Grant Agreement for Recovery Act Edward Byrne Memorial Justice Grant Program to fund purchase of law enforcement radios~~
- ~~CA 369 Motion to ratify the Mayor's signature on an agreement with Benchmark & Assoc. for a new aerial photograph for GIS use (option 2) — cost is \$8,200.....~~
- CA 370 Motion to approve renewal of annual Alcohol Beverage Licenses for a Hailey businesses
- CA 371 Motion to approve special event and authorize the Mayor to sign for a Five Star Women's Hockey Preseason Kick Off on 9/18/09 at the Wicked Spud
- CA 372 Motion to approve special event and authorize the Mayor to sign for a Night of Music in Hailey at downtown businesses on 9/21/09
- CA 373 Motion to approve special event and authorize the Mayor to sign for Hailey Halloween Hoopla on Main Street, Old Mercantile, Meriwether merchants, Liberty Theater and KB's on 10/31/09 3-6 pm.....
- ~~CA 374 Motion to approve minutes of August 24, 2009 and to suspend reading of them~~
- CA 375 Motion to approve minutes of August 31, 2009 and to suspend reading of them

- CA 376 Motion to approve claims for expenses incurred during the month of June 2009, including dispatch payment for having received acceptable service for the prior month.....
- CA 377 Motion to approve treasurer's cash report, including LOT report

CA 374 was pulled by Brown so that she can abstain as she was not at that meeting.
CA 369 was pulled by Haemmerle to ask for clarification.
CA 368 was pulled by Cone to amend it.

Haemmerle moved to approve all other consent agenda items minus CA368, CA369 and CA374, seconded by Burke, motion passed unanimously.

CA 368 – Cone adds to the motion, “and authorize the Mayor to sign.”

Brown moves to approve the grant award and Grant Agreement for Recovery Act Edward Byrne Memorial Justice Grant Program and authorize the Mayor to sign, seconded by Burke, motion passed unanimously.

CA 369 – Haemmerle asked if this \$8200 was really a necessary expense. Hellen replied that it has been about 5 years and a lot of things have changed. The cost is spread across the utility funds as well as the general fund.

Haemmerle moves to ratify agreement with Benchmark & Associates for a new aerial photograph for GIS use (option 2) – cost is \$8,200, seconded by Burke, motion passed unanimously.

CA 374 – Brown pulled this item as she was not present at the meeting.

CA 374 – Motion to approve minutes from August 24th made by Burke, seconded by Haemmerle, motion passed with Brown abstaining.

MAYOR'S REMARKS:

Mayor Davis acknowledged a belated happy birthday to our city attorney.

PUBLIC HEARINGS:

Mayor Davis moved the agenda order – due to public comments he moved item PH 383 Discussion regarding the Hailey Chamber of Commerce and the LOT funding to the top of the Public Hearing discussions.

PH 383 Discussion and motion to accept if agreeable to: Contract for Services with Hailey Chamber of Commerce for the expense of \$69,000 in LOT funding, requiring monthly and quarterly reports from the Chamber to the City, and quarterly payments from the City to the Chamber based on these reports

Mayor Davis asked if Jim Spinelli wanted to comment. Spinelli in fact gave a list of benefits to the LOT funds given via contract to the Chamber of Commerce. Spinelli stated that many of the
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Chamber board members are present tonight to answer any questions council may have. Spinelli gave examples of ways the Hailey Chamber is working with the Sun Valley/Ketchum Chamber including sharing an information kiosk at the airport. Haemmerle asked what events have been sponsored by the Chamber. Krista Geherky of 120 Prairie Sun answered Haemmerle, and named some events approximately 20 events in total including regulars 4th of July, and Springfest. Sheila Kelley of 921 Silver Star and chamber board member stated the Chamber is active with the Trailing of the Sheep festival. Haemmerle asked if the membership has increased. Spinelli answered there is a 92% retention rate of members. Dale Ewersen 517 Chestnut in Bellevue stated an important factor that the Chamber is about to adopt an events criteria checklist for approving events. Geherky announced that she is the incoming President for the chamber next year and stressed the importance of working together as a community.

Lisa Emerick Hailey Chamber President announced that the LOT funds have enabled the Chamber to have a Main Street office location and enabled handing out many brochures.

