

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD APRIL 26, 2010  
IN THE HAILEY TOWN CENTER MEETING ROOM**

**The Meeting of the Hailey City Council was called to order at 5:32pm by Mayor Rick Davis. Present were Council members Carol Brown, Don Keirn, Martha Burke and Fritz Haemmerle. Staff present included City Attorney Ned Williamson, City Administrator, Heather Dawson. City Clerk, Mary Cone was absent.**

**Airport Issues:**

Susan McBryant reported that she attended the FMAA meeting and they have resolved to keeping members involved and informed. McBryant said that in the last few months FAA meeting things moved mysteriously. There has been bad and good signals received. The original FAA NW top management has been shuffled. People who are still there are learning how the new team leader works. McBryant feels that we are the recipients of this stress. The draft EIS may be delayed a little longer due to FAA management turnover. McBryant asked council for questions. Fritz Haemmerle, Council President asked if the only the bad signals caused the delayed EIS? McBryant feels personality differences are responsible for the delays. Martha Burke said they have proposed to the FAA a new EIS. She explained that our projects are different from other FAA projects. They have to put forward a clean EIS. The plan was to learn from them items that we could pursue that would be reimbursed by the FAA prior to the EIS study being published. At the meeting the legal council for the FAA stated that they did not want us to think they have given any kind of an approval. Burke explained that site studies could be conducted but they (FAA) would not be reimbursing for expenses since the EIS study has not been completed. Burke says the airport board feels discouraged. The FAA is aware of this. The follow up meeting in Seattle was reassuring. Where there is latitude they agreed to work with us. Burke explained that 30% of a decision could be done at each site. If one site is given 40% planning that becomes pre-decisional. Burke said that the decision to move the airport has not been decided yet. She was in Washington DC and where they wrote the book on EIS procedures and she said they are sticking to it. NW in Seattle is going to listen to their legal council.

**Open Session for Public Concerns:**

Mayor Davis opened the meeting up for public concerns. There were no comments from the public.

**CONSENT AGENDA:**

- CA 139 Motion to approve Department of Energy Local Assurance Plan Grant Contract – Authorization to electronically sign final contract, contingent on review of City Attorney and City Administrator
- CA 140 Motion to approve Artist letter contract for “Just Bag It” temporary public art project and authorize the Mayor to sign
- CA 141 ~~Motion to approve contract with Water World for work under the Idaho Office of Energy Resources Grant of \$30,000~~
- CA 142 ~~Motion to approve Animal Shelter Contract and authorize the Mayor to sign~~

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CA 143	Motion to approve a piggyback contract for Chip Seal Oil and separate contract for Fog Seal	
CA 144	Motion to authorize Agreements with Valley Paving for intersection repairs at Woodside Blvd & Sunrise for \$3129 and at Woodside Blvd & Baldy View for \$6185	
CA 145	Motion to approve Change order No. 2 from GeoEngineers for an additional charge of \$5,750 for soils testing at Rodeo Grounds Redevelopment Project, and authorize the Mayor to sign	
CA 146	Motion to approve Special Event – Girls on the Run in Heagle Park 5/22/10	
CA 147	Motion to approve Special Event – for the Wicked Spud Back Alley Parties .....	53
CA 148	Motion to approve minutes of April 12, 2010 and to suspend reading of them .....	61
CA 149	Motion to approve claims for expenses incurred during the month of March 2010.....	69
CA150	Motion to approve Profit & Loss Quarterly Treasurer report for Quarter ending March 31, 2010.....	83

Dawson pulled CA 141 & 142.

**Brown makes motion, seconded by Burke, to approve all items minus CA 141 and 142, motion passed unanimously.**

CA 141 – Heather Dawson, City Administrator pulled CA 141 because the motion on the agenda should read Whole Water Systems as the name of the company.

