

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD JUNE 14, 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.

Tom Hellen Public Works Director and Engineer introduced new employee Jim Zarubica the Assistant City Engineer.

Open Session Comments:

[5:31:33 PM](#) Jane Drussel with Jane's Artifacts spoke to council regarding the South Valley Merchants Alliance (SVMA) recent carnival. SVMA will keep 20% of funds raised for economic growth. It was very successful despite the weather on Fireworks fund will end up with about \$3,000. Drussel named some of the businesses that participated in this fund raising event.

[5:34:50 PM](#) Bob MacLeod 417 E. Myrtle spoke to council. If anyone is interested in participating in the Smithsonian exhibit coming soon to the Museum (September 3rd), submit a story which is 100 words or less explaining how you or your family arrived in Blaine County or tell the journey of your family. Submit them to the Blaine County Historical Museum PO Box 124 in Hailey or drop it off at the Museum in person.

AIRPORT ISSUES:

[5:35:47 PM](#) Discussion of MOU for Airport

[5:36:19 PM](#) Ned Williamson pointed council to the MOU in packet page 1-6. The council has reviewed several drafts of this document. Williamson spoke with all interested parties with the county, city, members of the airport authority and have come up with the draft in tonight's packet.

Brown is fine with the changes. Keirn is in agreement with Brown. Burke is fine with the clarification. Haemmerle is disappointed in the process but is fine with the language in this document. McBryant is okay with the language in the document, explaining that the FMAA would be responsible for the funding process – decisions.

Burke moves to approve the amended agenda, seconded by Brown, motion passed unanimously

CONSENT AGENDA:

CA 211	Motion to approve Fireworks permits/stands for Bruce Weaver/Outlet Fireworks and Phantom Fireworks.....	11
CA 212	Motion to approve and authorize the Mayor to sign FY 2011 Safe Routes to School State/Local Agreement for sidewalk along Woodside Blvd; adopt Resolution 2010-07 and authorize Mayor to sign.....	17
CA 213	Motion to authorize the Mayor to sign grant agreement with Idaho Department of Parks and Recreation for a restroom at the RV dump station.....	63
CA 214	Motion to ratify Mayor’s signature on EECBG Phase Two Grant Contract with the State of Idaho Office of Energy Resources (OER)	71
CA 215	Motion to ratify Mayor’s signature on letter to ITD regarding Mountain Rides Transportation Authority SGR Application.....	107
CA 216	Motion to approve a noise waiver for the Friedman Memorial Airport for work until 9 pm on June 22, 2010.....	109
CA 217	Motion to approve and authorize the Mayor to sign Agreement for Material with Glendale Construction for the supply of chips for the chip seal project	111
CA 218	Motion to approve and authorize the Mayor to sign ARCH authorization letter to allow for testing to be conducted on the River Street property.....	117
CA 219	Motion to approve Findings of Fact, Conclusions of Law and Decision – Rezone of Lots 1-3, Block 69, Hailey Townsite	119
CA 220	Motion to approve Special Event Sheeptown Drag Nationals on June 24 th from 7 – 10 pm on River Street.....	125
CA 221	Motion to approve Special Event Farmers and Artists Market at property located between Sturtevant and Bank of America on Thursdays June 10 – Oct 7, 2010 12 – 8 pm.....	135
CA 222	Motion to approve Special Event “A Month of Art” in Hailey – events take place between July 1 – 31 mostly around business core on Main street and vicinity	145
CA 223	Motion to approve Special Event 13 th Annual Trailing of the Sheep Festival at Mc Kercher Park on Oct. 9 from 8-5pm.....	161
CA 224	Motion to approve minutes of May 24, 2010 and to suspend reading of them.....	171
CA 225	Motion to approve minutes of May 26, 2010 and to suspend reading of them.....	181
CA 226	Motion to approve claims for expenses incurred during the month of April 2010.....	185
CA 227	Motion to approve Treasurer’s report with LOT report and Capital Projects report – Rodeo Grounds.....	221

Mary Cone pulled CA item 226
Mayor Davis pulled CA item 224

5:42:20 PM

Haemmerle moved to approve all consent agenda items minus 224 and 226, seconded by Burke, motion passed unanimously.

Mayor Davis called attention to page 173 in packet, fourth line from the bottom of page should read Chancey McGraw not Johnson McGraw

CA 224 – Cone announced that the agenda line should read May 2010 not April 2010, the report date is correct as shown in packet.

Brown moves to approve CA 226 expenses for May 2010, seconded by Keirn, motion passed unanimously.

MAYOR’S REMARKS:

MR 228 Mayor’s comments regarding Community Oversight Committee’s recommendation for Lowest Police Priority Act

[5:43:58 PM](#) Mayor Davis read his response to the request by the Community Oversight Committee (see page 391 in packet item 1(b)). Mayor Davis clarified that the position that the city will take sets in motion what voters asked for but also gives officers guidelines to follow and not break the oath that they took when taking office [5:45:58 PM](#) .