Peter Lobb 403 East Carbonate has a lot of connection with other small towns and feels our Chamber does a lot compared to other small towns in his observation. Lobb feels the burden is on us as citizens to help support the Chamber.

Brown appreciates Spinelli addressing this letter respectfully. Haemmerle is impressed with our Chamber's ability to market itself locally and encourages the Chamber to advertise out of town. Burke feels this is money well spent. Mayor Davis commented that 4 or 5 people went to last year's air show in Mountain Home Air Base and handed out many brochures – marketing Hailey.

Brown moves to approve the Hailey Chamber contract for services for \$69,000 for fiscal year 2009/2010 requiring monthly and quarterly reports from the Chamber and quarterly payments from the City to the Chamber, seconded by Burke, motion passed unanimously.

Mayor Davis then moved another item up on the agenda, the airport governance PH 382.

PH 382 Discussion of Relocated Friedman Memorial Airport Governance - Transition Committee

Keith Roark attorney and former Hailey Mayor spoke to council. Roark gave a brief history of the regional airport idea which began 30 plus years ago. Roark mentioned that in 1978 there was a proposition of a regional airport including 8 counties in the 5th Judicial District. That proposal required all of the counties to vote in favor of the airport at the time it did not pass in Blaine County or in Twin Falls County. Here we are 31 years later and we ought to have a regional airport. Interestingly, in 1978 Sun Valley Company was strongly in support of a regional airport. Their representatives told the public that Friedman Airport would not then or ever be able to support the needs of the Resort. Roark thinks that the message given today is not as clear as it should be. Roark feels that the public has continued to be confused about the truth. We are facing a potential situation where commercial air service could be discontinued, which would be detriment to our valley. The non-commercial traffic has become a safety, pollution and quality of life issue. Roark feels that the Hailey council needs to be clearer and pass a resolution stating that: they will not sign off on any grant application for the Friedman Memorial Airport again. Roark urges the council to cooperate with the commissioners yet understand that private traffic

may win out over commercial air traffic. If there is no action by council the private air traffic will continue to increase and eventually lose commercial air traffic to the valley.

Susan McBryant is in support of Roark's comments. McBryant indicates that the county feels this advisory body is crucial to moving forward. Everyone wants to have a successful airport, the county has never run an airport solely, McBryant states that the county wants this advisory board to help them get their feet under them with the new airport.

Geoffrey Moore of 1250 Woodside Blvd is concerned with the North Valley thoughts as they do not consider Hailey safety in regards to the airport.

Burke wants the community to understand that this is a relocation of our existing airport. The GA community would like to have a small airport here. However, GA traffic cannot support a separate airport. Two airports would not be successful. Burke agrees that a resolution is necessary, slightly modified from Roark's suggestion. Burke commented on McBryant's statement. Burke agrees that there should not be an adjustment to the joint powers agreement until the land is returned in a usable state to the Friedman family.

Haemmerle feels there is one question that needs discussing today, Larry Schoen's letter dated July 27, 2009. We need to make a statement today. Roark's request to stop future grant applications is a valid concern. We need to know that the FAA will release us from the applications or transfer them to a new relocated airport. Haemmerle agrees to the idea of adopting a resolution clarifying these points. Finally, there needs to be an active and equal partner in this process with the County.

Mayor Davis feels grant money should be accepted if it helps keep safety with the existing airport.

Brown came prepared tonight to discuss a future governance committee. Brown agrees with Burke that the thing that is not clear is that the land left after the airport leaves, is not enough to support any air traffic, not even GA traffic. Brown would like maintenance grant funds to continue to be accepted but not expansion.

Haemmerle feels that a date needs to be figured out – a transition target date. Haemmerle knows that there are individuals who want to be involved in this committee to “gum up the works”. Hailey should have some roll in ratifying these appointments and have a roll in appointing these members, added Haemmerle.

Burke, the FAA has come forward and said that the county can be a sponsor. Haemmerle is concerned and feels that a Memorandum of Understanding must be signed before he is comfortable.

