

**MINUTES OF THE REGULAR MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, JANUARY 10, 2005  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:32 p.m. by Mayor Susan McBryant. Present were Council members Rick Davis, Martha Burke, Don Keirn and Carol Brown. Staff present included City Attorney Ned Williamson and City Clerk Heather Dawson.

**EXECUTIVE SESSION**

Keirn moved, and Burke seconded that the council go into executive session to discuss land acquisition, pending litigation, and personnel issues. The council went into executive session at 5:33 p.m. Following a motion to adjourn and roll call vote, the council went out of executive session at 6:05 p.m.

**OPEN SESSION**

Mayor McBryant called the public meeting back to order at 6:06 p.m., and opened the floor to open session for public concerns.

Al Lindley said Hailey's mayors have never appointed members of the Gem Community in the past, and wondered under what authority Mayor McBryant plans to do so. He believed that process should stay as an ad hoc process. McBryant said she is not going to make appointments tonight, but when the Gem Community was first conceived, the mayor made the appointments, and the council confirmed them.

Matt Furber asked where the council is going with the Peregrine Ranch issue. Mayor McBryant asked Furber to speak to the council outside the meeting on that matter.

**HISTORICAL OVERLAY DISTRICT**

Stephanie Webster of the City of Ketchum made a presentation on Ketchum's Historical Overlay district. The Ketchum City Council reestablished the commission last year and appointed a six member board. Ketchum became a certified local government in 2004, designated so by the US Department of Interior, which department allocates grant funds which become available when such certification is done. A grant was recently awarded to inventory the historic places; the survey is planned for this summer. An Idaho Heritage designation has been applied for as well. The organization is trying to revive a plaque program, and is looking at regulations regarding demolition of buildings. Establishing a commission is the first step, and she had attached an ordinance showing how to establish a commission. After appointments are made, the historic district is established, as well as other parameters.

Rick Davis said he had asked Teddie Daley, president of the Blaine County Museum Board, to be here tonight, because she had expressed interest in the museum board being part of this commission. Brown asked how the commissioners balance keeping the town

vital and historical at the same time. Webster said Ketchum hasn't written its design review standards to require historical-looking buildings yet. Keirn asked what building codes apply. Webster said the Building Conservation Code governs buildings on the National Register of Historic Places. Davis said the Hailey Historic district was formed in 1982, defining a small area of town, but there are other buildings outside the district that fall into historical building categories. He wanted consensus from the council as to whether we should pursue making this a working tool in Hailey. Brown favored moving forward, saying she would hate to lose older buildings in Hailey. Burke said an architect had once recommended that her old house be knocked down; that type of recommendation could be avoided with this measure. Keirn concurred as well. Davis said the commission should have a landscape architect, and he had invited Denise Jackson to listen so that she could determine if she is interested.

## CONSENT AGENDA

Consent agenda items 461, 462, 463, 464, and 470 were removed from the consent agenda for further discussion. Brown moved to approve the other consent agenda items. Davis seconded; the motion carried unanimously.

- CA 460 Motion to approve combined cell phone contract with Edge Wireless
- ~~CA 461 Motion to approve application for Design Review of storage building at Street Shop property.~~
- ~~CA 462 Motion to approve minutes of November 15, 2004 and to suspend reading of them.~~
- ~~CA 463 Motion to approve minutes of November 22, 2004, and to suspend reading of them.~~
- ~~CA 464 Motion to approve minutes of December 13, 2004, and to suspend reading of them.~~
- CA 465 Motion to approve claims for expenses incurred in December, and prepared for payment on January 10, 2004..
- CA 466 Motion to approve Findings of Fact, Conclusions of Law and Decision for final plat approval of Amended Woodside Subdivision #15, a re-plat of Lots 1-6 & Parcel M, Block 61.
- CA 467 Motion to approve Findings of Fact, Conclusions of Law and Decision for final plat approval of Ridgerock Townhomes.
- CA 468 Motion to approve Findings of Fact, Conclusions of Law and Decision for final plat approval of Bullion Square Condominiums.
- CA 469 Motion to approve Findings of Fact, Conclusions of Law and Decision for preliminary plat approval of a re-plat of Lot 7, Block 4, Airport West Subdivision.
- CA 470 Motion to approve Amendment No. One to Annexation, Services and Development Agreement for Airport West Business Park and authorize the Mayor to sign.
- CA 471 Motion to approve Development Agreement for Amended Woodside Subdivision Plat No. 15 and authorize the Mayor to sign..

