

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD OCTOBER 11, 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 was City Attorney Ned Williamson

OPEN SESSION FOR PUBLIC CONCERNS

Mayor opened the meeting for public concerns. No comments.

AIRPORT ISSUES:

Airport issues will be discussed tomorrow at 4:30pm. Those who do not want the airport moved may use this meeting as a forum. Mayor Davis, Martha Burke and Don Keirn will be present.

RODEO GROUNDS UPDATE

Nick Latham, Architect for Rodeo Grounds Project gave an update on the Rodeo Grounds construction. Latham said that concrete is being poured at about 100 lbs. per week. Garret Construction is doing the concrete work and is ahead of schedule. The Tuesday meetings with Power Engineers have continued. Thursday, October 14, 2010 at 2pm they will be opening sealed BIDS for Hailey Rodeo Arena Multi-use Facility Arena Multi-Use Facility. Latham will be presenting the bid packages at the special council meeting set for October 18, 2010 at 5:30pm. There will be an additional 20 bid packages forthcoming. That will bid out the majority of the rodeo arena portion of the project. Galena Engineers is putting together a package for curb, gutter, sidewalk, sub base and site drainage base material. Asphalt won't be done until late summer. Tom Hellen City Engineer is working on a skate park design bill RFP. [5:34:55 PM](#) Hellen said that this is through the Idaho Parks Recreation grant. We will have design and other information ready by the end of January 2011. It is a 50% match Grant. [5:35:26 PM](#) Michael Bulls met with the Hailey Parks and Lands Board last week and have been working on the arts for the project.

CONSENT AGENDA:

- ~~CA 450 Motion to approve MOU for planning for Redevelopment of Friedman Memorial Airport, revised version from previously approved MOU in Sept. 27th meeting~~
- CA 451 Motion to award contract to All Seasons Landscaping for \$12,853 for the planting of trees and shrubs at the E W Fox Demonstration Garden and authorize the mayor to sign upon review by the city attorney
- CA 452 Motion to approve scope of work and authorize the mayor to sign the agreement for a not to exceed amount of \$5,000 with J-U-B Engineers for Grant Assistance on the River St. ICDBG Grant application for the Phase 1 work with city attorney review and approval
- ~~CA 453 Motion to approve contract with J-U-B Engineers for Woodside Reconstruction Project for a not to exceed amount \$199,600 and authorize the mayor to sign with approval from city attorney~~

- CA 454 Motion to approve extension of five (5) contracts with Sluder Construction for the 2010/2011 snow season at the same hourly cost as 2009/2010 season and authorize the mayor to sign
- CA 455 Motion to authorize Release Agreement with Wood River Motors releasing claims for damage done to a vehicle in exchange for \$861.76 repair
- CA 456 Motion to approve special event Hailey Halloween Hoopla at the Hailey Downtown Core on Oct 29th 3-7 pm
- CA 457 Motion to approve special event Old Cutters Family Fall Festival at Old Cutters Park on Oct 16th from 11-3 pm
- ~~CA 458 Motion to approve minutes of September 13, 2010 and to suspend reading of them~~
- CA 459 Motion to approve minutes of September 17, 2010 and to suspend reading of them
- ~~CA 460 Motion to approve minutes of September 27, 2010 and to suspend reading of them~~
- CA 461 Motion to approve claims for expenses incurred during the month of September 2010
- CA 462 Motion to approve Treasurer's report with LOT report, and Three year revenue comparison (preliminary) report

[5:36:10 PM](#) Hellen pulled CA 453 for explanation. Brown pulled CA 460 for minor corrections. Mayor Davis pulled CA 458 for minor corrections and Haemmerle pulled CA 450.

