

**MINUTES OF THE MEETING
OF THE HAILEY CITY COUNCIL
HELD MONDAY OCTOBER 27, 2008
IN HAILEY CITY HALL 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 Don Keirn, Martha Burke, Carol Brown and Fritz Haemmerle. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson and City Clerk Mary Cone.

OPEN SESSION:

Bob McLeod of 417 E. Myrtle spoke to the council. McLeod went to the Sustain Blaine meeting; they were discussing possibility of getting grants. Also, McLeod watched the news today and money could be available to jump start the economy from the government. McLeod asked if the council could be “ready” to apply for these potential grant programs, for funding of the new rodeo grounds, skate park, sidewalks, and fire station. Lastly, McLeod suggested using local contractors.

Peter Lobb of 403 W. Carbonate asked a question to the city attorney, Williamson. On the agenda tonight is Pending and Imminently likely litigation; Lobb wants to know what this is about. Williamson replied that he must have confidential interaction with clients and is unable to share this information prior to any decisions. Discussing these items may not be prudent to discuss with public prior to any action made in Executive Sessions.

Dawson added that once a year the city clerk requests the attorney to write a letter to the auditor to explain the status of any pending litigation at the time. This letter is usually written in January of each year.

Bob Wiederrick of 1120 Quigley Road asked if there are plans to install a new traffic light on Woodside & 75. This intersection has become increasing congested added Wiederrick since the Countryside traffic signal was installed. Hellen replied that it is in the ITD’s plan to replace this light. This light is actually outside city land and Hellen has been considering contacting ITD to push this up in priority.

CONSENT AGENDA:

CA 379	Motion to approve special event Hailey Turkey Trot 5k Fun Run & Walk – beginning and ending at the vacant lot across from BC Aquatic Center on November 27, 2008 from 8 am to 12:00 pm	7
CA 380	Motion to approve special event Hailey Hometown Holidays Parade on Dec. 5 th , 2008 at 6 pm – 9 pm and authorize Mayor to sign 3 ITD forms – ITD Agreement, Hold Harmless Release and General Release Form.....	15
CA 381	Motion to approve Hailey Chamber of Commerce and City of Hailey special event Hailey 4 th of July Parade 2009 from 11 am – 3 pm and authorize Mayor to sign 3 ITD forms – ITD Agreement, Hold Harmless Release and General Release Form.....	29
CA 382	Motion to adopt Resolution 2008-17 amending appointments to the Historic Preservation Commission, adding Stephany Smith	45

CA 383	Motion to approve Non-Motorized Access Easement Agreement with Harry Rinker for Toe of the Hill Trail and authorize the Mayor to sign	47
CA 384	Findings of Fact and Conclusions of Law for Life Church Annexation Application	65
CA 385	Motion to award the contract for the Safe Routes to School Elm Street sidewalk project to S. Erwin Excavation and authorize the Mayor to sign the contract and the Notice to Proceed	79
CA 386	Motion to approve and authorize Mayor to sign Seventh Amendment to Joint Powers Agreement (Friedman Memorial Airport Authority)	89
CA 387	Motion to approve City Council meeting minutes of October 13, 2008, and to suspend reading of them	95
CA 388	Motion to approve claims for expenses incurred during the month of September, 2008	105

Williamson pulled Consent Agenda item 383.
Brown pulled Consent Agenda item 387.
Haemmerle pulled Consent Agenda item 384.

Williamson received a letter from Harry Rinker regarding two items CA383 and Hailey Sewer Agreement (both items on tonight’s agenda). Williamson has given the letter to the council. Williamson gave council an update on last week’s county planning and zoning commission meeting. The county denied the Peregrine Planned Unit Development (PUD). Williamson asked Rinker to continue this item based on the county’s decision last week. Rinker’s letter states that he is still pleased to continue contributing to the Peregrine Ranch SPF recharge program. Also, Rinker asks to not execute the non-motorized access agreement at this time. And at a later date Rinker would like to discuss with Williamson and others to discuss amendments to the Sewer Services Agreement. Based on Mr. Rinker’s letter; Williamson wants to pull item CA383, it is tabled.

Burke made a motion to table item CA383, seconded by Brown, motion passed unanimously.

Haemmerle voted to continue and was against denying this application – Life Church CA384. Haemmerle wants the document to reflect his vote stance. Williamson will add language in the decision to state, who made the motion, and how everyone voted. Haemmerle would like Williamson to note the change under 66 and the closing.