PROCLAMATIONS AND PRESENTATIONS:

PP 229 BCHA semi-annual report and preliminary budget

[5:47:19 PM](#) Kathy Grotto with BCHA spoke to council. With her tonight is Heather Kimmel, Treasurer and Anna Mathieu, Vice-Chairman with BCHA. Grotto announced that earlier in the year, the BCHA board adopted a new mission statement. Highlights from the past year include, homeowner education, public resource, and strategic planning process and involvement in the Hailey Comprehensive Plan. BCHA continues to work with ARCH Community Housing Trust on Walnut Street & River Street Senior Project as well as the “Open Door” program. Grotto spoke to the characteristics of the Community Housing applicants, which will be reviewed quarterly to track trending and aid developers. Looking ahead the focus is on Hailey.

Heather Kimmel took over discussing the past fiscal year data. Kimmel discussed the current operating budget. Kimmel acknowledged the request for next fiscal year increase in funding \$9600 from the City of Hailey. Kimmel explained why the increased amount is being requested, citing more focus in Hailey in the next year. Kimmel has been speaking with Heather Dawson regarding the possibility of in kind donations to help them - bookkeeping services in-lieu of some of the funds.

[6:01:03 PM](#) Keirn asked about the contingency fund and its purpose. Grotto explained that if sales were slower than expected then the reserve fund may be tapped into.

[6:04:42 PM](#) Haemmerle asked if there was any plan to reduce the number of required Community Housing homes, more specifically Quail Creek. Grotto answered yes, they are working with Blaine County since they revised their ordinance to incentivize building of Community Housing units.

PP 230 Presentation from Architect- update on Rodeo Grounds project and Arts Commission chair Mark Johnstone regarding the public arts component of the Rodeo Grounds project

[6:07:44 PM](#) Presentation from Nick Latham from RLB with an update on the Rodeo Grounds project since the successful election on May 25, 2010. Latham has received a GeoTechnical report which is good news and bad news. Latham also received a clean report – no asbestos and no lead in the paint. Latham has had several meetings with Hailey Ice on the redesign of the ice rink facility. Latham has been meeting weekly with Power Engineers; they have been hired to perform construction management for the Ice Rink facility. Discussions are underway regarding the demo of the rodeo grounds, including plans to recycle, sell and reuse materials where necessary. July 19th they may be in front of council to review the bids for underground wiring. Underground utilities are planned to be done in late August. Plan is to begin construction of the ice rink and rodeo rink in Sept. 2010.

Keirn asked how the bond process was coming along. Dawson answered that she has been working with the bond attorney on the next phase of paperwork and announcements to prepare for the sale of the bond. This paperwork will be coordinated with the existing council meeting schedule.

[6:15:57 PM](#) Mark Johnstone is not present tonight so Dawson wanted to let council know the following. The call to artists for the Rodeo Grounds art component piece has gone out. The art component is designed to work in conjunction with the Architectural work.

PUBLIC HEARINGS:

PH 231 City initiated text amendment to the Hailey Zoning Ordinance No. 532, Article 6A, Design Review, to remove redundancy and clarify standards and guidelines, to allow Public Utility Facilities or Public Uses to install chain link fences, and to allow sidewalks to be constructed in an alternative location. The Planning and Zoning Commission recommended approval of these amendments on April 19, 2010

Robrahn gave an overview to council in the May 24th meeting. Since then Robrahn has corrected some numbering inconsistencies and organization, she explained [6:18:36 PM](#) some of these changes to council.

On page 328 [6:19:29 PM](#) of packet Haemmerle asked who would be exempt. It would be addressed under a different code, not necessarily in the Design Review process, answered Robrahn.

No public comments.

Brown, Keirn and Burke are okay with the changes.

Haemmerle makes a motion to approve the proposed amendments to Article 6A, finding that the amendments are in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare and adopt Ordinance No. 1062 and authorize the Mayor to conduct the 1st Reading by title only, seconded by Burke, motion passed unanimously.

Mayor Davis conducted the 1st Reading by title only of Ordinance No. 1062.

PH 232 A city initiated text amendment to the Hailey Zoning Ordinance No. 532, Article 8.1 Fences. Amendments include, but are not limited to, allowing fences 8 feet in heights for Public Uses and Public Utility Facilities and chain link with a Conditional Use Permit for Public Uses and Public Utility Facilities. On May 17, 2010 the Planning and Zoning Commission recommended approval.

Robrahn explained that this would allow chain link fences for Public Uses and Public Utility Facilities with a Condition Use Permit and for them to be a maximum of 8 feet.

No public comments.

Brown, Keirn, Burke are okay with this change.