CA450 Haemmerle questioned who drafted the MOU. Williamson, City Attorney said Peter Kirsch did. Pages 2 & 3 show the changes the County had made. Haemmerle said he believes that master planning the airport is the City's prerogative. There is some wording in here that says the County has some say in that planning. Haemmerle wants to pull this item and discuss with the county, in another setting. **Haemmerle made motion to pull CA 450 pending a meeting with City and County to resolve some points of the MOU Burke seconded; motion passed unanimously.**

[5:40:20 PM](#) CA 453 Hellen wanted to explain the contract with JUB Engineers for Woodside's premier design. Hellen passed out a revised scope of work and reduced cost. This is a reduction of \$21,366 (original estimate was \$199,600 and new one is \$178,234). Williamson pointed out that we will be looking at the contract at the next meeting. Williamson said there are some issues with the contract. Brown verified the changed amount. **Brown made motion to approve CA 453 and authorize Mayor to sign; Haemmerle seconded; Brown clarified amount not to exceed new dollar amount; motion carried unanimously.**

[5:43:14 PM](#) CA 458 Mayor Davis wanted to correct the spelling to Northcott not Northcutt on page 91 of the packet.

[5:43:35 PM](#) CA 460 Brown wanted to clarify that on page 101 – 4th paragraph, it should read. pending city attorney review, not just authorize Mayor to sign. The second minor correction on page 102 is an incomplete sentence regarding the Library Board. **Keirn made motion to approve items CA 458 and CA460 as corrected; Burke seconded; motion carried unanimously.**

PROCLAMATIONS AND PRESENTATIONS:

PP 464 Mark Johnstone of the Hailey Arts Commission to present Rodeo Park Art ideas
5:45:53 PM Johnstone explained that his role is to give council an update on the conceptual idea that artists have developed on the rodeo project. Tracy Anderson has done a tremendous job as Public Arts Manager. The Arts Commission has met with the artists and will be moving forward by getting cost estimates. They have been asked to prioritize in terms of the construction schedule. The stand alone elements can be added later.5:47:20 PM The five artists are Ellen Nasvik, Bill Amaya, Troy Passey, Tom Teitge, and Marie Stewart. They have met with all the stake holders and received all the feedback. The Ice Rink has a concrete floor and Ellen Nasvik would like to incorporate elements into the floor and the mezzanine. They may be covering the floor with protective mats and will need to convey this to Nasvik. Troy Passey, works with words. He is collaborating with Nasvik and would like to use words in a poetic manner. He is also talking about doing things in the skate park area, interpretive center and possibly benches. There is a seating area where Marie Stewart has identified that she would like to design an abstract area. (a colored painting that would be put on ceramic tiles that would be incorporated into the walls and table tops) The window would have an etched design. On the interpretive center grounds, Nasvik has proposed to do animals and plants. Bill Amaya will be carving into the doors. Tom Teitge has identified areas where he could do a new mural. He has also talked about creating an archway over the entrances. There are 16 areas which have been identified by the artists as proposed places that can be incorporated into the project. Cost estimates will be done and drawings should be in front of council by the beginning of December.

PP 463 Recognition of Anna Mathieu – BCHA
Mayor publicly thanked Anna Mathieu for all of her dedication to the city.

PUBLIC HEARINGS:

PH 465 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 September 13, 2010)
Williamson would like to have this continued to the 25th. **Brown moved to continue the PUD to October 25, 2010 Keirn seconded; motion carried unanimously.**

PH 466 A city initiated text amendment to the Hailey Subdivision Ordinance No. 821, amending Section 1 to delete the definitions related to community housing, to amend Section 3.1.1.1 to delete the requirement of an inclusionary community housing plan as part of a preliminary plat application and to repeal Section 4.11, Inclusionary Community Housing. The Planning and Zoning Commission recommended approval on September 7, 2010.

PH 467 A city initiated text amendment to the Hailey Zoning Ordinance No. 532, amending Article 2 to add definitions related to community housing and delete references to Subdivision Ordinance No. 821, Section 4.11, and to amend other articles, including but not limited to, Article 10 to delete any reference to Hailey's Subdivision Ordinance No. 821, Section 4.11. The Planning and Zoning Commission recommended approval on September 7, 2010