Haemmerle makes motion to amend findings on page 66 and conclusion section stating the way Haemmerle voted on this item, seconded by Keirn, motion passed unanimously.

Brown packet page 99, correction to 2nd paragraph, second line correct name to Ron Fairfax. Second change on page 100, 4th paragraph, the name should read Amy Ferderko a neighbor to Wiederrick. Also, on page 103, staff reports Brown spoke with Andy Hawley, not Eddy Hall.

CA387 Motion made by Burke to accept minutes as amended, seconded by Brown, motion passed unanimously.

Motion made by Burke to approve all other consent agenda items minus CA383, CA387, CA384 seconded by Haemmerle, motion passed unanimously.

PUBLIC HEARINGS:

PH 389 Motion to approve Ordinance 1018 designating Idaho Mountain Express as Hailey's official newspaper

Williamson summarized the situation where the Wood River Journal sold its assets to the Idaho Mountain Express. Hailey City must select an official newspaper by state law. Williamson suggested to council that the 3 readings be waived and that the council adopt this ordinance. And that the ordinance will be posted in 5 public places once adopted and published.

If any entity ever challenges this decision, then Haemmerle would like to revisit this decision.

Steve Crosser of 431 Aspen Drive spoke to council and wanted clarification. Will all legal advertisements for city of Hailey be published in the Idaho Mountain Express? Yes, confirmed Williamson.

Brown moved to approve Ordinance 1018, waive the 3 readings, authorize the Mayor to sign, seconded by Keirn, motion passed unanimously. Mayor Davis read by title only, Ordinance 1018.

PH390 – An application by Hailey Eye Center Rentals for final plat approval of the Eye Center Condominiums. The current legal description of the property is Lot 16A, Block 39, Hailey Townsite, (110 First Avenue North), within the Business (B) and Townsite Overlay (TO) districts. The plat would create 4 units. This project received preliminary plat approval by the Hearing Examiner on August 1, 2008

Robrahn gave overview to council that this is a standard application nothing unusual. Kathy Grotto with Benchmark & Associates, representing Dr. Snapp spoke to council. Grotto explained that the Final Plat notes are numbered 1-13 (with 2 number 1's) Grotto clarified the second number 1 is regarding title information which is not given at time of final plat. This duplicate number 1 is not correct, please make note of this correction.

Brown, condition A under the Summary and Suggested Conditions, page 126 of packet should read "...shall include plats note 1-12. Plat note 3 should read the following...." Grotto agreed. Robrahn is also in agreement with this correction.

Brown makes motion to approve final plat for Hailey Eye Center Condos as amended with conditions A-H, seconded by Keirn, motion passed unanimously.

PH 391 Proposed draft Hailey/Blaine County Area of City Impact (ACI) Ordinance, establishing an area of city impact, providing for an application of plans and ordinances for the area, delineating four areas within the Area of City Impact, each with general requirements, and addressing annexation, governing plans, notified notification and meetings between the City and County. The Hailey Planning and Zoning Commission recommended approval to the Hailey City Council on December 17, 2007. The Blaine County Planning and Zoning Commission recommended approval with revisions to the Blaine County Board of Commissioners on September 18, 2008

Mayor Davis asked for a 45 minute time limit for discussion of this item. Robrahn gave an introduction and presentation on growth management. An ACI ordinance is an agreement with the county and the city regarding county land surrounding city limits. ACI provides potential areas for city annexation.

Robrahn handed to council several documents; these included: Efficient Land Use and Growth Management presentation slides, TDR 101 presentation slides, Appendix A – Land Use Assumptions and Demographic Data from Tischler-Bise, Future Population Projections – Draft Wastewater Treatment Facility Plan from October 2007 and Public Comment from Indian Creek Ranch Owners Association received on 10/27/2008. Robrahn showed council a presentation on growth management. Robrahn expects that council will be presented with this information several more times as this is a lot of information to absorb. Robrahn discussed terminology associated with efficient land use and growth management; including units per acre and residential units per residential acre. Hailey overall is at 1.31 Units per acre, the townsite is 1.49 U/A, and the historic townsite is 5.07 U/A. 5 U/A is approx equivalent to 7 to 10 RU/A. Robrahn stated policy 12.1 – promote, manage and accommodate infill development, and control and/or limit expansion. Robrahn suggested based on Tischler’s projections, that we would need 724 acres to accommodate future infill. Based on these numbers, Hailey has consumed approximately 12 acres per year since the 1970’s addition of Woodside Subdivision. Also, growth projections could be at 212 units per year which must be planned for. Hailey’s current trend is equivalent to Blaine County’s R.4 zoning; Robrahn asks, is this growth appropriate for a city? Infill can mean changing density in existing zones. Robrahn added that if development continues at current trend then more area than contained in proposed ACI will be needed. Robrahn asks council what do you want to see from growth and how do you want to accommodate it?

