

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD SEPTEMBER 27, 2010
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, Don Keirn, Fritz Haemmerle, and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson, and City Clerk Mary Cone.

RODEO UPDATE:

5:30:48 PM Nick Latham of RLB gave an update on the site work at the Rodeo grounds. The Northwest section of the skate park has been removed in preparation of the new construction. Hailey Ice interviewed and hired a contractor – Young Construction for the ice rink facility. Today GeoEngineers were onsite looking at the excavating. As of today they received comments back from the 3rd Party Reviewer on the Rodeo Grounds project. Latham suggested that council may want to have a special meeting to review the bid packages in mid October.

CONSENT AGENDA:

CA 420	Motion to approve application to Idaho State Historical Society for CLG grant FYE 2011 for Hailey Crossroads Interpretive Panel & Brochure	1
CA 421	Motion to authorize the award of a contract to Thornton Heating & Sheet Metal for installation of an Energy Recovery System at the WW Treatment Plant	9
CA 422	Motion to approve Statement of Work for the Community Preparedness Day Award	11
CA 423	Motion to authorize the mayor to sign the Non-Standard Application Warranty Acknowledgement from Solyndra, Inc. for the Photo Voltaic system installation at the Wastewater Treatment Plant	15
CA 424	Motion to authorize the mayor to sign a Professional Services contract with Harmony Design & Engineering for the Downtown Revitalization ICDBG Grant Application preliminary design for a not to exceed amount of \$41,943	21
CA 425	Motion to authorize city staff to negotiate a Professional Services contract with J-U-B Engineers for Engineering Services for Grant Administration Services for the Downtown Revitalization ICDBG Grant Application preparation	35
CA 426	Motion to authorize city staff to negotiate a Professional Services contract with J-U-B Engineers for Engineering Services for Preliminary Engineering for the Woodside Blvd. reconstruction project	53
CA 427	Motion to approve a revised contract with Idaho Tower to add additional antenna and transmitter to the towers on Della Mtn. and authorize the mayor to sign following the City Attorney’s review	57
CA 428	Motion to approve special event and authorize mayor to sign request approval for The Advocates Walk the Walk at the lot adjacent to Bank of America on 10/2/10 from 11 am to 1 pm	61
CA 429	Motion to approve special event and authorize mayor to sign request from Hailey Chamber of Commerce to Close Carbonate Street between Main & 1 st Ave N on the 1 st Thursday 10/7/10 from 4-7pm	69
CA 430	Motion to approve special event and authorize mayor to sign request for the Wicked Spud’s 1 st Annual Fall Fest Special Event to be held 10/2/10 from 3 – 8pm	77
CA 431	Motion to ratify signature on form 8283 for real property donated to the city by Old Cutters, Inc.....	83
CA 432	Motion to approve Findings of Fact, Conclusions of Law and Decision – CSM Condominium Final Plat approval.....	89

CA 433	Motion to approve Proclamation for Advocates – October 2010 Domestic Violence Awareness month and authorize mayor to sign and read at the event on October 2 nd	95
CA 434	Motion to approve claims for expenses incurred during the month of August 2010	97

Consent Agenda items 421 & 424 were removed by Dawson.

Consent Agenda items 425 & 426 were removed by Haemmerle.

5:37:07 PM Haemmerle moved to approve all consent agenda items minus CA 421, CA 424, CA 425 and CA 426 seconded by Burke, motion passed unanimously.

CA 421 5:37:30 PM Hellen clarified that the amount is a maximum and not to exceed \$45,117.00, they are working with the contractor to reduce this amount. Hellen also asked council to amend the motion to allow the mayor to sign pending city attorney approval.

Brown moves to approve award of contract to Thornton Heating and Sheet Metal and amend the original motion to authorize the mayor to sign pending city attorney review and stating that the amount \$45,117 is a not to exceed amount, seconded by Keirn, motion passed.

CA 424 – Hellen handed out a document to council before tonight’s meeting, revised the scope of work and amount not to exceed – reducing the expense by approximately \$10,000. Brown asked a question about the preliminary costs – was it originally thought to be around \$15,000 total cost? Hellen explained that he thought originally that this was a “ballpark” amount.

Haemmerle asked if this contract was only phase 1 of a 2 phase process. Dawson confirmed this is just phase 1. If there is a phase 2, then a RFQ will be sought answered Dawson.

5:44:56 PM Brown moves to approve pending review by city attorney noting minor changes on scope of service and cost estimates, seconded by Keirn, motion passed.

CA 425 – 5:45:35 PM Haemmerle meant to pull only item CA 426.

Brown moves to approve CA 425, seconded by Keirn, motion passed.

