

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

AIRPORT ISSUES:

CONSENT AGENDA:

CA 532	Motion to approve Taxi License Renewal for Wood River Taxi Transportation for 2010	1
CA 533	Motion to approve and authorize the mayor to sign Memorandum of Agreement with the Idaho State Historical Preservation Office for up to \$5000 under the 2009/2010 CLG Grant	7
CA 534	Motion to approve and authorize the mayor to sign Memorandum of Understanding with the Idaho Department of Lands for \$30,000 grant for the E.W. Fox Demonstration Garden.....	21
CA 535	Motion to approve grant application to the Department of Energy - Energy Efficiency & Conservation Block Grant (EECBG) under the ARRA - for Clean City Car Share Program, requesting 1.7 million in funding.....	35
CA 536	Motion to authorize Mayor to sign letter of support for regional EECBG Grant proposal	77
CA 537	Motion to declare surplus property and authorize donation of usable items to area recycling/reuse depositories..	83
CA 538	Motion to approve the purchase of a new Sidewalk/Snowplow/Lawn mower for \$24,213 using Capital Funds ...	91
CA 539	Motion to approve Blue Cross of Idaho medical benefits contract for 2010, with \$1000 deductible and other minor contractual changes.....	97
CA 540	Motion to approve contract for additional group benefit of Life Flight/Air Ambulance Insurance through Air St Luke's Membership, and authorize the Mayor to execute contract for \$1500 annually	103
CA 541	Motion to approve 2010 contract for benefits administration consultant Maloney & O'Neill, costing \$4890	107
CA 542	Motion to approve and authorize the Mayor to sign WRLT permits for Croy Creek boardwalk.....	113
CA 543	Motion to approve and authorize City Attorney to sign Summary of Ordinance 1040 (Parking amendments)....	135
CA 544	Motion to approve minutes of November 23, 2009 and to suspend reading of them.....	137
CA 545	Motion to approve minutes of November 30, 2009 and to suspend reading of them.....	147
CA 546	Motion to approve claims for expenses incurred during the month of November 2009	153
CA 547	Motion to approve Treasurer's report and LOT	177

Haemmerle pulled item CA 538 for clarification.

Keirn moved to approve all consent agenda items minus CA 538, seconded by Brown, motion passed unanimously.

CA 538 - Haemmerle asked about the snow blower/mower, do we need one? Hellen replied that we have in the past few years leased a sidewalk snow blower for \$7,000 to \$8,000 per year. Making this purchase would eliminate the leased expense and leverage the equipment in the summer as a mower added Hellen.

Motion to approve CA 538 by Haemmerle, seconded by Brown, motion passed unanimously.

MAYOR'S REMARKS:

Mayor Davis thanked Public Works Director Tom Hellen for working diligently on the Northridge freezing issues with Jim Kuehn.

PROCLAMATIONS AND PRESENTATIONS:

PP 548 BCHA annual report/presentation

Kathy Grotto with the BCHA gave council an update on the annual highlights. There have been 10 sales in the last year with BCHA. The prices ranged from \$50,000 to \$423,000. Michelle Griffith the new Director with ARCH is present tonight at the meeting. Grotto explains that BCHA is continuing to partner with ARCH by providing a single application. Grotto gave an overview of BCHA's budget, including highlighting this year they added PERSI to their employee benefits package. BCHA board will soon be approving the goals and strategy document, once approved the document will be sent to Hailey for their review. Coming up there is a workshop for potential buyers and soon to come is a Facebook page for BCHA.

Brown complemented Anna Mathieu and Kathy Grotto on a job well done with BCHA in the last year and a half.

APPOINTMENTS AND AWARDS:

AA 549 Library Board appointment

Brown moves to approve appointment of Peter Jurovich to the Library Board, seconded by Burke, motion passed unanimously.

AA 550 Appointment of Owen Scanlon and Michael Pogue to each serve a second 3 year term on the Planning and Zoning Commission beginning January 2010 through December 2012

Burke moves to approve reappointment of Owen Scanlon and Michael Pogue to another 3 year term on the Planning and Zoning Commission, seconded by Brown, motion passed unanimously.