Haemmerle moves to approve the amendment and adopt Ordinance No. 1063 and authorize the Mayor to conduct the 1st Reading by title only, seconded by Keirn, motion passed unanimously.

Mayor Davis conducted the 1st Reading by title only of Ordinance No. 1063.

PH 233 A city initiated text amendment to the Hailey Zoning Ordinance No. 532, Sections 10.5.4(c) Planned Unit Developments, 11.4.1 Conditional Use Permits and 12.4 Variances to delete any standard of evaluation or criteria for review relating to the Hailey Comprehensive Plan. On May 17, 2010 the Planning and Zoning Commission recommend the criteria be deleted for CUPs and Variances only.

Robrahn gave an overview [6:26:34 PM](#) to council for this amendment. The Planning and Zoning Commission felt that the proposed amendments should apply only to Conditional Use Permits and Variances.

Williamson [6:27:56 PM](#) suggested removing the criteria for compliance with the Comprehensive Plan for all three sections (10, 11, and 12). There are currently 10 different PUD standards and Williamson thought we should remove the compliance for PUDs also.

No public comments.

Keirn is fine with this suggested change. Brown understands the Planning and Zoning Commission's request and is fine with the changes.

Williamson suggested removing

Brown is okay in adding PUDs, Section 10 and removing the Comprehensive Plan compliance.

[6:32:15 PM](#) Brown moves to continue this hearing to the July 12th meeting, seconded by Keirn, motion passed unanimously.

PH 234 A city initiated text amendment to the Hailey Subdivision Ordinance No, 821, Section 4.0 to delete any standard of evaluation or criteria for review relating to the Hailey Comprehensive Plan. On May 17, 2010 the Planning and Zoning Commission recommended the criteria be deleted for Lot line Adjustments and Short Plats only.

Robrahn explained this proposed amendment and the difference of opinion between the Planning and Zoning Commission and the City Attorney.

[6:35:34 PM](#) Williamson explains his viewpoint. The court is clear on subdivision cases where one cannot rely solely on the Comprehensive Plan. Williamson encourages council to remove the compliance with the Comprehensive Plan from the Subdivision ordinance.

Brown suggested comparing the goals to the comp. plan.

Pg. 362 – Williamson explaining the change [6:40:05 PM](#), strike out the word “and” in Section 1 4.0 – General Standards.

Brown makes a motion to approve the proposed amendments to Section 4, finding that the amendments will generally conform to the Comprehensive Plan, will not create excessive additional requirements at public cost for public facilities and services and will be in accordance with the welfare of the general public and adopt Ordinance No. 1064 and authorize the Mayor to conduct the first reading by title only, seconded by Keirn, motion passed unanimously.

Mayor Davis conducted the 1st Reading by title only of Ordinance No. 1064.

PH 235 A city initiated text amendment to the Hailey Zoning Ordinance No. 532, Article 8B, Outdoor Lighting Ordinance. Amendments include, but are not limited to, updates to reflect changes in technology since the requirements were originally adopted in 2002. On May 17, 2010 the Planning and Zoning Commission recommended approval

[6:42:43 PM](#) Motion to continue this item to July 12th made by Brown, seconded by Keirn, motion passed unanimously.

OLD BUSINESS:

OB 236 2nd Reading of Ordinance No. 1058 to rezone Lots 1-3, Block 69, Hailey Townsite

Mayor Davis conducted the 2nd Reading by title only of Ord. No. 1058.

OB 237 2nd Reading of Ordinance No.1059 – amendments to zoning ordinance article 2, definitions

[6:44:10 PM](#) Mayor Davis conducted the 2nd Reading by title only of Ord. No. 1059.

OB 238 2nd Reading of Ordinance No. 1060 – amendments to subdivision ordinance section 4.2.1 and 4.2.4

Mayor Davis conducted the 2nd Reading by title only of Ord. No. 1060.

NEW BUSINESS:

NB 239 Consideration of Agreement with ARCH for Development of Walnut Street property

Williamson gave an overview to council on this request. Williamson feels that sidewalks may be better served elsewhere in the city and that this is a way for the City to help out with Community Housing.

[6:47:01 PM](#) Michele Griffith with ARCH Community Housing Trust spoke to council. Over a year ago, research indicated that the garages should be oriented from Walnut for one house and 5th for the other house (according to Street Dept.). Griffith explained the situation to council and the reason for the request for the \$8,000 donation for sidewalks elsewhere.

Anna Mathieu with BCHA [6:51:33 PM](#) voiced her support of this project.

Brown is all for the relocation of the sidewalks. Keirn is in agreement with Brown. Keirn asked if there are funds available. Dawson confirmed that there are funds available – capital funds.

Haemmerle adds that it is easy to say yes to everyone's request, even private entities. Fundamentally Haemmerle is not opposed to this idea. We should lower costs on private developers too, if we are to say yes to this request. Brown proposed flexibility on the timing for the payment. Haemmerle is all for the relocation of the sidewalk.

