

**MINUTES OF THE SPECIAL MEETING OF THE  
HAILEY CITY COUNCIL HELD  
MONDAY, DECEMBER 20, 2010  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Special Meeting of the Hailey City Council was called to order at 5:00 p.m. by Mayor Rick Davis. Present were Council members Carol Brown, Fritz Haemmerle, and Martha Burke. Staff present included City Attorney Ned Williamson and Robin Crotty.

**Open Session for Public Concerns:**

Peter Lobb, 4<sup>th</sup> and Carbonate, positions vacated are not re-hired during the past few years, good balance in budget, saving City money...two ads for new staff jobs in planning/bldg...do we need another planner right now? Economy is still slow, might constituents appreciate holding on these jobs?

**Executive Session:**

*EX 593 Pending & Imminently Likely Litigation (IC 67-2345(1)(f))*

5:04:30 PM Fritz moves to go into Exec Session, don 2nds, roll call ayes across, mayor recuses self.

5:23.57 PM Mayor calls meeting back to order.

**Consent Agenda:**

*CA 594 Motion to approve conceptual public art designs for the Hailey Rodeo Park, as presented in the December 13, 2010 City Council meeting*

*CA 595 Motion to approve the contract with Burks Excavation, LLC for the Rodeo Grounds Site Work and authorize the Mayor to sign*

*CA 596 Motion to authorize the Change Orders for the Rodeo Grounds Multi-Use Arena as outlined below and authorize the Mayor to sign*

*CA 597 Motion to approve the contract with CBS Constructors for the Rodeo Grounds Bleachers and authorize Mayor to sign*

*CA 598 Motion to approve revised Summary of Ordinance 1074, which ordinance adopts the 2009 International Energy Conservation Code*

*CA 599 Motion to approve Summary of Ordinance 1077, which adopts the 2009 International building Code*

~~*CA 600 Motion to approve claims for expenses incurred during the month of December, 2010*~~

**Motion to approve Consent Agenda is made by Don Keirn, Fritz Haemmerle seconds, and the motion passes unanimously.**

Heather Dawson explains the reasons for changes in CA 600. **Fritz Haemmerle moves to approve CA 600 with those changes, Don Keirn seconds, and the motion passes unanimously.**

**MAYOR'S REMARKS:**

Blaine Regional Leadership meeting tonight.

**Fritz moves to amend the agenda to include PH 604 as public hearing item, and to redesignate what had been NB 604 to NB 605. Don Keirn seconds. Mayor recuses self from 605 and from 602 and 603. (5:28:12 and before)**

**NEW BUSINESS:**

*NB 605            Consideration of settlement agreement (Sweetwater v. City of Hailey)*

Ned Williamson believes the parties have reached an agreement. Documents are drafted and circulated for review. However, while the lender for Sweetwater has agreed to material terms of the agreement, the lender has not yet approved the documents. Mr. Williamson suggests that the Council continue this matter to a date certain.

**Motion to continue until December 27, at 5:00 p.m. is made by Carol Brown, Don Keirn seconds, and the motion carries unanimously.**

**PUBLIC HEARINGS:**

*PH 602            An application by ARCH Community Housing Trust for a Planned Unit Development (PUD) Agreement of 24 new residential units, located on AM Lot 2, Block 1, Sutton Subdivision (731 River St. N.) within the business (B) zoning district. The Planning and Zoning Commission recommended approval on July 19, 2010 (continued from Sep. 13, 2010, Oct. 11, 2010, Oct. 25, 2010, Nov. 8, 2010, Nov. 22, 2010, Nov. 29, 2010 and Dec. 13, 2010)*

5:30:45 PM Ned Williamson clarifies language that should be changed in this PUD Agreement to reflect the actual numbers of units available for seniors earning less than 50% of the area median income, and for those earning less than 60% of the area median income. He drafted new language and earlier shared it with ARCH with no objections.

Carol Brown calls out the density exception for this PUD at 5:36:00, and Don Keirn concurs that this PUD is in the highest and best interests of the City. Fritz Haemmerle reminds Council of the need for clear title.

**Carol Brown moves to approve the PUD application for River Street senior housing, located on AM Lot 2, Block 1, Sutton Subdivision (731 River St. N. ) finding that the project is in conformance with Section 10.5.4.c.1-10 of the Hailey Zoning Ordinance and conditioning it with conditions A-D as shown in Council's meeting packet and**

**adding the following conditions: E-modifying the language of the PUD Agreement modifying Section 2.D.1 to reflect a 23-unit, 3-story apartment building for senior housing, with one unit for a manager for a total of 24 units; modifying D.6 to reflect 23 units for qualifying seniors and one unit for the manager and that half of the units (12) shall be affordable and restricted to those earning less than 60% of the area median income, the other 11 units shall be affordable and restricted to those earning less than 50% AMI; adding condition F that this approval is contingent upon an approved and executed Settlement Agreement; and adding condition G that the city have clear title to this property. Motion is seconded by Don Keirn, and carries unanimously.**

*PH 603 Consideration of Ground Lease for River Street Property with River Street Apartments Limited Partnership (continued from Dec. 13, 2010)*

Ned Williamson explains details of the Settlement Agreement, PUD Agreement language, Findings of Fact language, and Ground Lease language. After discussion, **Carol Brown moves to continue approval until December 27, 2010, Don Keirn seconds, and the motion passes unanimously.**

Mayor Davis returns to meeting at 5:45:08 p.m.

*PH 601 A city initiated text amendment to all sections of the Hailey Comprehensive Plan. The Planning and Zoning Commission recommended approval on June 21. Continued on the record from Sep. 27, 2010, Oct. 18, 2010 and Dec. 13, 2010*

Beth Robrahn explains changes reflecting concerns about building heights and scale, and several edits to the land use map. Mayor Davis opens the meeting to public comment.

Peter Lobb, 4<sup>th</sup> and Carbonate, does not understand why the map designates a neighborhood service center since that land is outside city limits. He would also like to see stronger language discouraging or disallowing taller buildings.

5:50:09 p.m. public hearing closes.

Council discusses ways in which the Ordinance will support the concerns about language in the Comprehensive Plan concerning building heights, and further discussion of language concerning relocation of the airport.

**Carol moves to approve the proposed amendments to all sections of the Hailey Comprehensive Plan as shown to Council with minor adjustments to the language regarding the airport in Section 5, and to authorize the Mayor to sign Resolution 20.10.18 to approve the new Hailey Comprehensive Plan. Don Keirn seconds, and the motion passes unanimously.**

*PH 604 Discussion and Consideration of an Amended Joint Powers Agreement Concerning Airport Authority Governance*

6:01:03 p.m. Ned Williamson recommends tabling this until the County Commissioners finish their meetings on this matter. **Carol Brown moves to table this item. Don Keirn seconds.** Fritz initiates some discussion about consensus amongst the County Commissioners. **At the call for the question, motion carries unanimously.**

**OLD BUSINESS:**

*OB 606          2<sup>nd</sup> and 3<sup>rd</sup> reading of proposed Ordinance 1078 to revise Chapter 13.04 of the municipal code to address measures to resolve meter reading disputes*

**Carol Brown moves to waive the second and move to the third reading of Ordinance 1078 and to authorize the Mayor to sign it. Don Keirn seconds, and the motion carries unanimously.**

**STAFF REPORTS:**

*SR 607          Administrator's December Report*  
Tom Hellen reports on snow removal progress.

6:04:28 p.m. Mayor Davis adjourns the meeting.