CA 426 – 5:46:34 PM Haemmerle selection committee scoring....Haemmerle suggested that going forward that the candidates are given a numerical value 1-6 instead of a number ranking because each individuals score will carry the same weight. The way this item was ranked it seems as though some individuals scoring could carry more weight than others. Hellen explained the ranking process and why it was used.

Haemmerle asked if this can be a 2 phase process also. Hellen indicated that it might be difficult to split this into a 2 phase process because of timing within the grant process. Dawson added that this grant application has already been filed, and shovel readiness is key.

Haemmerle moves to approve 426, seconded by Burke, motion passed unanimously.

MAYOR'S REMARKS:

[5:52:55 PM](#) – Mayor Davis announced that Becky Stokes is celebrating her 5 year anniversary at the city.

PROCLAMATIONS AND PRESENTATIONS:

PP 435 HHPC presentation on historical building plaques

[5:53:28 PM](#) Rachel Wolfe Historic Preservation Commission member spoke to council. Wolfe asked council's feedback on the sample of the sign in tonight's packet. Burke is excited about this project. Keirn and Brown are in agreement with Burke. Four other signs are in the works, they will approach the 4 owners after tonight's approval from council to move forward. At this time all of the signs are for Main Street buildings.

PP 436 LEAP grant project presentation

[5:56:21 PM](#) Jim Zarubica Assistant City Engineer recently hired explained to council that part of his job is to work on this energy assurance plan and displayed a presentation during his discussion. There are currently 42 cities working on this plan. Hailey is the 3rd smallest city working on this grant. The goal of the program is to create a local energy assurance plan in case of an emergency situation explained Zarubica. The LEAP program intends to answer 2 questions – what to do in an emergency and what to do to prepare for an emergency situation. Zarubica then further explained the LEAP process and the purpose – for example: knowing what our (city's needs) energy needs are so that we can plan for continuity of services during an energy disruption. Zarubica explained that a mutual aid agreement will be sought with other agencies to share resources at some point in the future. Once the plan is in place, exercises will be performed and the plan modified as needed to prepare for an energy outage. A final plan will be presented in the spring of 2012. "Ready Hailey" an emergency preparedness event is scheduled at the Hailey Public Library on Saturday Oct 23rd from 1-4 pm.

PP 437 Wood River Arts Alliance – National Arts and Humanities month October 2010

[6:13:02 PM](#) Mayor Davis read the proclamation.

APPOINTMENTS AND AWARDS:

AA 438 Re-appointment of April MacLeod to another 5 year term on the Hailey Public Library Board

[6:14:21 PM](#)

Brown moves to reappoint April MacLeod to another term to the Library Board, seconded by Keirn, motion passed unanimously.

AA 439 Tree Committee Re-appointment (1) Tom Ward for another 3 year term

[6:15:42 PM](#) **Brown moves to reappoint Tom Ward, seconded by Keirn, motion passed.**

PUBLIC HEARINGS:

Mayor Davis moves PH 442 to the top of the Public Hearing discussions.

PH 442 Approval of Airport Master Plan final scope of work and consideration of Memorandum of Understanding (Planning for Redevelopment of Friedman Memorial Airport site)

[6:16:49 PM](#) Beth Robrahn gave council an overview of this process. The final scope of work is spelled out in the document before council in tonight's packet. Council saw the preliminary scope of work in July – this document has been slightly revised.

Pages 216-218 – Williamson referred council to the agreement in their packet. Williamson referred to the scope of services (referring to email on pages 213-214 of the packet) and how the FAA wants to maximize the revenue generated from the sale of the (Friedman) airport property. Williamson asked council to discuss the options given – move forward with consultants or try to negotiate different arrangements with FAA, and Mead/Hunt – causing a delay in this decision. Williamson suggested that council consider 3 things a) look at scope of services and decide how to proceed b) how to deal with Totuses suggestions c) how to deal with the MOU agreement.

[6:25:24 PM](#) Rick Baird Friedman Memorial Airport Manager spoke to council. Baird suggests that the FMAA talk to the FAA to make the financial plan as effective as possible. Second, Baird recalled that the FAA agreed to pay for this entire study which is AIP eligible, in return they want the analysis and feasibility study to be as accurate as possible. If we start over it could mean a delay of 4-5 months. Baird's concern is the delay if council wishes to start over.

[6:29:17 PM](#) Brown asked if the FAA's comments are incorporated in the documents. Baird confirmed that yes, there comments are included. Does the FAA have comments on the MOU? Baird answered that FAA has seen the document but they probably won't comment on it since it is not involving them.