Burke suggests writing a letter to Blaine County Commissioners. With every project that the airport does it goes through the FAA, the funds are allocated for maintenance. Each grant application has a number; the low numbered items are for the new airport. Haemmerle would like to get this Memorandum of Understanding with the FAA stating that Hailey will be released

from liabilities upon transferral to the new airport. Williamson believes this is an easy process and wants to be given direction to begin drafting this Memorandum of Agreement.

Brown is concerned with being a “silent member” as the county is asking of the City of Hailey. Brown is not comfortable modifying the joint powers agreement. Haemmerle would not modify the joint powers agreement until the airport is out of the City of Hailey. We are supportive of this advisory committee. Finally, Hailey should be involved with making the decision to appoint the new advisory governance committee. We need to have a voice to the FMAA.

Susan McBryant feels that the advisory group needs to advise the county. There is no reason to have an advisory committee for the existing airport where it sits today. All decisions will be made by the FMAA; there should not be an advisory committee to advise the FMAA. All the day to day issues should be separated from the new airport governance body.

Brown asks how a new governing body could be successful if not mentored by the FMAA. McBryant replied there is a 4 to 5 month learning curve in regards to policy decisions, and contracts.

Keith Roark spoke again. Roark feels you can structure the Memorandum of Understanding to state that you want some assurance that the people involved will not obstruct the new airport process. If it becomes clear that one partner is obstructing the mission then the agreement should allow the joint powers to remove this party.

Haemmerle feels we should draft a letter proposing a policy. Williamson should begin drafting the agreement. Williamson clarified the points; joint powers agreement won't be amended, any member impeding the process either party can remove this individual, no voting power, no advising the FMAA only advising the county. Brown would like to see a draft of the points? Haemmerle agrees with Brown on this point. McBryant has offered to help the City attorney and then have the council review this letter before mailing.

PH 379 was heard next by the council.

PH 379 An application by Blaine County School District for an amendment to the zone district map for the City of Hailey. The application would change the zoning of Lots 4-10, Block 126, Hailey Townsite, (719 Third Avenue South) from General Residential (GR) to Limited Business (LB). The purpose of the Limited Business District is for the use of Schools and other educational services which will be for the district's Technology Department building. It will also provide parking provisions for the alleyway

Jolyon Sawrey presented an overview of the requested change to council. Sawrey an Architect summarized the parties involved in discussions which included, Blaine County School, City Planning and Zoning department, and Sawrey.

Mariel Platt, Hailey City Planner added that the Hearing Examiner did recommend approval of the rezone conditioned on a development agreement which should state 2 things: parking improvements should be made onsite and offsite and all conditional uses excluding public uses.

Linda Haavic –608 3rd Ave South has no problem with this rezone. Haavic supports this rezone application.

Haemmerle feels there are good reasons to approve this application but not rezones further North. Burke and Brown are okay with this rezone.

Brown moves to approve the Blaine County School District application for an amendment to the zone district map from change the zoning of Lots 4-10, Block 126, Hailey Townsite, (719 Third Avenue South) from General Residential (GR) to Limited Business (LB), finding that the project is in conformance with the criteria of Section 14.6 (1) through (4), as set forth herein, and all applicable requirements of the Zoning Ordinance, and City Standards; with conditions that parking improvements be made on-site and off-site and prohibits all conditional uses, excluding public uses, seconded by Burke, motion passed unanimously.

Sawrey asked who drafts the development agreement. Mayor Davis replied that the applicant pays for the document draft. Sawrey prefers that the city draft the agreement.

Mayor Davis asked to review PH 380 next.

PH 380 A City initiated amendment to the zone district map of the City of Hailey. The amendment would change the zoning of Lots 1-3, Block 126, Hailey Townsite, from General Residential (GR) to Limited Business (LB). The purpose of the LB 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

Mariel Platt gave an overview to council explaining the benefits to doing this rezone. The Hearing Examiner recommended a development agreement which specifies the following for lots 1-3, block 126, Hailey Townsite: prohibit all conditional uses, excluding public uses and public service facilities and in the event that the Wood River Rural Fire and Rescue ceases to use the property it would revert back to GR. Wood River Rural currently leases this property, did they have any problems with this rezone, asked Brown. Platt answered they have reviewed this and are okay with the rezone.

