

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD OCTOBER 26, 2009
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:32 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.

AIRPORT ISSUES:

Susan McBryant gave an update to the Council. In the last airport board meeting, Martha Burke was elected Vice-Chairman, Tom Bowman was elected Chairman and McBryant was elected Secretary. That same week on Friday the airport board met all day to select a consultant to do the financial reporting. It is important to have this firm because they have national recognition and impeccable standards.

PUBLIC COMMENTS:

Bob MacCleod of 417 E. Myrtle spoke to the council. The Friends of the Hailey Public Library book sale raised \$3,000. They have committed to spending \$4,500 for the new shelving and \$1,000 for new books.

Also, it has been about 2 years since the local wildfire. MacCleod suggests that the city perform a table top drill to keep prepared in emergency situations.

CONSENT AGENDA:

CA 433	Motion to approve recommendation for Contractor Snow Plowing Services and authorize the Mayor to sign previously approved contracts (CA 399 from September 28, 2009 agenda) Sluder Construction.....	1
CA 434	Motion to approve Rental Agreement and authorize the Mayor to sign with Modern Machinery for back-up dozer for Lions Park snow pile.....	21
CA 435	Motion to approve new Alcohol Beverage License for McClain’s Pizzeria	25
CA 436	Motion to approve and authorize the Mayor to sign Equal Employment Opportunity Program (EEOP) Certification Form as required by COPS Hiring Recovery Program Grant Agreement	33
CA 437	Motion to approve and authorize the Mayor to sign Equal Employment Opportunity Program (EEOP) Certification Form as required by ARRA Justice Assistance Grant (JAG) Agreement.....	37
CA 438	Motion to approve and authorize to submit - Idaho Office of Energy Resources Renewable Energy Enterprise Zone Grant Application and Wood River Resource Feasibility Study	39
CA 439	Motion to approve Findings of Fact and Conclusions of Law – Final Plat approval of Lots 9A and 12A, Block 61, Hailey Townsite (Barker-Kraynick Subdivision)	49
CA 440	Motion to approve and authorize the Mayor to sign Amended Findings of Fact and Conclusions of Law – approval of rezoning Lots 1-3, Block 126, Hailey Townsite (619 Third Avenue South) from General Residential (GR) to Limited Business (LB) eliminating the condition of approval of a development agreement	57

CA 441	Motion to approve Hailey Fire Department Halloween 5k (3.1 miles) Fun Run Special Event on 10/31/09 from 9:30 am to 11:30 am start and finish at Heagle Park	65
CA 442	Motion to declare surplus property from Hailey Public Library – shelving has been stored in basement for 15 years unused, authorize the library to donate the shelving to the Jerome Public Library	71
CA 443	Motion to approve minutes of October 12, 2009 and to suspend reading of them.....	73
CA 444	Motion to approve claims for expenses incurred during the month of September 2009.....	81
CA 445	Motion to approve Treasurer’s Report for the 13 th month of Hailey’s fiscal year ending September 30, 2009, which includes accrued expenses made for goods and services purchased in September, 2009	99

Haemmerle pulled CA item 443.

Burke makes a motion to approve all other consent agenda items minus CA 443, seconded by Brown, motion passed unanimously.

Haemmerle did not attend the October 12 council meeting, so he wants the minutes to reflect as such.

Keirn makes a motion to approve CA 443 as amended, seconded by Brown, motion passed unanimously.

MAYOR’S REMARKS:

Mayor Davis recognized that the Hailey Chamber of Commerce is going through personnel changes now and this should not affect any existing momentum that is happening with events. Mayor Davis asked the Assistant Executive Director of the Chamber to put together a list of upcoming events and a schedule of near term meetings. Also, handed out to the council tonight was a letter (undated) from the Hailey Chamber to the Hailey City Council. The Chamber President is here tonight to answer any questions.

Haemmerle wants to be assured that the Chamber will continue to target local area Idahoans to visit our Valley and our local events. Krista Gehrke with the Chamber confirmed that they are still planning to do just that (continue marketing to local area Idahoans) and plan to add new events to the list – will keep the council informed of all the happenings.

PROCLAMATIONS & PRESENTATIONS:

PP 447 Jason Miller of Mountain Rides presents preliminary plan for Hailey Around-Town Circulator Bus routes

Jason Miller of Mountain Rides gave council a handout regarding the new “Hailey Circulator” bus which has plans to be in circulation by Spring 2010. It is a deviated fixed route bus, in layman’s terms it can accommodate fixed routes and as needed pick-ups. It will be integrated with existing valley services. Focus on weekday services with the possibility of some weekend services.

APPOINTMENTS & AWARDS:

Vaughn Palmer celebrates 20 years with the Hailey Fire Department. Palmer receives recognition from Hailey Fire Chief Mike Chapman and thanks from Mayor Davis and the council for his years of service and dedication.