[6:56:24 PM](#) Burke believes that the council has tried to follow a policy for fairness. We are not in a position to give away time, money or staff time either, added Burke.

Haemmerle [6:58:01 PM](#) suggested paragraph 3 be modified to allow for a timeframe and different location.

Williamson will work with ARCH to come up the timeframe and location and bring back to council on consent agenda in the future.

Anna Mathieu [6:59:31 PM](#) added that the price is the challenge.

NB 240 Discussion of Marijuana Community Oversight Policy

Not needed, covered earlier in meeting.

NB 241 Discussion of contract and bid options for Rodeo Ground construction

[7:01:06 PM](#) Williamson gave an overview to council. Williamson has spoken with Public Works Director Tom Hellen, and Nick Latham at length regarding this contract. On Page 396, chart in left hand column, there are different categories which need to be addressed for each option. Williamson talked about design build as not an ideal option except for the skatepark addition. Williamson explained that there are only 2 general contractor firms local that have Public Works licenses. In any case, the City will be required to get bonding for the sub contractors and [7:10:45 PM](#) Williamson believes that the risk may be a little higher for item number 5. Williamson recommends that council select option 5.

Nick Latham added that due to the size of the project, an out of town contractor will likely meet this criteria [7:12:28 PM](#) referring to options 2, 3 and 4.

Brown [7:12:53 PM](#) under the construction manager model, who will administer the contract, Williamson answered the construction manager will administer the contract. Latham will play a large role in the coordination as well as the construction manager and the city.

[7:13:39 PM](#) Latham explained the architect role in the project. Potentially more time on the construction manager and architect's time to manage multiple sub contractors.

[7:17:08 PM](#) Hellen stated that by breaking down the jobs into smaller projects then it gives the local contractors a better chance at getting work – as long as they have the lowest and the bid is responsive.

Dawson [7:18:57 PM](#) believes that the Engineers office will have the staff time to support this type of process.

[7:19:50 PM](#) Dave Ferguson anticipates several concrete inspections and possibly bringing Rick Fahey back into the building dept.

Brown [7:20:50 PM](#) asked if we can have pre-bid conferences for questions to be answered by bidders. Latham believes that that is a good idea.

Council supports option 5, Brown, Keirn, and Burke.

NB 242 Discussion of contract for Fire/EMS study consultant

Dawson gave council information on this topic to date. Right now, prospective consulting firms are being interviewed. Timeframe of the study is expected to be 3-5 months. Council will be making a decision in the next council meeting. There will be an interagency agreement. Dawson is asking for comments or concerns that council may have in regards to this process. Last week Bellevue met and asked to contribute Tom Blanchard's time, and their council agreed to do that. Haemmerle attended the meeting and heard the statement that Bellevue announced that they are always fending for themselves.

Brown is okay with the plan. Keirn thinks this is a good plan too. Burke feels staff should stay on track.

STAFF REPORTS:

Hellen submitted a report.

Robrahn, [7:29:19 PM](#) announced there was a good turnout at the First Annual State of Downtown Friday June 11th. Mayor Bieter of Boise thinks the complete streets strategy is

cutting edge. About 50 people were in attendance last Friday night. The survey will be on the web in a few days, to track responses from public and allow an easy way to collect responses.

Dawson asked if July 14th works for council for a budget planning workshop. Council confirmed it is okay.

Brown attended a [7:31:50 PM](#) Tree Committee meeting and one topic of discussion was trees being relocated at the Rodeo Grounds and they are working on an easy policy on how the public deals with trees in the city right-of-way.

[7:32:01 PM](#) Keirn attended the Sustain Blaine meeting. Sustain Blaine is asking for a Hailey representative to attend the meeting, since Keirn is on the board, they want another staff to represent Hailey. Robrahn is willing to attend these meetings.

[7:33:13 PM](#) Mayor Davis met with Derik Voss and tom Bowman regarding the Airport Advisory committee. They brainstormed in that meeting to discuss protocols. Voss will attend the meetings to ensure the agenda is on track and that the agenda will be published in advance of the meeting. The County's website will be updated to include this committee's information.

[7:34:53 PM](#) Haemmerle comments that the Advisory Committee keeps pushing on decisions which have already been made, this is important.

EXECUTIVE SESSION: Pending & Imminently Likely Litigation (IC 67-2345(1)(f)),

[7:35:34 PM](#) Brown moves to go into exec. Session, Keirn seconded. Motion passed with Roll call vote. Brown, yes. Keirn, yes. Haemmerle, yes. Burke, yes.

Williamson did not attend executive session.

Mayor Davis and council came out of Executive Session and concluded the meeting at 8:00P.M.

Rick Davis, Mayor

Mary Cone, City Clerk