Robrahn presented **PH 466 and PH 467** together. [5:57:28 PM](#) Amendments to Subdivision and Zoning ordinances in regards to community housing and inclusionary housing. There have been several Idaho District Court Decisions making our Subdivision Ordinance and Inclusionary Ordinance unconstitutional or illegal. Williamson recommended we amend our subdivision ordinance to be consistent with these changes. Comments are in staff report from BCHA and ARCH. Also included in the packet is recent information from the American Planning Association regarding community housing issues in the current economy. Brown asked if we repeal tonight how this affects existing units that are out there. Williamson said the one he could think of was Old Cutters. [6:00:36 PM](#) Mayor opened the meeting for public concerns. Kathy Grotto, BCHA, said that it is regrettable that the city has to repeal this ordinance. It is a tool that is used Nationwide but we have to follow Idaho laws. Grotto added a couple of points from the staff reports. The Housing authority along with ARCH will be working together to go out to bid for an updated needs assessment. Not only have years passed but so have needs. This study will help to inform BCHA and the City as we move forward and will help with other ordinances. The City is currently working on a new comprehensive plan and the needs assessment will help. Grotto encouraged council to keep community housing in mind. Michelle Griffith with ARCH Community Housing Trust said that she would like to think that we don't need community housing except that is not the case. Homes are still not affordable. The average home price is still 58% more that family's can afford. ARCH is focusing on permanently affordable rentals. The incentives the city has provided have been very helpful. Tony Evans with the Idaho Mountain Express said that he had a question for Williamson. He wanted to know how this pertains to Sweetwater and the lawsuit. Williamson [6:08:49 PM](#) said this PUD was based on an agreement. This does not effect that agreement.

Mayor brought this back to council for discussion. Brown said this is regrettable and thanked Grotto for her comments. Brown agrees with Williamson and this should be repealed. **Brown made a motion to approve amendments to Section 1, 3 and 4 and repeal the Inclusionary Housing Section of the Subdivision Ordinance, 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. 1071 and authorize the mayor to conduct the first reading by title only. Haemmerle seconded; motion carried unanimously. Mayor read by title only.**

Brown made a motion to approve the proposed amendments to Articles 2 and 0 of the Hailey Zoning Ordinance, Ordinance 532, 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. 1072 and authorize the Mayor to conduct the first reading by title only. Keirn seconded; motion carried unanimously.

PH 468 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, postponed by the Council to September 27, 2010 and continued to October 11, 2010 (to be continued to October 25, 2010)

Brown moved to continue to October 25th, 2010. Keirn seconded; motion carried unanimously

PH 469 A city initiated amendment to Chapter 13.04 of the Hailey Municipal Code

Hellen said there is a change to policy to allow water running when freezing. A change requires a revision to the ordinance. Williamson made slight changes on the first page. The main changes are on page 3 of packet. [6:15:14 PM](#) Burke asked about page 197. She questioned how we will get the word out to the public. Hellen feels this will be a place that we have some problems and will be opening ourselves up to some issues. The City will need notification that you are running water. Hellen is unsure on how we will announce this. We will need to get the word out that we need to be notified before they do it. Tony Evans, Mountain Express said that the paper could help out. Hellen explained that you still will need to be charged for the water, however, it will not affect the sewer rates. That is why it needs to be run outside and not inside. [6:21:31 PM](#) **Brown made a motion to revise section 13.04 Hailey Municipal Code to address the changes shown in the packet, Hailey Ordinance No. 1073 and authorize the Mayor to sign and conduct the first reading by title only. Haemmerle seconded; motion carried unanimously. Mayor read by title only.**

NEW BUSINESS:

NB 470 Consideration of Consolidated Emergency Communications Services Agreement for fiscal year 2010/2011

Carol Brown said that the administrators met and updated the same matrix they used last year but with new data. The amount proposed is \$400 more than we are currently paying. The issue is when we pay. Currently we pay on the first month of each quarter and January is an issue for us because we don't have a positive cash flow at that time. Brown would like to look at the Hybrid Stokes sent out because were waiting on tax refund from the County. It suggests we pay January's payment on 1/25/11 and then back to normal in April. Brown will call them to discuss this payment arrangement. She gave credit to all entity's to keep working on this going forward. Brown advised council that one entity may not be paying but will keep them updated. Haemmerle said that we never agreed to be [6:25:48 PM](#) bound by the formula. Brown said that we would use this formula for this year. Haemmerle said he does not agree with the formula but is ok with the bottom number. Brown recommended we approve this. Stokes reiterated that we cannot pay January until January 26th and would like for the City to make all payments on the 26th, quarterly. Mayor questioned that [6:30:38 PM](#) we approve this only if contract services are being met. Brown felt that if the contract for services is not being met we would handle that separately. **Brown moved to adopt as shown in the packet. Burke seconded; motion carried unanimously.**

NB 471 Consideration of Amended Development Agreement with FaPo Holdings for Village and Hailey Center.