Robrahn reviewed a map of the different zones in the ACI. Robrahn pointed to two different maps, one is the existing ACI Boundaries and the second is the proposed ACI map. The near zone includes Quigley and a few areas to the North and Southwest. The purple area is the Heritage zone. The blue area is the advisory zone (Heritage zone); property that the city does not anticipate annexing this property. The yellow area is Croy canyon land.

Public Comment:

John Gaeddart of 1 Quigley road speaks to council. He points to page 131 and 132 and speaks on behalf of several people. Gaeddart reviews the staff report, multi mobile transportation, usable open space; compliance with FEMA and Hailey subdivision standards apply. Gaeddart suggests caution to council to areas surrounding the city which the city does not anticipate annexing.

Evan Robertson – attorney from Twin Falls, representing client on Quigley development and Eckles ranch spoke to council. Robertson asked council to look at page 138, regarding owner requested annexations; indicates that these won't be approved without the cities approval. Robertson suggests that this should not be the council's decision. On the next page, regarding sewer districts would be okay if there is an agreement with the city of Hailey. Robertson expresses that this should not be a condition if land is not annexed and remains in the county. Subdivisions, the idea is that ACI areas will be incentivized, Robertson suggests that there is no incentive if this is a mandatory clause. Heritage zone, Robertson gave dictionary definitions of Heritage. Robertson is opposed to this section and believes this raises question in due process.

Martin Flannes – 126 S. Main in Hailey spoke to council. Flannes has a couple of questions. There are a few areas that have been downgraded from previous ACI maps (1994). Second, how are the Indian Creek wells protected from this development?

Peter Lobb – 403 E. Carbonate urges council to move slowly and infill the city first then populate the outlying area. Lobb suggested that this is a long process and hopes that council will look at this carefully and get it right.

John Gaeddart asked if council will ask for public comment before making any decisions. Mayor Davis confirmed. Gaeddart suggests that Robrahn has done a good job of reviewing the growth management but believes it would be helpful to review land use information.

Mayor Davis gave overview, the water studies that are in the works now will help shed light on some of the questions posed today. Davis asks council if county plans on developing on our borders, then this will impact the city greatly. What do we do if and when this happens?

Haemmerle notes that there have been very good questions posed today. Haemmerle is not excited about limiting our annexations, or requiring PUD's. Water and sewer, Haemmerle suggests that we may not be able to amend state statutes. The scope of the map concerns Haemmerle because most of it seems to be mountain sides. Haemmerle supports no TDI's in the ACI area.

Burke appreciates Robrahns overview and that these projected numbers are just that – to enable planning. Burke wants to be careful to not allow for a more dense core and then sprawl and then TDR's come into place. All of this becomes a very difficult topic. How do we mitigate the TDR's on our borders? Burke believes that the ACI will allow for

more input on these surrounding city areas. Burke believes that this is important but every discussion brings up more questions.

Keirn believes this is a necessary agreement. Keirn is in agreement with Haemmerle's suggestion of no TDRs. Keirn would be opposed to mandatory PUD's. Water and Sewer agreements would be applicable to each potential annexation.

Burke understands why a PUD is a good idea.

Brown refers to a PUD ordinance that used to be attached with ACI. Brown thinks the mandatory PUD went away and now it is strongly suggested. Brown addressed ACI in general, the city should want to know and have input on property surrounding its borders. Brown struggles with the West area. Brown clarified the "Heritage" name; they just picked it because they felt the area had lots of heritage. Brown explains some history on some of the areas and how they were named. Citizens were clear that the city should protect the hillsides and well heads. Brown is concerned with development on our borders creating density on the perimeter of our city.

Tom Bergin – Blaine County Planning Office suggests there is a cap per zone ranging from 20 to 50 percent. The county can increase the density by a certain percentage but it cannot be waived entirely.

Robrahn asks council to provide her with some guidance on what they would like to focus on in the next discussion. Robrahn addresses the PUD concern and states that there have been several meetings since the Planning and Zoning meeting where this was approved; they would like to strongly encourage PUD's but not require them.