Public comments:

Marty Flannes of 126 S. Main Street in Hailey. Flannes represents Totus and is also a city resident. Flannes feels that this could be more of a visible public process. Flannes thinks that the scope of work is lacking and so is the MOU. Flannes has been looking for a RFQ to be announced which never was. Flannes would have liked the opportunity to bid on this project. Flannes explained his firm's qualifications to do a project such as the redevelopment of the airport site. Flannes feels that the timeframe quoted at 5 months is too long and his firm could do the work in 3 months. This is the most important decision that council will make – Flannes urges council to consider his thoughts.

[6:42:56 PM](#) Brown summarized what her understanding of the process is...if we want to select another firm then this could mean that payment is not fully supported by the FAA and could result in a delay. Brown would like to see the process move forward.

[6:45:28 PM](#) Haemmerle recounts his remembrances of this process. If we go out for RFQ then the FAA might not pay for it. Then the FAA said, Mead & Hunt can do this, if so, and then the FAA will pay for the study. There wasn't a selection process; it was at the request of the FAA to go with Mead & Hunt. Keirn remembers we were prepared to go out for the RFQ but we weren't sure how to pay for it.

[6:50:43 PM](#) Burke recounts her thoughts on this process and how it transpired. Burke doesn't want to see a delay in the process at this point.

Haemmerle asked if they are comfortable with this firm for the redevelopment process? [6:53:21 PM](#) Baird answered Haemmerle's question.

[6:56:28 PM](#) Brown is happy with the scope of services and the MOU. Keirn is in agreement with Brown.

[6:57:15 PM](#) **Brown moves to approve scope of services, seconded by Keirn, motion passed unanimously.**

[6:57:42 PM](#) **Brown moves to accept the MOU and authorize the mayor to sign, seconded by Keirn, motion passed unanimously.**

PH 443 A city initiated text amendment to all sections of the Hailey Comprehensive Plan. The Planning & Zoning Commission recommended approval on June 21. Continued on the record from July 26, 2010

Brown moves to continue meeting to special meeting workshop date 10/18/10, seconded by Keirn, motion passed unanimously.

PH 440 A city initiated text amendment to Chapter 15.08, Building Code of Hailey Municipal Code. The amendments would adopt the 2009 International Energy Conservation Code (IECC) as amended and the Build Better Program, requiring an increase in energy efficiency 10% greater than the 2009 IECC and addressing other sustainable building practices including, but not limited to, indoor water conservation and construction waste recycling. If adopted the amendments would become effective January 1, 2011. This was previously noticed for August 23, 2010 and postponed by the Council to September 27, 2010

Mariel Plat, Hailey City Planner introduced committee members in the audience Jolyon Sawrey, Craig Barry, Troy Quesnel and Matt Hall. Plat gave an overview of the tasks this group has completed, including workshops, public seminars and presentations to local organizations. Plat displayed a presentation to council while she spoke. Plat reviewed the actions which would be taken to adopt these amendments and which types of construction it would apply to. New construction would be 10% more efficient than the current code requirements. To existing

buildings there would be some exemptions. Plat reviewed when existing building construction would require an energy audit. Plat suggested a voluntary period of adoption of this process would enable time for city staff to communicate these changes to the public.

[7:15:56 PM](#) Keirn asked if this would be an increase in inspections. Dave Ferguson Building Official answered; there would not be an increase in fees to support this new process. Plat answered no for the planning department too – no real additional time increase in administrative efforts. Keirn asked how much more expensive would it be?

[7:20:28 PM](#) Rebecca Bundy works in the Planning Department at the City of Ketchum, comments that she believes the 2009 Building Code will require pressure testing of air ducts in homes. Bundy adds that pressure testing is one of the aspects reviewed when doing the energy audit.

Plat and Ferguson will work on getting an estimate on construction costs increases if we were to adopt this proposed amendment.

[7:23:05 PM](#) Plat reviewed questions that council had posed in previous meetings. How much recycling costs would be for clean wood and cardboard was one cost she reviewed. Plat reviewed ways to reduce costs and implement this program. Plat reviewed the various programs and how they rank in upfront costs – comparing LEED, Energy Star and the proposed amendments.

[7:26:42 PM](#) Jolyon Sawrey committee member answered Keirn’s question – he believes it would be a 0-2% increase in cost of construction. Sawrey thinks the 10% increase above code is a step in the right direction.

[7:28:38 PM](#) Heather LaMonica Deckard of 120 South 3rd Ave. spoke to council. Deckard gave comments that she heard in a meeting with the Hailey Chamber of Commerce. There were builders at this meeting. Two comments that came out of the discussion were the suggestion to make it voluntary, and some people wondered why an audit would be required on the part of the house not being remodeled.