**Brown moved to approve the contract with the name change to Whole Water Systems, seconded by Burke, motion passed unanimously.**

CA 142 – Ned Williamson, City Attorney pulled CA 142. At the last meeting Williamson pulled this item to make changes so the contract would say City instead of County. This is the same contract we had with the animal shelter for years. Flat fee is in agreement with everybody. Any impounded dog will be given rabies shot and when released to owner they will have to pay for it. Main change is their fiscal year is now made in accordance with our fiscal year. Dawson would like to change language in paragraph six that talks about payment being made by the 26<sup>th</sup> of January, April, July & October of each year. The term is one (1) year term with 30 day notice to terminate. The impound time has been reduced from 7 to 5 days. It does reduce our exposure to some of the costs. Essentially this contract is the same as we had before with those small revisions. Brown asked if the Animal Shelter, JoAnne had been notified of these small changes? JoAnne clarified that the 5 days are working days and if it's over the weekend it would be 7 days. Brown wanted to disclose that she does donate to the Animal Shelter.

**Burke moved to approve the Animal Shelter Contract as modified. Brown seconded; Motion carried unanimously.**

Williamson pointed out that there are two new agenda items on the agenda:

- *Executive Session: Personnel Issues IC67-2345(1) (a)*

\*NB 162 - Decision re: Tree Committee's proposed joint powers agreement with City of Ketchum for Tree Inventory

Williamson pointed out that these items have been posted and asked that the council make a motion to amend the agenda. Williamson also pointed out that Idaho Power would like a continuance to talk about revisions. The council will have to waive one reading but Williamson advised that would be fine. Idaho Power would like to simplify agreement and they have continued to May 10<sup>th</sup>, 2010.

**Haemmerle moved to approve the continuance of Idaho Power revisions to the May 10<sup>th</sup>, 2010 meeting. Brown seconded; motion carried unanimously.**

**Burke moved to approve the agenda with the two (2) new items. Keirn seconded; Motion carried unanimously.**

**MAYOR'S REMARKS:**

Mayor Davis is proud of City Staff and Team Members and the way they continue to be frugal in trying to reduce the deficit in the budget.

**PROCLAMATIONS & PRESENTATIONS:**

*PP 151 Fair Housing Proclamation*

Mayor Davis read the proclamation and declared May 10, 2010 as Fair Housing Month.

*PP 152 Hailey Chamber of Commerce – Quarterly Report*

Anna Svidgal the Assistant Executive Director of the Hailey Chamber of Commerce presented. Svidgal reported this past quarter they provided support services to 578 individuals, 207 visitors and 271 inquiries. It is normally a slow season and it is getting very busy. In the second quarter they has participated in the SV Nordic Festival and expanded the event to include many other entities. There were 200 participants in the Spring Break Staycation. The Chamber also supported the Just Bag It Project with the City of Hailey. On Friday April 30<sup>th</sup> there will be a Wood River Community Awards Banquet. Summer events are being planned. Springfest 2010 will host 70 vendors and entertainment. This year the Chamber is supporting The Northern Rockies Folk Festival. The Chamber will continue to provide welcome information in the airport kiosks.

The next local business promotion is ladies night - 1<sup>st</sup> Thursday – South Valley Merchant Alliance is the sponsor. The Chamber is gathering ideas for a Hailey Dining and Business Guide to be published in the fall. They are continuing to sell Chamber Bucks and last quarter they sold almost \$2,000 worth. They are continuing to work on updating their website. The Chamber has signed a contract with Wood River Radio to promote events and will be working with new locally owned radio in the valley and planning to advertise in The Boise Weekly to get people to come to Hailey. The City beautification project is going forward on a small budget. They will be getting flowers on Main St. in whiskey barrels not hanging baskets. There will also be multi-colored flags at Roberta McKercher Park.

*PP 153 Tree Committee Presentation*

Jen Smith – Chair Hailey Tree Committee, and the Parks Superintendent in Ketchum presented. Smith said that she would like to talk about a Joint Powers Agreement (JPA) with Ketchum. Ketchum did a tree inventory in 2004. They paid \$16,000 to view half the city. Ketchum would like us to jointly purchase the Tree Works Software. It could generate work orders and tell what kind of tree, where it is and the health and species of the tree. Hailey would pay not to exceed