Palmer thanked the City for the opportunity to be involved with the Fire Department for so many years. Palmer finds his job very rewarding and gains pleasure in serving the community – the place he calls home.

AA 448 Appointment of Hailey Representative to Mountain Rides Transportation Authority for a 2-year term (previously held by Heather Dawson)

Mayor Davis pulled this item and will bring it back for the next meeting.

PUBLIC HEARINGS:

PH 449 Wertheimer Park (Rodeo Grounds) Plan for Hailey Arena, Hailey Ice Facility, and expanded Skatepark facility, presented by Ruscitto Latham Blanton. Council will hear public comment on the conceptual Plan, including placement of the amenities and parking,

Nick Latham introduced himself and Michael Bulls with Ruscitto Latham Blanton Architectural firm. Latham gave a history of his involvement including the number of meetings that he has had with city staff, Sawtooth Rangers, Hailey Ice, HHPC, Hailey Arts Commission and skatepark enthusiasts regarding the design of the proposed facilities. The new design came out of many iterations and conversations with the Sawtooth Rangers and Hailey Ice, city staff, etc. The rink will be located on the property to the West, the Rodeo to the East, and the skatepark remains where it is today with expanded sets and 110 parking spots. There is enough space for 60 semi-sized vehicles for horse trailers. Latham states that funding opportunities are currently being discussed.

Brown asked how many spaces they increased/decreased with the horse trailers and the School grounds. The parking went from 55 to 60 spaces answered Latham.

Brent Nelson of 801 South Main Street part owner of the Snow Bunny expected an easement from the City and never got it. Nelson has concerns about this improvement potentially impacting his business. Nelson has hopes that the entrance can be reduced. Andrew the co-owner of the Snow Bunny spoke to council in support of Brent Nelson's comments.

Paul Hoffenbeck from Bellevue asked if the baseball field will continue to be used for parking. Latham answered yes, we do have a verbal agreement with the school district which allows for parking on Nelson ball field.

John Dean of 1510 Heroic comments that this is fantastic and fabulous, keep the Snow Bunny involved.

Bob MacCleod representing the Blaine County Historical Museum spoke to council. MacCleod recognizes the significant role that the Hailey Rodeo Grounds have played in the historical, economical and cultural development of Hailey and the Wood River Valley. MacCleod strongly supports the continuation of the Rodeo tradition in Hailey along with the other recreational activities.

Jim Keating with the Blaine County Recreation District supports the Rodeo Grounds effort. Keating supports other events at this facility too.

Jim Laski attorney and father of a hockey player lives at 48 Townsend Gulch spoke to council. Laski applauds the efforts of everyone involved with this project. Laski hopes this is completed soon.

Rob Santa of 102 Dakota, is involved in Hockey as parent, is supportive of the project and hopes the city can work through this with the Snow Bunny.

Haemmerle feels this is the biggest, most exciting project this city has ever seen. Haemmerle wants to know what the cost is so we can move forward with funding.

Brown moves to approve final drawings and costs to be ordered from the Architect and to expend those funds necessary for that action, seconded by Keirn. Haemmerle asked that the Architect work with the Snow Bunny to resolve their concerns. Brown amended her motion to include this, seconded again by Keirn, motion passed unanimously.

EXECUTIVE SESSION: Real Property Acquisition (IC 67-2345.c), and/or Imminently Likely Litigation (IC 67-2345.f/j)

Haemmerle moves to go into Executive Session at 5:31 pm for Real Property Acquisition (IC 67-2345.c), and/or Imminently Likely Litigation (IC 67-2345.f/j), seconded by Burke, motion passed with Roll call vote. Burke, yes. Haemmerle, yes. Keirn, yes. Brown, yes.

Council returned from Executive Session at 6:44 pm

PH 450 Pretreatment Ordinance 1039 – summary from City Attorney regarding changes and potential for conducting the 1st Reading again with the revised proposed ordinance

Brown moves to continue PH 450 to a date uncertain, seconded by Keirn, motion passed unanimously.

PH 452 Copper Ranch follow up discussion from September 28th council meeting

Jeff Smith, applicant from 218 N. Cannon Drive Beverly Hills, CA spoke to council. Smith handed out to council a list of improvements that have been done to the property and include color pictures of the property. The City in the September council meeting asked the owners of Copper Ranch Facility to clean up the site. All the containers have been removed, hazardous

items removed and most of the debris disposed of. Smith came to tonight's meeting showing pictures of the site cleaned up.

Haemmerle rode by on his bicycle yesterday and he appreciates the clean-up effort made by the applicant. Brown thinks this looks nice. Haemmerle believes it looks better than what he anticipated.