[6:32:17 PM](#) Robrahn said that last year the developer brought forward some amendments to the parking configuration on site to reflect the fact that he did not demolish or relocate one of the buildings that were planned to be moved and convert parking to where the building is. We now

need to amend the development agreement to reflect what is happening. All onsite parking requirements are being met. Brown asked if the relocated parking is now on the East side of the Alley? Robrahn confirmed. Brown is ok with moving forward. [6:34:05 PM](#) **Brown made a motion to approve the amended development agreement between the City of Hailey and FaPo Holdings, modifying the onsite parking design in packet. Keirn seconded; Motion carried unanimously.**

OLD BUSINESS:

OB 472 3rd Reading of Ordinance No. 1070 and authorize the mayor to sign – Pre-treatment

Brown moved to read by title only and authorize the mayor to sign. Keirn seconded; motion carried unanimously.

Mayor conducted the 3rd reading by title only.

STAFF REPORTS:

SR 473 Public Works update regarding the Renewable Energy Enterprise Zone (REEZ) grant

Hellen handed out a water meter reading dispute policy. Hellen explained that there are 2 meters that he cannot explain. [6:36:42 PM](#) - If you have a dispute and you don't have a leak we will credit you this time but next year you will need to pay. With the Blaine Manor we have no history. He has no explanation on what is happening with the meter. Their normal bill is \$800 and this month it is \$3,500.

Hellen asked council to review document and have comments at the next meeting on the 18th. If it peaks again next year, they will have to pay both years. Haemmerle said he would not like to do that. He doesn't think they need to collect for past years. Hellen asked council to review.

[6:42:30 PM](#) Last Wednesday we held meetings for the River Street Grant. The meetings went very well. They are working up preliminary designs for council to review at the November 8th meeting. We need to have a public hearing on the 8th. The Grant is due on the 9th. The hearing will be on exactly what the grant will be. [6:43:06 PM](#) Brown asked that council be prepped appropriately.

[6:44:48 PM](#) Robrahn advised staff that next Monday's special meeting (10/18) will be on the Comprehensive Plan. She will have something to council on Wednesday. Robrahn asked if there is any topic they want to talk about. Brown would like to talk about the implementation. Haemmerle commented on the land use section and implementation. Robrahn has been working on tightening up the implementation section. By Wednesday, Council should have what they need and Robrahn will give council a complete copy.

[6:48:05 PM](#) Brown and Chapman spent three days in Idaho Falls at an Emergency Operations Training. There was a mock training on the last day and Brown was happy to say that their team was one of the four in the nation that ever completed the plan on time at the end of the day. Training for staff and council should be forthcoming.

[6:49:03 PM](#) Keirn follow up on Johnstone's presentation. Last week Keirn met with staff and went through the entire proposal. There is not enough money to do everything and everyone agreed that there has not been enough put into the arena itself.

SunValley Economic Development will be running an add in the Mtn. Express for an Executive Director.

[6:51:22 PM](#) Mayor commented that LOT is up and Building is up about \$40,000 over last year. Jeff Pfaeffle talked to the Mayor and said now that the City is getting rid of inclusionary housing he could lessen the density of that property and has water rights he could sell us. (Colorado) Mayor told Pfaeffle that he would let council know. He asked council if they wanted to discuss it and Williamson said that Pfaeffle could bring it back up if it's been a year. Mayor asked if there any interest in the water rights. Haemmerle said he is still concerned about the threat that we received on this one. Mayor told council to think about it and get back to him.

Haemmerle asked if they were doing an executive session tonight. He has a brief request.

[6:53:25 PM](#) Burke said the consultants were here for the airport site and feels things are getting started and they are on the right track. Brown gave kudo's to Burke regarding the start of the project.

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

Haemmerle made motion to go into executive session for Pending & Imminently Likely Litigation (IC 67-2345(1)(f)). Keirn seconded. Motion passed with roll call vote.[6:54:40 PM](#)

Mayor Davis and council came out of Executive Session and concluded the meeting at 7:00pm.

Rick Davis, Mayor

Mary Cone, City Clerk