

**MINUTES OF THE REGULAR MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, AUGUST 14, 2006  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:30 PM. by Mayor Susan McBryant. Present were Council members Rick Davis, Don Keirn, Martha Burke and Carol Brown. Staff present included City Attorney Ned Williamson and City Clerk Heather Dawson.

**OPEN SESSION FOR PUBLIC CONCERNS**

Bob Wiederick said he had come before the city council in April to tell how the dumpster policy had adversely affected him, when an exiting tenant had ordered more than \$800 of dumpster service without his knowledge. The service was delivered, the tenant left, and he first learned of the charges after he had refunded the tenant's deposits and the tenant had moved out of the area. Dawson said the dumpsters had been ordered by someone who wasn't on the bill, and Clear Creek has been asked to write-off the charges.

Charles Macklin had submitted a letter and was present to request an extension of time on a building permit which had expired. The mayor indicated she had just read the letter prior to the meeting starting and would handle this matter administratively.

**CONSENT AGENDA**

Consent agenda items CA 279, CA 280, CA 281, and CA 282 were pulled. The remainder of the consent agenda was approved with Burke abstaining, following a motion by Keirn and second by Davis..

- CA 278        Motion to approve alcohol beverage licenses for 2006/2007
- ~~CA 279        Motion to approve Blaine County Consolidated Law Enforcement Records  
Management System~~
- ~~CA 280        Motion to approve Joint Powers Agreement with Bellevue for Transportation Plan~~
- ~~CA 281        Motion to approve Phase 1 Environmental Assessment Services Agreement to  
conduct study of Croy Canyon lands being gifted to Hailey by Bill Simmons~~
- ~~CA 282        Motion to approve minutes of the June 26, 2006 City Council meeting and to  
suspend reading of them~~
- CA 283        Motion to approve minutes of the July 17, 2006 City Council meeting and to  
suspend reading of them
- CA 284        Motion to approve minutes of the July 31, 2006 City Council meeting and to  
suspend reading of them
- CA 285        Motion to approve Pay Request #4 for \$107,715.33 to RSCI for water storage  
tank project
- CA 286        Motion to approve Request for Reimbursement # 1 to DEQ State Revolving Fund  
for Water Storage tank project of \$951,863.
- CA 287        Motion to approve Treasurer's cash report for the month of July, 2006

**CA 279 – Joint Law Enforcement Records Management System**

Brown asked if it's been decided whether the records management system would be administered by an employee or contractually. McBryant said it has been left open. **Brown moved to approve the agreement as submitted.** Davis seconded; the motion carried unanimously.

**CA 280 – Joint Powers Agreement with Bellevue for Transportation Study**

Williamson explained that he had amended the contract to indicate the timing of Bellevue's payment to Hailey, and to include Hailey's administration cost of \$500. **Brown moved to adopt the agreement with the edits summarized by the attorney.** Keirn seconded; the motion carried unanimously.

**CA 281 – Croy Canyon Gifted Land Environmental Assessment.**

Davis asked why we needed the Environmental Assessment Agreement. Williamson said the land that is to be gifted to Hailey by Simons should undergo an environmental assessment as simple due diligence. There was a dump nearby, and taking title to that much property requires due diligence to explore any future liabilities that may exist with the property. Davis felt it a waste of money, as it is bare-minimum due diligence. Brown felt it is necessary. **She moved to approve the Phase I Environmental Assessment agreement on the gifted lands at the mouth of Croy Canyon.** Keirn seconded; the motion carried with Davis opposed.

**CA 282 - Minutes June 26, 2006**

Burke corrected a typographical error in the minutes of June 26, 2006, and Brown corrected the sentence structure of one of her remarks from statement to question. **Brown then moved to approve the minutes of June 26, 2006 as amended.** Keirn seconded; the motion carried unanimously.

**OB 288 3<sup>rd</sup> READING ORDINANCE 955 –AIRPORT CAR RENTAL REGULATIONS**

Davis moved to approve the third reading of Ordinance 955 by title only, and authorize the mayor to sign. Keirn seconded; the motion carried unanimously.

**OB 299 3<sup>rd</sup> READING ORDINANCE 956 – WATER/WASTEWATER REGULATIONS**

Keirn moved to approve the third reading of Ordinance 956 by title only, and authorize the mayor to sign. Burke seconded; the motion carried unanimously.