PH 453 Sweetwater discussion

Jim Laski attorney presenting for Sweetwater gave history of the project. The original PUD agreement was executed in August of 2006. Presently built 49 units, community center, 20 units are shells. The project has been on hold for over a year now. On November 30, 2009 Phases 2, 3, and 4 are due to be sold by the trustee due to economic times and no sales of units. No plats have been recorded, Sweetwater has missed the deadline with Planning under the PUD agreement, and the preliminary plats once approved have expired. The workout attorney Jack Magids and a lender are contingent on changing the existing PUD agreement with the city which would hopefully allow them to proceed with the Development. Laski summarized the list of proposed PUD changes from Sweetwater. Sweetwater has paid \$1,770,000 (one million seven hundred seventy thousand) so far of the \$4 million in-lieu fees owed for Community Housing. Also required was 40 workforce deed restricted units. An idea thought of late this afternoon has been approved by the lender is to pay the in-lieu fees as each unit is sold. The amount paid to date would be applied to the sale of the first 106 units. Then the remaining \$2,230,000 (two million two hundred thirty thousand) would be split among the remaining 315 units - \$7,080 for each unit would be paid at the time of sale. The other idea is to sell only 20 units versus 40 community housing workforce deed restricted units.

Williamson was presented this new information just this afternoon, he needs more time to take this under consideration.

Kathy Grotto with BCHA would also like to see this proposal in writing so that she could provide comments.

Peter Lobb of 403 East Carbonate remembers the early meetings regarding the floodplain and the developers own this problem. Lobb suggests that the council be hesitant to authorize fill as this is not the best course of action.

Laski asks for council to keep this on the next two meetings.

Brown moves to continue Sweetwater to Nov. 9th council meeting, seconded by Keirn, motion passed unanimously.

PH 451 Parking Ordinance proposed changes to Chapter 10.08

Parking Ordinance proposed changes allows for infractions of \$50 per violation. Hellen summarized these changes and the need for them during the winter months with snow.

Williamson pg. 161 section 10.08.040 Parking Restrictions explained the layout with the opening with the general rule and the clause “except as otherwise provided,” and the remainder of the sections are the exceptions.

Haemmerle wants to have the 2 hour provision removed from Main Street. Haemmerle thought 12 feet was too much, he thinks 6 feet is better than 8 feet, he feels it is more realistic – he measured some spaces this afternoon.

Hellen supported the 8 foot space rationale and how it was decided on. It is meant to be a practical standard straightforward to follow.

Brown is okay with changing the 2 hour parking as long as we notice it as a change since it has been in place for approximately 20 years. Brown is okay with the 6 feet vs. 8 feet.

Burke is okay with 6 feet. Keirn is leery of overriding the Public Works Director’s decision but is open to the 6 feet to try it out and revisit it if it becomes a problem.

Brown moves to approve Ordinance 1040, Parking Ordinance, conduct the first reading, modify the ordinance under definitions to include the word “bus” also in Section 10.08.030 Establishment and Regulation of Loading Zones modify by including the word “bus” and “passengers” and in section 10.08.040 Parking Restrictions part A) to read General as submitted in email from City Attorney sent today 10/26 and to modify part D) from 8 feet to 6 feet, seconded by Burke, motion passed unanimously.

Mayor Davis conducted the first reading of Ordinance 1040 by title only.

OLD BUSINESS:

OB 454 2nd reading of Ordinance 1037 changing the zoning district designation of Lots 4 through 10, Block 126, Hailey Townsite, from General Residential (GR) to Limited Business (LB)

Mayor Davis conducted the 2nd Reading of Ordinance 1037.

OB 455 2nd reading of Ordinance 1038 changing the zoning district designation of Lots 1, 2, and 3, Block 126, Hailey Townsite, from General Residential (GR) to Limited Business (LB)

Mayor Davis conducted the 2nd Reading of Ordinance 1038.

NEW BUSINESS:

NB 456 Discussion of Capital Projects

Heather Dawson handed out a presentation on Cash Balances part of which was given to council in June 2009 during the budget process.

Brown for sake of clarification asked if we had budgeted in anticipation of receiving this interest and now that the Capital Funds are separated (since January 2009) we will not get this interest in the operating fund. Dawson confirmed that Brown understood the situation. Brown is okay with moving the earned interest this year as we anticipated it and budgeted for it. Keirn is okay with this too.

The Treasurer Becky Stokes will move this interest \$14,198 from the Capital fund into the Operating fund and then next year we will not budget for the interest in our Operating fund.

NB 457 Discussion on transferring the APW water right for use at the Middle School

Tom Hellen, Public Works Director gave council an overview of the history of these water rights. Years ago, we moved ½ of the water rights out of Airport West (~9 acres). We could move the other half of these water rights by working with IDWR, allow the Middle School to use them and this would reduce the demand on the Northridge water supply (reducing a few million gallons usage per month from our water source). This could be a wise use of these rights as long as we work with the school on the agreement to use them.