AA 551 Hailey Arts Commission appointment

Brown moves to appoint Linda Packer to the Arts Commission, seconded by Burke, motion passed unanimously.

AA 552 Downtown Revitalization Committee appointments

Brown moves to appoint Summer Bauer, Jon McGowan, Judy Foster, Andy Hawley, Stephanie Marvel, Kathy Grotto, Kathleen Turner, and Susan McBryant as members of the Downtown Revitalization Committee, seconded by Burke, motion passed unanimously.

PUBLIC HEARINGS:

PH 553 A city initiated text amendment to Article 5, of Hailey Subdivision Ordinance No. 821, Exhibit A, City Standards, Parking Standards Drawing Number 808. The amendments would add “on-street” to the drawing title

Beth Robrahn, Hailey Planning Director gave an overview to council. This amendment clarifies on-street parking spaces.

Keirn makes a motion to approve the proposed amendments to the City Standards, Exhibit A, Parking Standard Drawings Number 808, finding that the amendments are in accordance with the Comprehensive Plan, will not create excessive additional requirement at public cost for public facilities and services, and will be in accordance with the welfare of the general public, seconded by Brown, motion passed unanimously.

Burke moves to approve Ordinance 1046 and authorize Mayor to conduct the 1st Reading by title only, seconded by Haemmerle, motion passed unanimously.

Mayor Davis conducted the 1st Reading of Ordinance 1046 by title only.

PH 554 A final plat application by ARCH Community Housing for approval of Lots 1AA, 2AA, and 3AA, Block 104, Hailey Townsite. The preliminary plat was approved on July 13, 2009

Robrahn gave an update to council on this item. It involves a lot line adjustment between the existing two lots and a subdivision of one of the lots, to create 3 lots.

Public Comments:

Kathy Grotto with BCHA is in full support of this project.

Brown moves to approve ARCH Community Housing’s final plat application for Lots 1AA, 2AA, 3AA, Block 104, Townsite Overlay. The current legal description of the property is Lots 1A & 2A, Block 104, Townsite Overlay, located at 410 Croy Street East and 411 Walnut Street East, finding that the application is in accordance with the Hailey Subdivision Ordinance #821, all other applicable ordinances, the Comprehensive Plan, and Idaho State Law, seconded by Burke, motion passed unanimously.

Dawson asked about the Ordinance reading in PH 553. Council went back to this item to make a motion and conduct the reading on this ordinance.

PH 555 Application to vacate and ordinance to vacate streets and alleys generally located within the Hailey Elementary property, Blaine Manor property and the Rodeo Grounds property within the Hailey Townsite.

Williamson displayed a map while discussing this item. Williamson explained several historical and incomplete vacations at the Rodeo Grounds sight he has recently discovered. Williamson then explained the vacation process and in some of the areas discussed tonight, vacations were not performed correctly. The school sits on unvacated property today. There are places where we (Hailey) do not have a deed conveying title and ownership. Williamson pointed to a few problems discovered with these properties, including the conveyance of property without vacating it. Streets must be vacated to be deeded properly. Williamson offers a suggested solution; first do a comprehensive vacation on all the streets and alleys within the Hailey Elementary School, Rodeo Grounds and Blaine Manor properties. Second, the parties would file an application for a three lot subdivision plat which would create three distinct property descriptions. Third, each party would execute quitclaim deeds, which would convey any and all of a party's interest to the properties which the other two parties owned. Williamson then covered a few issues, Reversionary clauses, properly vacating 1st Avenue, and ITD issues with Cedar Street/Main Street. Williamson suggested that the ITD issue needs further discussion. The last issue Williamson brings up to council is the school district getting a portion of Chestnut Street. The school is willing to provide an access easement to the street to keep it open to the public. The Ordinance in the packet resolves the issues discussed tonight including removing the reversionary clauses. Williamson suggests that council discuss this item, listen to public comments, and continue this discussion to another meeting so that he can meet further with the school district.