**NB 295 ENCROACHMENT ENFORCEMENT POLICY**

Mayor McBryant said there are a variety of different street widths throughout town, and there are widespread encroaching uses into the streets. Christy Beck had complained about a violation where the encroachments are allowed by ordinance, and so the mayor had invited her to the council meeting to talk about this issue.

Beck said she had approached this initially as a neighbors' issue, rather than an ordinance issue. Everyone takes pride in their property, but this neighbor treats their property like a dump. She said she had been unable to get the police department to act upon the problem. McBryant said it is the political issues of these broad enforcements. Davis said he had held a conversation with the owner of the Featherbed Inn, who had similar complaints. If we enforce no parking where

people have always parked, that could develop into a large issue. Brown said a code enforcement officer would deal with much of this type of activity. She felt the level of enforcing rules set by the council is the mayor's purview. She felt health and safety is the primary issue. Mayor asked what does the council want to do about a third car in a driveway. Burke said problems arise with the culmination of a lot of vehicles. The right of way shouldn't be used as a storage area. McBryant said two previous times we have ended up litigating messy properties, and it cost us a lot of money and those properties are still not clean. Brown said staff should be working on this when their time permits. McBryant said if we're going to do this level of enforcement, we need to do it evenly, and summarized that she has understood that the council feels it important.

**PH 290                    474 CLUB'S SWEETWATER PUD, PRELIMINARY LARGE BLOCK  
PLAT AND FLOOD PLAIN DEVELOPMENT PERMIT**

Davis recused himself from this discussion and vote, to avoid any perceived conflict of interest.

**PUD Agreement** - Grotto introduced the application, and then Williamson highlighted the issues of the draft PUD agreement. The payment of in lieu fees would be made over time. The applicant is providing half the community housing on site. The applicant would be conveying title to property valued at \$1.77 million. The first payment will be due at the time of the first building permit. The applicant has agreed that in the event that FEMA requires a flood plain study relative to the bridge, that would be done. A construction management plan is required. A seven foot sidewalk by Countryside and Woodside would be constructed continuously. The details about phasing were difficult to codify, including how disputes would be handled. Paragraph 11 deals with the River Street property, he said he received a title commitment on that property dated August 11, 2006, with one exception which deals with access to Sutton and Sons and another which deals with power line easements. The applicant will agree in this paragraph that the title to the property will be the same as in the title commitment of August 11, 2006.

Brown asked if on page 6 the third public transit facility is required to be located offsite, or can it be on-site? Williamson said he would envision that on-site. Jim Laski, attorney for the project, said it would be in the vicinity of the project, if not on-site, across the street. Laski said some of the conditions have been changed through the PUD agreement, and listed each difference. Brown asked if the pole mounted power device is called out in this agreement. She said she is looking for some flexibility in the placement of the bus stops. She was fine with how the PUD agreement is written. **Keirn moved to approve the PUD agreement as presented.** Brown seconded; the motion carried with Davis abstaining.

**The PUD application** with suggested conditions was then addressed. Grotto said the presentation came originally to the council on July 24, 2006 and the council focused its discussion on the waivers requested. Section 10.5.4 sets forth findings required by the city council. Williamson said there will be written findings of fact. The proposed conditions from July 31 are the most recent.

Mayor McBryant opened the public hearing. There was none. **Brown moved to approve the Planned Unit Development with conditions A-F of the staff report, and to incorporate**

**findings cited by the Planning Director from Section 10.5.4.** Keirn seconded; the motion carried unanimously.

**Preliminary Large Block Plat** – Grotto said the large block plat is proposed as an initial step to plat the property and relocate Maple Street, as a first step toward further condominiumization of this. Laski said condition G has been revised or updated by the language of the Planned Unit Development Agreement, and could be stricken. Brown said within the project area, the power lines should be fully underground. **Brown moved to accept the preliminary large block plat, finding it in conformance with the subdivision ordinance, eliminating item G, and bullet point of item B noting that off-site power lines don't need to be undergrounded.** Keirn seconded; the motion carried unanimously.

**Flood Plain Permit** – Grotto said although flood map change is underway, a flood permit is still required at this time. Dave Petrie said Brockway will have the flood amendment to the council potentially in September. It would then go to FEMA. Williamson said the flood map affects only Phase 3 and 4. Keirn moved to approve the flood development permit with conditions of the staff report.