Council is in favor of this idea and asked Hellen to move forward with this approach.

NB 458 Discussion of contract for services with Blaine County for dispatch services

Brown gave council an overview. The agreement which was sent is basically the same as before. Two minor changes, what if there are personnel changes within the year, they would not cut dispatch service, the county is okay with adding a sentence to address this situation. Derek Voss Blaine County Administrator understood why we were asking for quarterly payments. Initially the Commissioners were startled by the quarterly payment request. Voss thought that the City should suggest those changes and then present the changes to the Blaine County Commissioners in a letter.

Mike Chapman states that dispatch is making progress in call response times, very positive.

Beginning Oct. 29th, the 2011 discussions will begin and Derek Voss will facilitate the discussions.

Williamson feels the hold harmless clause needs to be removed; they should do their job as a dispatch provider.

NB 459 Woodside Fire Station design plans

Tom Zabala with ZGA Architects in Boise, ID 565 West Merlin Loop spoke to council. Tom Zabala, AIA principal architect gave a history of the project and with council's approval will move forward to put in front of the Planning and Zoning Commission on November 2nd, 2009. The Woodside Fire Station would be 9,400 square feet. The parking is now on the South side of the site. They have met most of the Xeriscape requirements by Ordinance and will continue to

follow those guidelines. There are 19 parking spaces. The design was intended to maintain the residential feel of the neighborhood.

Mike Chapman, Fire Chief, reminding council that when this process began in 2006 this station was meant to be a permanent building not just for volunteers. We would be operating out of two facilities once this is built. Moving forward with this design would put us in a better position to receive grant funding for this station added Chapman.

NB 460 Hailey Industrial Development Corporation – adoption of Resolution 2009-16 and appointment of 5 members to the Corporation

Brown moves to approve resolution 2009-16 authorize the Mayor to sign and appoint the following members: Gary Coates, Jim Spinelli, Larry Schwartz, Don Keirn and Susan McBryant to the Hailey Industrial Development Corporation, seconded by Burke, motion passed unanimously with Keirn recusing himself from the vote.

STAFF REPORTS:

Mayor Davis authorized a proclamation to be read at the last school board meeting, regarding Jim Lewis and his years of service to the school.

Hellen let council know that the tree clean up is mostly done now. Hellen has noticed that some property owners are stacking limbs in the City Right of Way, they are drafting a letter to send to these folks to let them know that the City clean-up effort is complete and that the Clear Creek Fall clean up day is November 7th at the Park n Ride at Bullion and River Streets from 9 am to 3 pm. Hellen is revising the snow removal policy and will bring in front of council soon. The City will be offering the Good Samaritan program of volunteers for snow removal for those who are in need of help.

Robrahn gave update to council on the Phase 1 of the Comprehensive Plan update is ending this week. Phase 2, the work sessions will start next Thursday morning.

Dawson let council know that on November 16th at 9 am there is a public art presentation at Hailey City Hall being held by the Hailey Arts Commission and the Mayor and council are invited to attend.

Gunter let council know that all Police department personnel have been vaccinated with H1N1 flu shots. Last Thursday the Police arrested a local teen for lighting a park bench on fire.

Brown attended the Library Board meeting last week. Minors can now check out materials without parents consent consistent with other state Library policies.

Keirn attended the Fly Sun Valley Alliance meeting a week ago. Wendy Jacquet was in attendance and was asked if MRG's were allowed by Idaho Constitution. Jacquet replied that they are not allowed by the Idaho Constitution. Also, the bus company they were hoping to sign

backed out at the last minute, so Sun Valley stages will do another year of bus service. Keirn, etc will visit the Blaine County Senior Center to talk about LOT.

Burke updated council on the Airport Board activities. They are looking at project management firms to select for the new airport project.

Halloween Hoopla is Saturday.

EXECUTIVE SESSION: Real Property Acquisition (IC 67-2345.c), and/or Pending & Imminently Likely Litigation (IC 67-2345.f/j), Pending Litigation (IC 67-2345.f/j), Personnel (IC 67-2345.a/b/d), Real Property Acquisition (IC 67-2345.c)

Haemmerle moved to go into Executive Session for Real Property Acquisition (IC 67-2345.c), and/or Imminently Likely Litigation (IC 67-2345.f/j), Burke seconded, at 8:09 pm. Motion passed with a roll call vote. Burke, yes. Haemmerle, yes. Keirn, yes. Brown, yes.

Mayor Davis concluded the second Executive Session of the night at 8:30 P.M.

Rick Davis, Mayor

Mary Cone, City Clerk