- CA 472 Motion to approve Development Agreement for Rezone of Central Woodside Parcels and authorize the Mayor to sign.
- CA 473 Motion to approve summary of Ord No. 890 – Various amendments to Zoning Ordinance No. 532 – for Publication.

CA 461 Mayor McBryant asked the council if it was comfortable with the City of Hailey’s application for design review of a storage shed on the city shop property as presented, since it is not the same standard of submittal usually required for design review applications. Brown said she was comfortable with the application, and moved to approve the application for Design Review. Keirn seconded; the motion carried with all in favor.

CA 462 Davis amended page 13 of the minutes of November 15, 2004, correcting a misspelling and the mayor corrected page 15. **Keirn moved approve the minutes as amended; Brown seconded; the motion carried unanimously.**

CA 463 and 464. Minutes of November 22 and December 13, 2004. These two items had been removed from the consent agenda because Burke had not been present at the meetings and wished to abstain from voting. Brown moved, and Keirn seconded, that the findings of fact be approved as presented. The motion carried with Davis, Keirn and Brown in favor; Burke abstained.

CA 470 – Davis said he had not meant to pull this matter from the consent agenda; he moved to approve as presented. Keirn seconded; the motion carried unanimously.

**ORDINANCE READINGS** – Mayor McBryant said the reading of ordinance 892 will be pulled from the agenda at the applicant’s request. The other ordinances will be read later in the meeting.

#### **PH 477 AIRPORT WEST PHASE II, LOT 1 BLOCK 4 REPLAT**

Brian Yeager presented the preliminary plat of Lot 1, Block 4 of Airport West Phase II. He said a sewer manhole is planned to be extended, and access to the adjoining Tax Lot would be an issue for discussion with the council, either now or at final plat.

Planning Director Kathy Grotto said Citation Way could access Tax Lot 3913, if it is developed as some kind of SCI use. She said preliminary plat would be the proper time for that discussion. Brown noted the snow storage would need to be shifted to another location.

Mayor McBryant opened the matter for public hearing. There were no comments.

George Kirk said the developer would be willing to plat an easement for the benefit of the tax lot, although he said he would prefer not to. In the original plat there was a 40 foot utility easement. He said there is a 20 foot strip of landscaping, 10 feet of which is owned by the City as Parcel A. Everything now is being done outside that 20 foot

landscape buffer. If the tax lot were to be utilized as SCI, the need for buffering would be eliminated. The landscaping may potentially be relocated. He didn't think it is equitable to simply assign Citation Way for the benefit of the tax lot. The tax lot owner might have a dialogue with the owner's association, and the easements could be relocated to straddle the property lines. There is still access, even without that, with the 40 foot utility easements. He suggested eliminating any discussion of easement dedication at this time.

Burke asked about interconnectivity in terms of good planning and how we should view this matter. Grotto said providing an alternative for that tax lot, rather than interconnectivity, is the goal. We would want to eliminate that tax lot's access to Broadford Road if the use changed from residential to SCI. Access would have to be routed through the interior of Airport West. Grotto understood what Kirk had said, agreeing that dedication at this time would be fully to the benefit of the tax lot property owner. Kirk added that one of his goals would be to invite a discussion with the tax lot owner.

McBryant was inclined to agree with Kirk, and would state that when the landowner opts to change from residential to SCI use, they negotiate for access at that time. Our concern is that this design creates a ready avenue for connection. We may need to state in the form of a plat note, that the lot will be allowed to connect to the existing road, and the other parcel owner will have to figure out how that will happen. She was uncomfortable giving them that road for free. We had hoped all the tax lots would come into the city with the Airport West application, to create a better design for our community. Davis agreed, saying Citation Way is a private road not as wide as the utility easement. Brown said the City will be a player anyway, because of its ownership in Parcel A. Brown hoped that future councils will mandate any non-residential use not use Broadford Road.

**Davis moved, and Burke seconded that the preliminary plat be approved with conditions in the staff report A-E, eliminating condition F.** The motion carried unanimously.