Jim Laski of 48 Townsend Gulch Road spoke to council. Laski asked a question to Williamson if 1st Street was not deeded to anyone, how did the school district end up with both sides of it? Williamson replied that the Ordinance calls out for that and in 1965 the school district was given title to the entire area (Williamson pointed to the map- area where the ball fields are today).

Paul Hoffenbeck of 39 Lower Broadford Road asked how the City will deal with the section by the skatepark if the street is divided 50%/50% between two owners. Is it divided East/West? Williamson pointed to the map "Areas to be vacated" and explained that the County would aqueous and not make a claim for part of the street and that it could be divided North/South if necessary.

Mike Chatterton of 314 3rd Ave N. with the school district for 22 years this is the third time that this has been attempted (to straighten out the ownership). Chatterton is in support of cleaning this up.

Owen Scanlon of 110 North Angela Drive asked if once the registrations/titles are cleared up does that allow for enough property to construct the proposed new Rodeo/Skatepark/Ice Arena's? Hellen answered yes, the preliminary design is based on the "cleaned up" areas.

Brown is fine with the recommended “global ordinance” to clean up these vacations not done properly. Keirn is in agreement with Brown. Haemmerle would like to deal with this situation without contacting ITD. Burke would like to see this cleaned up and worth pursuing.

Brown moves to continue this to the January 11, 2010 meeting, seconded by Burke, motion passed unanimously.

Mayor Davis asked a gentleman in the audience (Larry) what item he was present for, and then decided to open the public hearing item PH 554 for additional public comments.

PH 554 A final plat application by ARCH Community Housing for approval of Lots 1AA, 2AA, and 3AA, Block 104, Hailey Townsite. The preliminary plat was approved on July 13, 2009

Mayor Davis reopened public comments on this item at 6:30 pm

Public Comments reopened at 6:30 pm:

Larry Huck 215 4th Ave. South spoke to council. How many residences will this be? Robrahn answered 2 single-family residences.

Tom Bergin 220 South 4th Ave spoke to council. Bergin asked if there is access from the alley or 5th Street? Bergin asked why the sidewalk is in scope because it would not be connected to another sidewalk (form over function). There are other areas along Walnut Street which would be better served with sidewalks, possibly closer to the downtown core. Bergin feels the money is better spent in another location for sidewalks. Brown asked Robrahn if applicant could pay in-lieu fees instead of putting in the sidewalk. Hellen responded that in lieu fees (110% of the estimate) are always an option to applicants.

Haemmerle asked who would take care of the alleys, Hellen said the street dept.

Mayor Davis asked for a new motion.

Council makes another motion:

Brown makes a motion to approve ARCH Community Housing’s final plat application for Lots 1AA, 2AA, 3AA, Block 104, Townsite Overlay. Located at 410 Croy Street East and 411 Walnut Street East, with Conditions A-I and adding Condition J to add a 5 foot utility easement on the West side of the property, finding that the application is in accordance with the Hailey Subdivision Ordinance #821, all other applicable ordinances, the Comprehensive Plan, and Idaho State Law; seconded by Keirn; Haemmerle proposes a condition K not to plowing this alley or any other alley. Brown withdrew her amendment and Keirn withdrew his second of the amendment. Brown continues her motion, if Idaho Transportation Department (ITD) provides access through 5th Avenue then the city will not plow this alley, if ITD does not allow access to 5th Avenue then the city will plow the alley as if it were a street, seconded by Keirn, motion passed unanimously. Brown reiterated the original motion with two added Condition J to put a utility easement on the West side of

the property and the amendment adding Condition K regarding the plowing of the alley, seconded by Keirn, motion passed unanimously.

Mayor Davis moved the discussion to item PH 556 regarding the grant for the RV Dumpstation at McKercher Park.

PH 556 Idaho Dept. of Parks & Recreation, Grant Application for RV Dump Station Improvements

Hellen explained to council the grant. Hellen believes this area is out of the Airport RPZ zone but he will double check.

There were no public comments.