Linda Haavic of 608 3rd Avenue South wonders if the City can enter into a development agreement with itself? Haavic's concern is of area businesses creeping in the Grange Hall is an example. Haavic feels there are renegade uses in the Grange Hall right now – parties never ending. Haavic is concerned with the creeping of business uses into residential areas.

Peter Lobb 403 E. Carbonate is against this rezone. Lobb feels this should not be zoned unless we know what is going to happen with this lot.

Burke understands this problem because she sees the same creeping on Bullion Street. Burke is concerned with the happenings at the Grange Hall.

Haemmerle to Lobb's comment, we know what will happen to this lot – Wood River Rural is the lessee. If it is used for another purpose then we should address that issue. As long as this remains a public use but at what point is the line drawn.

Brown is okay with moving forward if the other council members are okay with it. Haemmerle and Burke are okay.

Williamson suggested conducting the 1st reading with the development agreement.

Brown moves to approve the City initiated amendment to the zone district map of the City of Hailey. The amendment changes the zoning of Lots 1-3, Block 126, Hailey Townsite, (701 Third Avenue South) from General Residential (GR) to Limited Business (LB), finding that the project is in conformance with the criteria of Section 14.6 (1) through (4), as set forth herein, and all applicable requirements of the Zoning Ordinance, and City Standards; with conditions (1) prohibit all conditional uses, excluding public uses and public service facilities and (2) in the event that the Wood River Rural Fire and Rescue ceases to use the property it would revert back to GR, seconded by Burke, motion passed unanimously.

PH 378 (continued from 8/24/09 meeting) 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

Beth Robrahn Hailey Planning Director gave overview of the changes from the last meeting to the ordinance.

Brown has read the minutes from the last meeting and agrees with the discussion. Brown is okay with this change.

Haemmerle and Burke are okay with these changes.

Burke makes a motion to approve the amendments to Article 9.3, off-street parking dimension and article 9.4 and conduct the first reading of Ordinance 1034 by title only, motion passed unanimously.

Mayor Davis conducted the first reading of Ordinance 1034 by title only.

PH 381 Bus Loading Zone Resolution – Main Street Stops and Noticing Procedure

PH 381 – Bus Loading Zone Resolution – Main Street stops

Robrahn gave an overview to council. The 40 feet has changed to 65 feet because the bus is 40 feet long and the additional 15 feet will give the bus distance to pull in and out of these zones.

Robrahn explained the process involved beginning with Mountain Rides identifying a zone, a letter sent to the business close to the new zone, and then?

Brown asked Robrahn about the spaces businesses have purchased as a requirement for development. Robrahn confirmed that a change would need to occur to section 9.2.3 but she has not yet run this idea by city attorney Williamson. Robrahn feels that not many spaces will be lost due to this change.

Brown appreciates that staff has allowed affected businesses to comment.

Haemmerle feels the period of time to respond to the letter is too short; it should be expanded to 30 days from 10 days. Robrahn took note of this change.

Burke feels that more shelters should be built if we have the funds. Hellen comments, there is one scheduled for the mini mart soon. There was one planned for in front of the old Elbie's automotive but there is not enough room to put one there.

Robrahn added we are not adding additional bus stops, but only clarifying that this is to sign and mark for the loading zone. Strike a sentence to make it clearer that this is for the existing bus stops.

Burke makes a motion to approve Resolution 2009-15 with the language stricken “new stops may be proposed by Public Works with recommendation by Mountain Rides for final approval by the Council,” seconded by Brown, motion passed unanimously.

OLD BUSINESS:

OB 384 Motion to conduct 3rd Reading of Ordinance 1031 and authorize the Mayor to sign - amendment to Article 4.13.8 of Hailey Zoning Ordinance No. 532

Motion to approve and authorize the Mayor to sign and conduct the 3rd reading by title only of Ordinance 1031 by Haemmerle, seconded by Brown, motion passed unanimously.

Mayor Davis conducted the third reading of Ordinance 1031 by title only.

OB 385 Motion to conduct 3rd Reading of Ordinance 1032 and authorize the Mayor to sign - revised Planning and Zoning Fee Schedule

Motion made by Burke to authorize the Mayor to sign and conduct the 3rd reading by title only of Ordinance 1032, seconded by Haemmerle, motion passed unanimously.