[7:30:42 PM](#) Tony Evans, Idaho Mountain Express – how many jobs would be created if implemented. Plat answered, there are folks already doing this in the valley. Plat explained that education with the CAARP program; people are more aware of the benefits and are willing to spend the money to save money over time. Sawrey added that window contractors and heating contractors are getting work due to these types of jobs.

[7:34:33 PM](#) Janice Switzer Hailey citizen comments that this would reduce demand on our energy consumption.

[7:36:08 PM](#) Craig Barry with the ERC in Ketchum comments to council. Barry reiterates the comment made by Mariel Plat that only 20% of the additions and alterations would have been required to do this energy audit (2009 Hailey building permits) and cost.

[7:37:45 PM](#) Peter Lobb of 403 E. Carbonate asked if this is such a great deal then why would be forcing people to do it? Lobb doesn't understand why we would regulate this. Lobb just had an audit and the findings were really off track...the audits are not exact science.

[7:39:24 PM](#) Bob Crosby with the Sawtooth Board of Realtors spoke to council. Crosby supports a voluntary program not mandatory. This may not be the right time to create a revenue stream from our citizens. Crosby agrees with Lobb. The 10% increase is over the 2009 code and 20% over the existing code 2006. The point system required – what is the mitigation of this if I choose to move forward anyway.

[7:43:31 PM](#) Marty Flannes of 126 S. Main Street in Hailey owns Developing Green a building consulting business spoke to council. One of the metrics not shown tonight is the 20 year life of the building – 12 times payback over a 20 year period. LEED buildings tend to have a higher value and will qualify for “green” loans. There are more economics that favor adopting this process.

[7:45:55 PM](#) Bob Crosby with the Sawtooth Board of Realtors spoke to council and asked about the costs. Crosby asked if it was a percentage of costs increase. Mayor Davis suggested that Crosby call Plat in the morning to get more information.

[7:46:40 PM](#) Shannon Switzer feels that we need to prepare our workforce for the 2012 code adoption.

Brown asked for small, medium and large project costs to help council assess this situation.

Keirn asked if these individuals are licensed. Plat answered that they are certified. Sawrey added additional information regarding the certification process and who oversees it. There are two certifications one is overseen by the Office of Energy Resources.

[7:52:10 PM](#) Burke is prepared almost as presented but she is concerned with the timing of the adoption. Burke would like to see a voluntary program for 1 year while education and communication is conducted.

[7:55:43 PM](#) Haemmerle agrees with Burke on the timing because of the recession we are experiencing. Haemmerle is in favor of the 1 year voluntary compliance and reevaluate it at the end of the year. Haemmerle is concerned with the building costs in Hailey. Haemmerle would like to see a couple of options of where we could reduce costs. Haemmerle is concerned that adding one window would warrant this energy audit.

[7:58:35 PM](#) Keirn is in agreement with the 1 year voluntary period and reassess at the end of that year.

[8:01:21 PM](#) Brown likes the 1 year voluntary period and would like to know if building costs in Hailey are really the most expensive in South Central Idaho.

[8:02:52 PM](#) Dawson asks for clarification from Haemmerle – building permit fees or construction costs comparisons. Haemmerle says both.

[8:03:41 PM](#) Plat suggested to council that they continue to the next meeting date.

[8:03:49 PM](#) Brown moves to continue to Oct 11 meeting, seconded by Haemmerle, motion passed unanimously.

PH 441 Consideration of updating the approved deed covenant for Old Cutters workforce market community housing units

[8:04:30 PM](#) Kathy Grotto BCHA presented the amended deed restriction document to council. Grotto gave council an overview of the process/discussions with John Campbell to assess the workforce deed restriction contract. Grotto explained the requirements – including that owners would be required to live in the house for 9 months before selling. Grotto explained the changes applicable to deed restricted homes and income restricted homes. This has been approved by Old Cutters, LLC.

[8:09:48 PM](#) Keirn wondered about the change from 11 months to 9 months. Grotto answered by giving a typical situation for a teacher.

[8:10:25 PM](#) Williamson asked about the flip clause – he doesn't understand the language. He would like this to be clearer – he understands what the intent is. Grotto is okay with revising this language.

Public comments:

[8:12:10 PM](#) Peter Lobb of 403 E. Carbonate thinks this is a good idea.

[8:13:01 PM](#) Brown makes a motion to accept the proposed Workforce Market Deed Covenant pending mentioned wording change by the city attorney, seconded by Keirn, motion passed.