Robrahn states that this is a dialogue between the county commissioners and the city council. How does the council want to see this play out? Brown would like to schedule a workshop with the county after some items are cleaned up. Identify the areas where the county and city are not in agreement and then work through these points. Burke suggests that the council needs to hear from the citizens and then the council can take these concerns and comments to the county.

Haemmerle suggests that we need to consider more density in the core.

Keirn suggests Robrahn to call the Boise planning department, they have been down this road and now have a process in place regarding this topic.

Mayor Davis suggests that Robrahn break down these discussions into parts. And continue the 4 sections to the next meeting.

Motion to continue PH 391, PH 392 to the November 10th council meeting made by Haemmerle, seconded by Brown, motion passed unanimously.

Burke may not be at the Nov. 10th meeting as she will be out of town.

**CITY COUNCIL MINUTES
October 27, 2008**

OLD BUSINESS:

OB393 – 2nd reading of Ordinance 1016. Mayor Davis read title only.

OB394 – 2nd reading of Ordinance 1017. Mayor Davis read title only.

OB 395 - Consideration and approval of Request for Proposals seeking professional fiscal impact analysis of the proposed Quigley Annexation

RFP fiscal impact analysis of proposed Quigley Annexation. Staff worked on this draft and in doing so they considered many aspects including, impact on taxes, water, city services, Nordic amenities, capital needs, local option tax and cost / benefits to a golf course. Hellen explained not so much as a profit sharing but more as an agreement. Williamson stated that most of the applicant's comments were reflected in this document. Hellen is looking at different firms in the West to provide expert advice on these areas.

Haemmerle makes motion to approve the proposed RFP draft for Quigley Annexation, seconded by Keirn, motion passed unanimously.

OB 396 - Consideration of Second Amendment to Sewer Services Agreement, Peregrine Ranch as drafted pursuant to council discussion and motion made on September 22, 2008, allowing extension of time

Burke makes motion to table OB396, seconded by Brown, motion passed with Haemmerle abstaining.

OB 397 - Discussion of prop 2 ballot language

OB397 – Brown called Jim Thomas to talk about the wording changes made to the proposition 2 ballot. Brown believes that the changes made by the county were with good intentions - one word was placed in the wrong spot when making the changes. Brown asked Thomas, “can I vote on this and feel that this is a onetime increase?” Thomas said that it is in fact a onetime increase.

STAFF REPORTS:

Hellen presents council with information with Woodside area. A day or two after the last council meeting Hellen received a complaint from a citizen regarding storing items on the cities land. Hellen wanted to clarify with council. There is no extending out of this area for risk that if done so that items would potentially be on top of the trunk line. There are 10-15 business owners in this area; Hellen suggests that each owner must sign this document. Williamson will review this agreement and present to council.

Another item Hellen is going to have Williamson look at is the situation in the winter where we allow the towing contractor to store towed vehicles at the wastewater plant. These vehicles are towed when they are in the way of the snow plow. Hellen suggests that we receive a portion of the towing expenses collected for towing vehicles since we are allowing city property to be used which helps the towing contractor (allows the contractor to tow 6-10 vehicles per night vs. 1-2 vehicles towed to Glendale Road). The contractor we used last year is open to paying a fee per vehicle towed to the city added Hellen.

Dawson updated council regarding the Sustainability Conference last week in Ketchum. Several city employees attended and the most interesting session to Dawson was held Friday afternoon. Kyle Livingston will be presenting the findings in the next two months of his baseline projects. Amy from ICLEI is helping to coordinate the grant and pointed out things that cities can do. This confirmed in Dawson's mind that Hailey is doing what they are supposed to be in this area and congratulated staff. The county has now formed a similar HELP group and suggests the opportunity to create synergy here.

Gunter attended a dispatch user's group meeting. The Memo of Understanding (MOU) is done. The group is in limbo pending the upcoming vote.

Keirn and Hellen will attend the Indian Creek Initiative meeting Wednesday at 4 pm. A full report will follow.

Keirn also attended last week the Fly Sun Valley meeting where voters approved to pay Horizon the Minimum Revenue Guarantees (MRG).

Clerk Mary Cone noted that canvass of Nov. 4th election will be on Nov. 10th regular meeting.

Mayor Davis thanked the council members for coming to each meeting prepared as this makes the meeting run smoother. He recognizes the effort put in by council members and appreciates it.

With no more business the Mayor adjourned the meeting at 7:37 pm.

Rick Davis, Mayor

Mary Cone, City Clerk