#### **Ph 291            474 CLUB'S REPLAT OF LOT 2, SUTTON SUBDIVISION**

Jim Laski, representing Sweetwater, said 474 Club has purchased the property in the Sutton Subdivision, and the ideas of the replat is to convey the road parcel to the city. Lot 2A is the parcel that will be conveyed to the city as part of the community housing designation.

Grotto said this is the last needed parcel in order for River Street to go through from Bow and Arrow Subdivision to Saddle River Subdivision to the north. The only issues to discuss would be the improvements in the River Street right of way. He asked the applicant to present the improvements as designed by the applicant. Brian Yeager displayed engineered drawings matching existing curb and gutter on either end of the project. A bow is proposed in the curb and gutter to preserve some trees. There are two proposed approaches to the Sutton property and the property to the west.

Mayor McBryant opened the public hearing. Heidi Husbands of 601 West Myrtle asked if sidewalks would be on both sides of the street, each 8 foot wide. She said currently there is a stop sign on Myrtle and River, and a second one at Saddle and River, and people are accelerating to 40 mph there now, and suggested some speed humps. There was no further public hearing.

Hellen said construction on the water main began this morning. Brown complimented the city engineer and applicant for having planned to retain two street trees, which will have the effect of calming traffic. Someday we'll have a formal plan for all of River Street that will make a pedestrian friendly strong business community. **Brown moved to approve the application, finding it in conformance with the Hailey Comprehensive Plan, and requiring conditions A-G as noted in the staff report.** Keirn seconded; the motion carried unanimously.

#### **VACATION OF PUBLIC UTILITY EASEMENTS IN PLAT 10**

Grotto presented this application on behalf of various applicants. The applications are coming through lot line adjustment processes, and before she can approve those lot line adjustments, all the utility holders need to approve the utility easements. Hyde said we are not presently using these utility easements, and have no conceivable need for them in the future. The mayor opened the public hearing; there was none. Williamson said no deeds are required, it simply clears up area property owners' title by removing the platted easement. **Keirn moved to approve the vacation of public utility easements within Woodside Plat 10.** Brown seconded; the motion carried unanimously.

## **2006/2007 BUDGET**

Mayor said changes have been made to the previous draft of the budget. In June, we had picked a number that seemed as if it might be achievable from Local Option Tax revenue, and determined that we wouldn't pre-assign those revenues. We have now pre-identified where \$200,000 will go to achieve some important goals toward the growth of the city. The budget now shows 2 additional police officers budgeted, funded with local option tax dollars. It also shows one additional full-time fire fighter, from local option tax dollars, and the full-time parks maintenance supervisor funded from local option tax dollars. She also found room to fund one additional associate planner. None of these positions were requested by the department heads, but she felt there are community needs we should be serving with these positions. The associate planner need is an observation of hers; all the development activity starts in the planning office. We are on the cusp of some potential legislation that may change how much planning we will do internally. That won't change planning for growth, which is dictated by outside forces.

McBryant went on to say that some salaries have been rearranged. She is not a fan of parity, different positions require different skills and knowledge levels, work load, competency, and ability to serve the public. Public works is shifting off risk management to the city administrator. She is pleased with the direction that salaries are going; they provide a livable wage for employees. She took a little money away from the council's discretionary fund. We are increasing by 3% what we are paying our planning and zoning commission.

McBryant said she has been exploring the potential to purchase a vehicle that would be used for shuttling employees from Magic Valley to Hailey. We've done preliminary research on types of vehicles.

McBryant opened the public hearing. There was none. Davis said we sold the LOT by saying we would be giving money to the Hailey Chamber of Commerce. Keirn felt we have an obligation there. Brown wanted to see \$5000 up front, and if more comes in later we could give more later. Davis said \$10,000 is appropriate right off the top. Keirn said the snow blower needs to be at the front of the line. Street Superintendent Allan Stowell said \$425,000 is the cost of the blower, and the clerk estimated that a 4-year lease would cost approximately \$140,000 per year. Brown said in the Legislative Budget SEIDO is funded at \$6000 and the Peak Bus should get \$2000 out of LOT, direct tourist based and appropriate amount. Davis said we haven't yet seen any benefit to Hailey of the Peak Bus. McBryant said it will take at least 2 years to see that benefit, and she had trouble funding PEAK with local option tax dollars. Brown said that gets back to the van-pool. Brown said the Peak Bus funding doesn't have to be LOT. Brown asked

about later allocations from merit pay. McBryant said her intent is incentive. The raises that are budgeted are not necessarily the raises that will be paid, which is based on performance. Brown said a grant could be used for lighted crosswalks. Brown was intrigued by the commuter van concept. She hoped, all else being equal, we would still hire locally first. Brown favored the 2 additional police officers right after the chamber money.