NEW BUSINESS:

NB 444 Discussion of Corporate Sponsorship Proposal for Hailey Rodeo Park Interpretive Center Exhibit and authorize mayor to sign proposal letters

[8:14:25 PM](#) Tracy Anderson gave an overview of the project to the council. Anderson let will give a project overview and then Lorna Hazelton and Heather Dawson will speak. The intent is to tell the story of Hailey with this interpretive center. Anderson explained the funding strategy – applying for 2 of 4 available grants – Idaho Humanities Council grant and National Endowment for Humanities next year. Also, corporate sponsorship is being sought in case grant funding is not secured.

[8:23:10 PM](#) Lorna Hazelton of 34 Horseshoe Circle spoke to council. Hazelton recounts the feelings which were expressed during the demolition of the old Rodeo Grounds and the desire to preserve the history of our city.

[8:24:45 PM](#) Dawson spoke to council about the corporate sponsorship funding strategy. We are targeting only 5 corporate sponsors in hopes of securing several at \$50,000 each. The idea is to continue sending letters to potential sponsors in each of the categories. Staff is seeking council's approval of this process and comments or concerns.

[8:27:15 PM](#) Haemmerle disapproves of this process. Not one of these potential sponsors is a local entity.

[8:28:30 PM](#) Brown asks a question – why was this not put in the bond. The construction of the building yes, but the interior no answered Dawson. Brown would prefer to go for the grants before asking for corporate sponsorships.

[8:31:14 PM](#) Burke doesn't want to go back to the community to ask for more money – we are already paying with the bond funding. Burke feels it is time for others to support on a temporary basis – 5 years at a time. Burke believes there are corporate sponsors out there willing to give.

[8:37:02 PM](#) Brown would like to try for the grants before going to the corporations.

[8:46:22 PM](#) Brown amends her motion to move forward without asking for corporate sponsorship now, seconded by Haemmerle, motion passed unanimously.

NB 445 Chamber of Commerce request for current contract amendment

[8:47:41 PM](#) – Heather LaMonica Deckard with the Hailey Chamber of Commerce spoke to council. Deckard is asking council to remove the caps on the contract. Deckard explained the second request – combined marketing effort for the 4th of July – and in return 1/3 of funds raised up to \$5,000 maximum would be paid to the Hailey Chamber for their marketing efforts.

[8:52:28 PM](#) Dawson points to page 287 in packet the agenda summary. The contract amendment is for the current contract due to expire this month.

[8:53:36 PM](#) Brown understands the intent for the changes. How do we show accountability for expenses in each category if we eliminate the caps, asked Brown. Lamonica Deckard offered a suggestion – approval of a certain amount.

[9:04:34 PM](#) Dawson points council to page 290 and 291 in packet which shows the sponsorships and levels for the Hailey 4th of July Parade and Fireworks show.

[9:07:25 PM](#) Brown moves to amend the contract to services to pay the Chamber for this fiscal year only (ending September 30, 2010) to pay not to exceed \$74,000 upon language approval by city attorney, seconded by Keirn, motion passed with Burke opposing.

NB 446 Discussion of State vs. Pemberton and potential ramifications to Hailey speed limits

[9:10:21 PM](#) Williamson told council that a plea arrangement has been offered which removes the concern around this issue.

NB 447 Council review of the revised Leak Repair Refund Policy

[9:10:44 PM](#) Hellen referred council to page 305 in council packet. This will not go into effect until the ordinance amendment is adopted.

Brown appreciates this consideration and the approach staff is making to accommodate leak issues. Keirn, Burke and Haemmerle are also in favor.

OLD BUSINESS:

OB 448 2nd Reading of Ordinance 1070 – Pre-treatment

[9:13:04 PM](#) Mayor Davis conducted the 2nd Reading of Ordinance No. 1070 by title only.

STAFF REPORTS:

[9:14:09 PM](#) Brown may be out of town on Oct. 18th. Brown will be going to the emergency operations center next week for training.

[9:14:27 PM](#) Keirn gave a handout to Mayor and Council from the Economic Development Corp. – Keirn wants to know if they will give another \$1,000. Council said no, there are no extra funds.

[9:15:44 PM](#) Mayor Davis brought up a water bill issue at the Blaine County Historical Museum. Who should be responsible for this bill? There is no way to put a meter on this property added Hellen. Council wants to wait to give an answer on this situation.

[9:17:42 PM](#) Williamson handed out to council a memorandum from SPF Engineering regarding Conjunctive Administration Mitigation Options and asked that council read the document.

Mayor Davis concluded the meeting at 9:18 P.M.

Rick Davis, Mayor

Mary Cone, City Clerk