\$7,000 to purchase software and data collection from tree consultants out of Washington. The JPA would be with Ketchum and they (Ketchum) would house and manage the software. Annual cost to Hailey would be \$1,000. Smith would like to know if they could go forward with drafting the JPA. The Hailey Tree Committee is in favor of this agreement. They have spoken with Dawson and Becki Keefer, Hailey Parks Coordinator. Smith will be presenting to Ketchum and after she has approval from both Ketchum and Hailey a contract will be drawn up. Brown asked if we were to do this alone what would it cost us and why is it necessary. Smith explained that we need to address areas of risk and areas of planting. She explained that if Hailey did this on our own it would cost \$20,000 - \$25,000. There is no available staff to support this study in Hailey. Keefer representing Hailey Parks Foundation said they are willing to donate \$2,500 for this inventory towards the \$7,000. Mayor Davis said he does not think we have \$4,500. Dawson said that there was money in the LOT that was saved by HPD. Mayor Davis told Smith that she could go forward with the drafting of the JPA. It will then go for public hearing. Brown commended Jen Smith for her efforts. Mayor Davis was glad to see the municipalities working together.

### **PUBLIC HEARINGS:**

*PP 154 Sustainable Building Advisory Committee to present their recommendation on a new building program and discuss various options for consideration by the Council.*

Mariel Platt, Hailey Planner presenting a PowerPoint - which was given to council tonight and is posted on our website [haileycityhall.org/sustainability/committee/presentations](http://haileycityhall.org/sustainability/committee/presentations).

Matt Hall – Project Manager for Denver Construction  
Steve Thornton– Works in architecture  
Craig Barry – Director Environmental Resource Center  
Jolyon Sawrey – Architect  
Dwight Cornell – Dwight Construction  
Ward Gray – Interested in Green Building  
Garth Callaghan – Blaine County Sustainable Committee  
Brian Bothwell – Local Builder

The Hailey Sustainable Building Advisory Committee was created in 2008. Platt and some of the committee members went over the PowerPoint in detail. The committee discussed about 13 Green Building Programs which they reviewed. After they did the research they developed community outreach programs. The city's committee worked with the county's committee to coordinate 3 different community outreach events to solicit feedback from the public. Then they identified and prioritized goals using the feedback they received in public forums and the information they received from research conducted.

Craig Barry reviewed the Research/Stats results. Haemmerle asked why we used 5 times more natural gas than the rest of Idaho. Barry thinks is because of heated driveways/walkways for melting snow. Brown said not in Hailey, it is the larger homes in Sun Valley and Ketchum.

Matt Hall talked about the identified concerns and issues and Energy codes & Job Creation.

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Mariel Platt talked about Identified Concerns (slide 10 and 11 of presentation), specifically; will people choose to build elsewhere? She compared it to other cities Development Impact Fees (DIF). She pointed out communities that have green programs.

Craig Barry talked about incentive programs. Local, Federal, Idaho Power Rebates and State incentives.

Dave Ferguson Hailey Building Official talked about the committee's recommendations. Commercial and residential new construction and additions would be designed and built in a manner that increases the energy efficiency by 10%. Using 3<sup>rd</sup> party verified Home Energy Rating System (HERS) for residential and ComCheck for commercial. The lower score the better the project. Ferguson compared proposal against code. The State of Idaho has been behind the curve ball by about 2 years. The committee is proposing 10% above.

Jolyon Sawrey talked about Energy Efficiency's. The recommendation suggests that all new construction address: water conservation, waste management, indoor air quality and durability and assurance.

Brown asked about cardboard recycling. Sawrey said that it is currently voluntary. Haemmerle talked about water conservation. Sawrey talked about LEED certification and educating people about different low water user aerators on faucets and commodes. He said, "You only get what you inspect for." Sawrey went on to talk about addressing existing buildings with Energy Audits (no improvements are required currently). Alterations that require a building permit and affect the building envelope will require an Energy Audit.

Haemmerle asked about an addition that adds 500 sq ft. or more. He wanted to know if they would be required to get an energy audit for informational purposes only. Haemmerle verified the cost would be about \$300 to \$400 dollars. Keirn wanted to know if this would make the homeowner bring the home up to code. Platt verified that this would pertain to only the portions of the home that were being touched as is current in the building code.

Sawrey addressed building size through flexible based systems. Other recommendations to consider would be exterior energy consumption, in-lieu fees and exemptions (new construction, energy star, NAHB and LEED, additions: Home Performance with Energy Star)

Mayor asked Council and staff for questions. No further questions.