#### **PH 480 SNOW REMOVAL FROM SIDEWALKS – Municipal Code Amendment**

Public Works Director Ray Hyde presented an ordinance revision, which would require property owners to remove snow from adjacent city sidewalks, on the recommendation of Hailey's insurance carrier ICRMP. With the amount of construction in residential subdivisions, we are noticing a lot of sidewalk damage, and the ordinance also covers the need for their repair. Driving this matter is not so much the cost to the city of the snow removal as it is the liability issue with the sidewalks. There is a lot of packed snow and ice on the sidewalk, especially at the roll-over curbs. By requiring an adjacent property owner to remove the snow, we are not putting the city's liability onto the owner. We still have liability because it is our property, but by enforcing the ordinance, we are doing due diligence, which reduces the city's liability. Davis asked if this ordinance will effect the downtown businesses, and the residential areas where we now have sidewalks. Hyde said we are beginning to require sidewalks in Woodside and Foxmoore, where the

homeowners association hires a private company to keep those sidewalks clean. Davis asked about the Main Street LID promise to keep those sidewalks clean. He felt the street department crew could better spend their time than cleaning sidewalks. He asked where the snow would be put if not into the street. Hyde said that would be a public education issue. If the snow is pushed into the street after the street snow has been removed, that creates a parking problem, which will be an issue the business has to deal with.

Brown said Foxmoore is a good example, but the condition to maintain the sidewalk is probably part of the conditions of approval. Downtown Hailey doesn't have an owner's association. Snow is safer to walk on than is ice. Hyde said because we do something in downtown Hailey, it removes a certain amount of liability. As a community we need to do something about the safe movement of pedestrians in residential areas. Burke spoke about how the sidewalks are kept clean on her block by residents, and every time the plow comes, the sidewalk is plowed back under. At intersections, walkers have to jump through where it's been plowed. If homeowners are asked to do this, no one will be able to get to the sidewalk. Burke said there is distance between where the sidewalk ends and where the city crews plow, and was concerned primarily with interconnectivity that gets pedestrians from the sidewalk to the street.

Keirn said it won't fly if homeowners clear their sidewalks and the city plows it back in. **Davis moved to continue this matter to the first meeting in February.** Keirn seconded; the motion carried unanimously.

## **2003 INTERNATIONAL FIRE CODES**

Williamson said the fire code was emailed to him when his computer was down; he has not reviewed it. His review would likely shorten the ordinance somewhat. Chapman said the ordinance has been prepared for adoption; the state adopted the 2003 International Fire Code in January, and this action will match the fire code up with the building codes we adopted at the last meeting.

Mayor McBryant opened the matter for public hearing. Denise Jackson said it is standard procedure for fire departments to keep the code current to community conditions and international code.

**Brown moved to approve the first reading of Ordinance 894 by title only, if title changes suggested by the attorney are non-substantial.** Burke seconded; the motion carried unanimously. Mayor McBryant read the ordinance by title only.

## **PH 478 WOODSIDE ELEMENTARY ANNEXATION**

John Gaeddert presented the application for annexation of the Woodside Elementary School parcel, showing areas in green as proposed for RGB zoning. He said a small amendment has been made to show the avalanche area that exists on site. None of the proposed improvements are in the avalanche zone. He suggested that the Yamagatta

property access shall be constructed to a new separate intersection. The proposal that the commission approved would have the access coming in here. This is a drainage easement which needs to make its way to parcel J, and by so doing will actually improve an obstructed set of culverts into a proper design. He said a new map will be developed to show that change. He agreed with the findings of the commission. The school district will build and plow the easements. The commission had asked that the fencing be behind the park, which will help to restrict motorized vehicles. The school district will work with the city to provide signage regarding any avalanche issues. The school district had made an offer to dedicate .63 acres to the city as a form of mitigation to anything this project affects regarding the Echo Hill park. The Hailey Parks and Lands Board didn't want that .63 acres, and the commission was neutral. The school district has filed an application for a 3 lot subdivision, not yet certified by Hailey's planning department. The plan is that one lot would be gifted to the city, one would be used for future teacher townhomes, and the third lot would include playfields and various design review items.

Rand Peebles said the potential future use of Lot 2 is not before the council tonight, but will be considered on a PUD application, filed Oct 28, 2004. The school district had made an offer to the city in a letter asking that if a PUD application is approved for community housing, and if the city would like one of those sub-lots for work-force housing, in exchange, the city would agree to build the sidewalks required for the Woodside elementary school (about a \$28,000 expense). He referenced that although it requires no action tonight. He researched the legality of this offer, and said Idaho Code 33-601 gives the authority to convey real property to whatever consideration is deemed appropriate. Everyone has a crying need for workforce housing. Tomorrow night will be the first time the school board reviews renderings of these concepts. No additional annexation fees will be required to bring those housing units on line.