Davis asked about the Ehrenberg annexation, and if that would require construction of the sidewalk from Lion's to Hop Porter Park. Burke would put lighted crosswalks as a priority above the snow blower, then the commuter van as third. Mayor said the city could buy homes, hold them as transition homes for employees for a year. The development plans all touch on different parts of these components coming together. Keirn put the snow blower above the lighted crosswalks.

Burke said the public comment made as Hailey reformed the Main Street streetscape evolved around creating a bicycle friendly neighborhood. McBryant said she strives to have a code enforcement officer either part time or full time. Brown said at the next goal-setting meeting she would like to talk about long term goals and the potential uses of the \$1,250,000 capital reserve.

Brown moved to approve the Blue Shield contract and Delta Dental contract as submitted with the budget, both for a one-year term through September 30, 2007. Keirn seconded; the motion carried unanimously.

Brown wanted to spend \$7100 for Toe of the Hill restoration, and made a motion to approve that expense. Burke seconded; the motion carried unanimously.

**Brown moved to appropriate expenses of Local Option Tax as discussed within the appropriate departments, with the actual expenses priorities falling as 1. Chamber of Commerce, 2. Parks Maintenance Supervisor, 3. Police officers, 4. fire officer, 5. lease of snow blower, 6, lighted crosswalks, 7, commuter van., and expenses not to occur until council had been shown that sufficient tax had been collected and the priority reaffirmed at that time.** Keirn seconded; the motion carried unanimously.

**Brown moved to direct staff to prepare the budget adoption ordinance pursuant to these changes.** Burke seconded; the motion carried unanimously.

## **WATER and WASTEWATER RATES**

City Engineer Tom Hellen said the proposed rates keep the budget flush. He highlighted the circuit breaker rate, a reduced rate for people on fixed incomes. He said he would need to redraft the resolution. Keirn moved to continue this public hearing to the meeting on the 28<sup>th</sup>. Burke seconded; the motion carried unanimously.

## **SENIOR CENTER REQUESTS LONG-TERM LEASE OF LAND**

Brenda Shappee said some expansion needs to occur at the Senior Center, which is currently at its maximum capacity. The senior center will apply for a grant to expand. She was requesting

that the city allow expansion onto the lot north of the current facility, with a long-term lease of the land to the senior center. Davis said what the center does for elderly citizens deserves city council support. Brown said the land isn't developable by itself. She wanted the term of the lease to match up to the property already leased to the senior center. Mayor said when we are asked for other leases, there will be this precedent. The forest service only gives out 20 year leases for its land. She hated to have the needs of the town limited by a lease that's too long. Pete Cantor, chairman of the board for senior center, said the precedent has already been set. Burke said the minutes should reflect there is a concern. There is a difference between this property and the rodeo grounds. Davis asked if we can add to the existing lease the legal description. **Brown moved to lease lot 11 of block 126 to Blaine County Senior Council for a term to match their existing lease.** Keirn seconded; the motion carried unanimously.

## **STAFF REPORTS**

Grotto described the work she had been doing in anticipation of Proposition 2 passing. She suggested the council bring calendars to the next meeting to schedule meetings in October.

## **AIRPORT REPORTS**

Burke said the airport runway has been shifted 600 feet to the south and now there are issues with the trees; they need to be lit.

## **COUNCIL REPORTS**

Brown said the Arts Commission is meeting here tomorrow morning at 9:00 a.m. Keirn said the state E911 coordinator had attended a meeting and had interesting comments. The county is discussing bringing an alternative tax, such as a LOT, to voters to fund this in a method other than property taxes. McBryant said they should fund a year at a different location, decommission their facility, and put a new remodeled facility at the current site, and put dispatch in the basement of courthouse annex.

Kelly Jackson of Wood River Journal introduced herself.

Mayor said Beth Callister was married last Saturday

Burke moved and Davis seconded to go into executive session to discuss litigation and land acquisition. A roll call vote showed all in favor. The council went into executive session at 8:10 p.m.. and adjourned following a motion and roll call vote.

There being no further business, the mayor adjourned the meeting.

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Susan McBryant, Mayor

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Heather Dawson, City Clerk