Mayor Davis opened the meeting up for public comment:

Brian Bothwell of 292 Winterberry Loop spoke to council. Bothwell explained that he is doing an Energy Star house in Northridge to get above the current inventory with the banks. He said it is a step tiered process. He feels this is a good time to make this happen.

Tom Swenson of 731 Bonanza Lane spoke to council. Swenson said that he read a 40 page document this morning regarding this topic. He supports the energy

efficient standards but does not support the mandatory energy audit. There are enumerable houses in Hailey that need upgrading. If you have a few thousand dollars to put into a home the additional 3<sup>rd</sup> party auditing would be difficult. He agrees with the standards but he does not think they should have to go through a mandatory 3<sup>rd</sup> party audit. Voluntary basis would be okay. He thought we may want to get more information on plans of submittal. This is a huge disincentive. There is principal involved.

Shana Switzer with Blaine County said there is tons of research out there on energy audits. Largest barrier is cost and information. People do not have information and do not feel comfortable. The energy audit provides the information needed. This is a huge investment in the home. The federal government is using this audit tool to be eligible for these upgrades. She feels it is an effective tool.

Brian Bennett a member of the Blaine County's Sustainability Committee and Bellevue resident spoke to council. The HERS Score can open interesting doors to the residents in the community. Energy Efficient related mortgages would be available to consumers. The HERS score will show this information. You can get more money to do the energy improvements with the energy audit. In order to qualify you must show a positive cash flow. By getting the HERS score done you can go to your lending institution and qualify for a bigger loan. Haemmerle asked if the public would be made aware by brokers etc. and wouldn't that be voluntary to do these things. Bennett said in a perfect world yes. It is not common for brokers to be familiar with this though. The idea is that people would have more money because they wouldn't be spending all their money on their utilities.

Hermie Haavick is a City of Hailey resident and a member of Blaine County's Sustainability Committee said that the educational component is huge.

Geoffrey Moore of 1250 Woodside Blvd. spoke to council. Moore has attended some of the Hailey Sustainability Building meetings and feels education is very important. He feels in lieu fees are a viable option and does not think anyone should be given an option to opt out of points. An old Hailey house could bring down the rating. He compared it to his home that he does not need a test to know he would fail.

Garth Callaghan of 211 West Cedar Street spoke to council. Callaghan said that there are two differences between the two recommendations. Blaine County is focused on Energy Efficiency. City of Hailey is 30% above code. 30% could be done very easily. He talked about having the energy audit on the existing and just be aware. County is suggesting they make the improvements.

Mayor Davis read Patrick Cox's comments that were sent in by email and are part of the packet.

Mayor Davis closed the Public Hearing and brought it back to Council for deliberation. Burke questioned if there was a HERS study done on existing homes and you do the recommended steps to enhance, do you then do another HERS Study. Sawrey said you would have to perform an audit before and after improvements were made to see the potential energy savings quantified. Platt said that the energy audit does not make you do these improvements. This is voluntary and for informational purposes only.

Haemmerle asked if this would this add 3% to construction. Platt stressed that it is up to 3%. You can save up to 10% because of the energy savings after improvements are made. Haemmerle said that he is on the fence. He feels the committee has done a great job and a voluntary program should happen. Construction costs plus 3% against short sales is a concern. He was encouraged by Bothwell's comments, and is okay with voluntary but undecided on mandatory.

Keirn agrees with Haemmerle. He likes the overall program with new construction but is concerned about remodels. He thinks we will be opening up a can of worms and there will be many administrative problems. Keirn questioned other cities 3<sup>rd</sup> party studies and cost control. Platt said that the market and the number of HERS ratings control the costs. Keirn said that the committee did an outstanding job. This will take a lot of work from all of us to get the details.

Brown said that she is enthusiastically in favor of this. She feels this should be beneficial to the community regarding Health and Safety and consumer information driven. Brown would like to see this as voluntary and move to mandatory. Education component is key to the success of this program. Brown asked about grant money and if we could use it to give rebates. Brown would like better understanding of the remodel component.

Mayor Davis said that he met with the committee a few weeks ago. A lot of other community's are already doing what this committee is suggesting. He said additional stakeholder outreach and education is a must and he said they should begin developing the recommendation in ordinance form.