Jim Lewis said the educational goal for this school was developed by the community, and the school has always been planned on this site, and is designated in the comprehensive plan for this site. This school will provide a better opportunity to look at preschool education for 3-5 year olds. Construction costs are going up 10% per year, representing ½ million dollars to the school district tax payers. The dwelling property could be used for a single dwelling or a duplex. In some instances, the school district is given back 50% of the contracts offered by people who can't find an affordable place to live here.

Lewis said the project plans will allow no public access through the fire department's emergency service access. He invited the public to the school board meeting tomorrow.

Gaeddert said dialogue with the planning and zoning commission determined that detached concrete sidewalk added more safety. Lewis said some neighbors would rather have sidewalks attached to the road, because neighbors have built out to the street. Hailey has the jurisdiction to deal with that.

Brown asked about Lot 1. Gaeddert described it as .63 acres, with pedestrian access on the back side, adjacent to an alternate playfield the school will build. With access through the fields, the base improvements include a water line in the ground, and an

access road improved and plowed. Lewis noted that is separate from the building lot being proposed. Burke asked what the city could do with that lot. Gaeddert said it is offered as mitigation for loss of use of the Echo Hill park area. The zoning would be GR; the city could make use of it accordingly.

City Planner Diane Shay clarified that the council hadn't enacted a moratorium on annexations, but had put applications on hold to finish two critical sections of the comprehensive plan. The commission denied a previous application in December 2003 because it couldn't find conformance with the comprehensive plan. The commission was able now to find that conformance, because now the project is showing dual accesses. There are several items in the staff report that need to be put into annexation agreement.

Mayor McBryant opened the public hearing. Chad Blanco said his biggest concern is the sidewalk. During the commission meetings, City Engineer Tom Hellen had stated the snow would be removed by city crews. The school district has done a great job in its upward battle toward annexation. Traffic at that intersection is fairly minute; the biggest issue is maintenance of sidewalks. He preferred attached sidewalks so that city plows could simply widen the road in that area. He said Lewis had satisfied some of his concerns regarding crosswalk requirements of the state. He said there are some unknowns there, but his hands are tied.

Steve Brook said he lives on the corner of an easement going up to a private residence beyond the school. He asked if the dirt road would be moved over. He would hate that road to be moved directly onto his property line. McBryant said that decision isn't being made tonight.

Elizabeth Crossey, representing Yagamate, said she is trying to find a means to utilize the existing dirt road. She said approval by the city needed to be with separate access, and Yamagata's approval. Denise Jackson, formerly of Woodside, said this provides a nice distribution of schools evenly throughout the valley. Annexation process opens the door to have the school district help with development of Toe of the Hill Trail. Hailey has the opportunity to finally complete a trail from the elementary school to the high school, providing safe alternative transportation for all ages of kids. She thought the lot donation was a nice compromising mitigation to losing an entire park.

Donna Brock of 3620 Woodside Boulevard asked if a preschool will increase the number of students at the school. McBryant said the size of the parcel dictates how many people can be there. Ketchum Housing Authoritarian Michael David said the potential for community housing is very valuable to the city. It will add to an ever improving community to have elementary school and housing together.

John Gaeddert said as part of design review approval, the school district will agree to grade in 3-5 foot wide toe of the hill trail.

David Wiend of 3250 Berry Creek was concerned about the trail behind the property, the emergency access road and its distance from the property line. Gaeddert said the school

district wants to mirror the existing road, but can't at a small area not owned by the school.

McBryant said the commission's recommendation was different than that of the parks and lands board. The land dedication offer isn't valued by the board as usable park space. She added that GR may not be a good zone; auxiliary buildings could develop there, rather than a park. A gift of land for housing, does not put \$28,000 in city coffers to put toward sidewalks. The city would have to sell the lot for the value of the land. Keirn added that we wouldn't have the funds to build the housing unit. He said the property was in the school district's levy override plan, and met public approval. He said if the project meets conditions of approval, he is favorable toward it. Brown said it is to the school district's credit that public comments were so favorable tonight. She favored moving forward on an annexation. We will need further discussion on Lot 1, considering the parks board comments that a land dedication could be more central, but she didn't want to give up a dedication of land. We will need money in the bank to build sidewalks. Burke said some of these issues are separate issues from annexation and GR zoning of the property. That park space isn't very usable; it's a weed center. If the board had found a use for it, she would think otherwise.