Brown moves to approve the Idaho Department of Parks and Recreation (IDPR) Grant Application for the RV Dump Station and authorize the Mayor to sign, seconded by Haemmerle, motion passed unanimously.

PH 557 Discussion of MOU relating to FAA assurances

Williamson suggested that council continue this item to the next meeting.

Council agreed to continue this to the January 11, 2010 meeting.

OLD BUSINESS:

OB 558 3rd Reading of Ord. 1041, 1042 and 1043 and motion to authorize the Mayor to sign

Keirn makes motion to authorize the Mayor to sign and conduct the 3rd readings of Ordinance 1041, 1042 and 1043 by title only, seconded by Burke, motion passed unanimously.

Mayor Davis conducted the 3rd Reading of Ordinance 1041, 1042, and 1043 by title only.

OB 559 3rd Reading of Ordinance 1045 and motion to authorize the Mayor to sign Ordinance (Nuisance Ordinance)

Keirn makes a motion to authorize 3rd Reading of Ordinance 1045, authorize the Mayor to sign, seconded by Burke, motion passed unanimously.

Mayor Davis conducted the 3rd Reading of Ordinance 1045 by title only.

NEW BUSINESS:

NB 560 Presentation by ARCH for potential community housing project on River Street property

Michelle Griffith handed out a similar document than what is in council's packet tonight. Griffith believes they have a good chance of getting Government funding for this project.

Brown asked if this property needs a master plan. Robrahn answered after reviewing the ordinance, that this property can be developed with a PUD and does not need a master plan.

Griffith has spoken with the City Attorney as well as Sweetwater representatives; everyone is going into this situation with their eyes wide open.

Burke asked about the wheelchair accessible units instead of adaptable.

In order to make an application, ARCH would need a MOU by mid January. ARCH will be considering interested Architects soon.

EXECUTIVE SESSION: Pending & Imminently Likely Litigation (IC 67-2345.f/j)

Haemmerle makes a motion to go into Executive Session for Pending & Imminently Likely Litigation (IC 67-2345.f/j) at 7:23 pm, seconded by Burke, motion passed with roll call vote. Brown, yes. Keirn, yes. Haemmerle, yes. Burke, yes.

Mayor and council returned from Executive Session at 7:36 pm.

NB 561 Discussion of Sweetwater proposal

Council has received a new proposal from Laski. Laski gave a summary of the proposal on behalf of Sweetwater. Laski proposes that Sweetwater will pay the outstanding fees including the traffic signal, bond for landscaping and recording fee for final plats of the units ready. Sweetwater is asking for a 6 month extension. The banks and Sweetwater are seeking a work out agreement before the end of the year. 49 of the units are ready for final plat.

Williamson reviewed the fees owed by Sweetwater; the traffic signal is \$184,920, landscaping bond should be \$96,592.50. Laski suggested that they would put up a letter of credit for the landscaping. The PUD agreement would need to be amended to accommodate this request. This would need to be in front of council by 12/28/09 meeting. The large block cannot be recorded until these fees are paid.

Council set a special meeting for Friday 12/18/09 at 8:30 am.

Haemmerle feels this is consistent with what council did with the Old Cutters project. Sweetwater had asked for many waivers before, now the request does not have any such items.

Williamson will draft the changes. Haemmerle feels that payment should be made a few days before recording a plat as to ensure the check clears the bank.

STAFF REPORTS:

Dawson handed out a couple of documents to council. A grant status report; 6 grants awarded 6 not awarded. Staff is working on 4 additional grant applications.

Gunter received a \$1000 grant this week. This money will be spent on Woodside, having officers patrol the area. Brown saw Hailey Police out on Woodside late Saturday night, she was very pleased.

Keirn attended the Sustain Blaine meeting 1-2 meetings per week, nothing to report from these meetings at this time.

Burke spoke with Stephanie Nelson a mother of a special needs child and pointed out that our parks are not wheelchair accessible for children (i.e. no safety belts on swings).

Mayor Davis attended the AIC legislative day recently.

With no further business Mayor Davis concluded the meeting at 7:53 P.M.

Rick Davis, Mayor

Mary Cone, City Clerk