Burke said she is in favor or making this mandatory now. If you offer a product that is better, that is the one that is going to sell. Let's broaden the appeal of people moving to Hailey because they can get better housing than other places. She sees this as making new jobs. She doesn't know how to address the remodels and retro fits.

Haemmerle pointed out that Burke said she can't wait to have an audit performed on her own house. He feels that we are forcing the public to go to school for something they don't want to do. He is against snowmelt and would go for an immediate change to our ordinance prohibiting it. He would like to see a Moscow model followed for Hailey. He is also for limiting the size of homes. Platt verified that council wanted more outreach education as well as a new ordinance in conjunction with bringing more information on the Moscow model, snowmelt, green model and grant money. Platt said that as for grant money, the city has \$35,000 to put towards community with commercial and residential audits with retrofits. Keirn wanted to clarify that he is not in favor of in-lieu fees, however, he can see collecting in-lieu fees if this will assist in cutting the cost of the audits.

Mayor Davis checked with staff to be sure they had what they needed and then gave a two minute recess before resuming the meeting.

*PP 155 Preliminary Plat Extension Request – West Maple Subdivision*

Beth Robrahn explained that the agenda item summary summarizes that it is an extension. Applicant is not here tonight. The main reason not to approve multiple extensions is in case of an ordinance change. Robrahn feels another one year extension would be fine.

Mayor Davis opened the meeting up for public comment. There were no comments and the Mayor brought it back to council.

**Keirn moved to approve extension of 1 year to the West Maple Subdivision. Haemmerle seconded; Motion carried unanimously.**

**OLD BUSINESS:**

*OB 156 2<sup>nd</sup> Reading of Ordinance No. 1055 – permit limited urban agriculture in all zoning districts that allow single family dwellings and establish standards for chicken coops.*

**Mayor Davis read ordinance.**

*OB 157 2<sup>nd</sup> Reading of Ordinance No. 1056 – Sign Ordinance amendments*

**Mayor Davis read ordinance.**

*OB 158 Discussion of agreement for development of the replacement airport and redevelopment of Friedman Memorial Airport.*

Williamson talked about the 3 drafts and highlighted changes. Williamson asked the County about having a different signature block put on the advisory committee. It's been drafted and sent to the county with a signature block. One of the other changes pertained to the Hailey Resolutions that were adopted. Tom Bowman sent a draft that did not address changes Williamson previously sent to County. They were not forwarded on to him. Williamson is confident that his changes will not create any problems. The third draft in council's packet on pg. 156 – 160 talks about the advisory committee. The Committee shall only consult with authority and advise county on issues related to the airport. They want us to change the location of the word only. So now it says "shall consult with authority and advise the county on issues related only to the replacement airport." Second change is on pg. 159 and deals with other stakeholders. Williamson added that the advisory committee is going to be one of the parties that will have principal responsibility with the airlines and the airport users.

Williamson's first suggested change was to put the word only in. He said we may be able to come up with different language or you can accept this change. Possibly add the words "limited to consultation and advisement." Keirn would like "only or limited" to be added. Brown is fine with "only." Mayor Davis is fine with "only." Haemmerle doesn't think the word "only" adds

anything to it. He is ok with only but doesn't see the need. Burke is good with item #3. She said that the county opted to put the committee in place. Burke doesn't want to put the FMAA in a position to fund this committee's expenses. It is up to the county to fund the services. Davis clarified that they are good with the memo.

### **NEW BUSINESS:**

*NB 159*

*Rodeo Grounds Redevelopment:*

- *Hailey Ice facility design amendments with increased fees to architect not to exceed \$17,755*
- *Parks & Lands Board Management & Ownership recommendations*

Davis met with Hailey ice last week and Nick Latham from RUSCITTO, LATHAM & BLANTON. Hailey iced toured facility in Colorado. He was impressed with their findings.