Mayor Davis conducted the third reading of Ordinance 1032 by title only.

STAFF REPORTS:

SR 387 – Dawson walked council through the documents provided in the packet. On the graph, Dawson pointed out January because that is the day before and day after we receive property taxes and our cash flow is estimated from this figure.

Our budgeted revenues and expenses are coming in below what we have outlined. Dawson pointed council to page 115 in the packet, the last page of the general fund operating budget; \$156,632 is the YTD actual. We have projected that our cash reserves is sufficient to bring us through this year's fiscal end as well as next year's budget. Overall we have the money for the expenses discussed tonight and we have sufficient cash flow to make it through the next fiscal year.

Hellen comments to Kjesbo's comments at the beginning of this meeting. Hellen explained to council rationale around staff carrying out the ordinance guidelines. Hellen treats these items without discretion as to apply the ordinance consistent across the community. On September 26, a volunteer has offered to repair Hop Porter Park equipment. Teresa Whitman and Krista Geherky are getting a list of volunteers to help. Geoffrey Moore has asked Hellen to pass his name on to the coordinators, as he would like to help.

Williamson asked for an Executive Session.

Mike Chapman gave an overview to council for last week's Blaine County Ambulance Districts meeting which he attended. Wayne Willach the Sun Valley Mayor offered to pay \$3500 for the radios so that everyone would have a standard platform for communication. Commissioner Bowman declined Willach's offer. Chapman explained the first responder program, the realized costs to the city and cash savings if the program were discontinued (training and staff time). Hailey responds to approximately 280 calls per year which costs Hailey about \$80 per call. This fee is not passed on to the caller so that they are not double billed. At the end of the meeting Bowman commented that he wished Hailey had joined the ambulance district when they had a chance to.

Dave Stellers gave a summary on a recent 911 call where a child was not breathing well, the first person to show up at the scene was Mike Baledge from the Hailey Fire Department which was about 5 minutes before the ambulance arrived.

Dawson summarized that the purpose of this staff report is to keep council informed about the conversations in the community as well as keep Fire and EMS services close at hand. This is the week that the proposals are due from all of our partners which recently met at the Fire and EMS Summit. The only one received to date is from our Fire Chief Mike Chapman.

Joint meeting on 9/28 with the Planning and Zoning Commission – Robrahn will have talking points and an outline for the Comprehensive Plan updates which are in progress.

Chapman attended the last LEPC meeting there was a discussion and motion to buy new radios for emergency services. Chapman requested that these radios be extended to all Fire and EMS personnel to have interoperability between agencies. This idea was declined by LEPC. Chapman would like to make a formal written request before the next meeting in November

2009. There is grant money available for these additional radios if the board chooses to support the request.

Dawson met with Jason Miller Mountain Rides Executive Director and discussed funding for the circulator new bus and general services which they anticipate starting in the new bus in Early 2010. Safe Routes to Schools grand opening/ribbon cutting is September 16, 2009 at 2:45. The first meeting of the community oversight committee was held today and Peter Lobb was elected to be chair.

Brown attended the County Commissioners meeting regarding the airport. Someone from Hailey needs to be present at all of these airport meetings. McBryant has been asked by the Mayor to attend, she has not had a chance to talk yet to the Mayor to respond to his request. Burke is happy to attend if McBryant is not able to attend.

Burke wants to reiterate the pertinence of the discussion tonight. Burke feels that someone may be attempting to drive a wedge between the City and the County, please keep that in mind during these discussions. Haemmerle feels the problem is, issues come up as a surprise and we ask for more time, this is a due diligence to our citizens. Haemmerle resents the high pressure and short time for responding to very big decisions.

EXECUTIVE SESSION:

Motion by Brown to go into Executive Session for Real Property Acquisition (IC 67-2345.c) and/or Imminently Likely Litigation (IC 67-2345.f/j), seconded by Burke, motion passed with roll call vote. Burke, yes. Haemmerle, yes. Brown, yes.

Mayor and Council went into executive session at 8:07 pm.

Mayor and Council concluded Executive Session at 8:20 pm.

Rick Davis, Mayor

Mary Cone, City Clerk