Latham presented the revisions that Hailey Ice came up with. It changes the floor plans that council has seen and approved. They added an office downstairs by the entry, added a control room and front desk, first aid room, waiting area for hockey teams, made changes to restrooms, modified concession and skate rentals, added a party room for meetings or birthday celebrations, added a figure skating locker room, and reconfigured the four of the locker rooms. They have eliminated individual restrooms and locker rooms. These changes increase some of the spans and structural components. Platform lift is relocated, relocated coaches and referee room, and reconfigured the zamboni room. Added 2 additional pop out areas for pads they want to install on the ice. On the second level they would like a cantilevered bleacher system. It hangs out over the ice. This will be more complicated to build but great way to maximize the use of the facility. They also added a large exercise area and video instruction room. The changes affect everything; Architecture, mechanical and design review approval. They will have to go back to get these changes approved. This has taken the month of April to make these changes. They have put together a proposal of hours in which they think they can make these changes. Haemmerle asked if all these additions will add to the cost of the project. Latham said yes. Haemmerle feels this is a mistake. Latham said a donor is out there. Brown is concerned about the money situation. She needs a known donor. Jim Laski said that he is on the Hailey Ice Board. They have been working with a donor and we should know before the election if the donor will come through. If he does come through they will be able to offset the cost for the ice rink portion of the project. Laski thinks we should not move forward on other plans where if we get a commitment from a donor we would be precluded from going back to this expanded plan. Brown wants to keep this plan in anticipation of this donor coming through. We currently have to commit \$17,000 or \$18,000. Williamson asked how much it will cost to get an estimate. Latham said they went forward on their own but feels it should only cost a few thousand dollars more. Williamson asked if he could come up with the estimate in two weeks. Latham said yes. Latham said he could do this for \$3,000.

**Brown moved to amend architectural fee proposal for additional \$3,000 to give us a cost estimate for what these additional changes will bring. Keirn seconded; Motion passed unanimously.**

*Parks & Lands Management & Ownership recommendations.*

Becki Keefer with the Parks & Lands Board is just beginning these management and ownership conversations. They wanted to be sure the Sawtooth Rangers would be able to do the 4<sup>th</sup> of July activities. There will be no other lease on the arena or skate park. Bottom line to the board is the facilities will be used year round. Maintenance of building will not be the Hailey Tax Payers responsibility. The Hailey Ice Facility is still up in the air. Williamson reiterated that Hailey Ice will be responsible for reservations. Hailey Ice will have a lease. Laski asked who will be responsible for the upkeep of the park. Williamson said that the user will be responsible for any extra expenses. Brown said that there are still a lot of details to be worked out.

*NB 160 Discussion of mid-valley Fire and EMS services plan to pay for Fire Study Consultant, with authorization for Hailey to pay up to 50% of the study costs.*

Dawson put a staff report in packet regarding the selection of a consultant. Since writing the report, Bellevue said they cannot pay any money toward the study. At this time we need council to let us know if we should continue the study. The City of Hailey would have to pay half the cost of the consultants and Wood River Rural would pay the other half. Council and Mayor were in agreement with this. Keirn asked what the plan is to replace Carl Hjelm. Dawson explained that there will be a delay due to the cost of the study.

*NB 161 Introduction of Franchise Ordinance – Idaho Power*

*NB 162 Decision re: Tree Committee's proposed joint powers agreement with City of Ketchum for Tree Inventory.*

### **STAFF REPORTS:**

Tom Hellen, Public Works Director talked about the sign ordinance regarding Site Triangles for the corners. They are pretty intense when looking up. This is for signs that are under 3 feet tall, no 4 foot signs.

Mayor Davis closed the meeting at 8:15pm.

### **EXECUTIVE SESSION:**

*Pending & Imminently Likely Litigation (IC 67-2345 f/j)*

*Personnel Issues IC 67-2345 (1) (a)*

**Motion to go into executive session Haemmerle made motion to go into executive session for Pending & Imminently Likely Litigation (IC 67-2345 f/j) and Personnel Issues (IC2345 (1) (a) Burke seconded; Motion carried with roll call vote.**

The executive session was called to order at 8:20 pm, with Mayor and Council, Williamson, Robrahn and Dawson present. Robrahn left at 8:30 and Susan McBryant joined the meeting from 8:30pm to 9:00pm.

**Mayor and Council ended executive session at 9:00 p.m.**

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Rick Davis, Mayor

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Mary Cone, City Clerk