**Davis moved that the council annex the school district's 19.7 acres, pending an agreeable annexation agreement, and that the zoning of areas over 25% slope be RGB, and the balance GR, and make findings that the project generally conform with the Hailey Comprehensive Plan, will not create additional costs, and is in conformance with the general welfare of the public.** Keirn seconded.

**Brown amended the motion to acknowledge that the avalanche zone would be zoned RGB.** Keirn seconded; the amendment carried unanimously. The motion then carried unanimously.

Mayor McBryant said a New Business topic on a later agenda would be held regarding annexation agreement points. Davis said we will need to talk about sidewalks, annexation fees, parks, paths, and snow removal.

#### **PH 479 – PARKING ORDINANCE TEXT AMENDMENT**

Gaeddert said he has been working on a draft change to city's parking requirements, and created a spreadsheet of how a variety of institutions factor parking. He had drawn up a proposal that would have, for elementary schools, three spaces for each classroom. Existing city parking requirements would require an inordinate number of parking spaces. Assembly areas and rating capacities have changed definition over time. Some edits proposed by Williamson are agreeable to the school. Shay said this amendment deletes the provision to have parking spaces within 1200 feet of a principle use. Reference to a written recordable agreement had to do with off-sight overflow parking. From now on, the school will have to accommodate all their own parking on site.

Mayor McBryant opened the public hearing. Michael David with Blaine/Ketchum Housing Authority recommended that all parking requirements be looked at to make sure they are up to speed with today's standards. Density infill is sometimes thwarted by what appears to be over-burdening parking requirements.

McBryant said the formulas make for parking on unimproved locations. Schools grow, add trailers, and that growth takes away their ability to meet the formula. If the formula can't be met, the change shouldn't be allowed. Parking will need to be evaluated with those changes. Williamson noted that should be discussed with the annexation agreement.

Davis moved that the council read the first reading of the parking amendment ordinance by title only. Keirn seconded; the motion carried unanimously. Mayor read the ordinance provided by staff.

#### **NB 482            GEM COMMUNITY RESOLUTION**

Mayor McBryant pulled this matter from the agenda, saying she would make the Gem Community appointments at the next meeting, and her nominations would include Jim Spinelli and Brenda Shappee, both of whom have significant background in other communities. Burke noted Al Stevenson would be a good candidate; the mayor said she would make sure he is interested.

#### **NB 483 PARKS & LANDS BOARD APPOINTMENTS**

Mayor McBryant offered the names of Michael Pogue and Cheryle Kramer for 3 year terms on the Hailey Parks and Lands Board, and Becki Keefer to a one year term. **Brown moved to approve the appointments;** Keirn seconded; the motion carried unanimously.

#### **NB 484            2005 TAXI LICENSES**

**Davis moved to approve five auto transportation service license applications.** Keirn seconded; the motion carried unanimously.

#### **WORKSHOP**

Burke said the airport authority had been given information discussing what happens when we relocate an airport on BLM property, complete with grant process and lots of hoops. The airport relocation committee is trying not to define a site by its footprint, because it affects 20 miles on either side of the runway. The last piece of this process is to compare recommended area to current Friedman site expansion. If relocation effort is not successful and we can't find a site, then we will have to look at the next process, a regional airport, with its whole different mechanism of approaches. Without making bad decisions, the committee is hoping to find the next site where the airport can grow. Every

move out of the immediate vicinity will have an impact. Keirn said one of the negative alternatives to the current site will be a bus station.

Mayor McBryant said the council should come prepared to its next meeting to elect a council president. The Blaine County Local Emergency Planning Council is having a mass casualty workshop; she asked for interested council participation. Blaine County Commissioners gave mayors one position on the E 911 Board. She said cities have been virtually shut-out, and she won't attend again. She asked the attorney to look harder to find a way to avoid reading ordinance titles. She said the design review application for the city shop shed is an unprofessional presentation. The shed was there before the approval process. She said the council has been presented with some staggering invoices, for office furniture, vitamins, and the like, and she suggested the control that is presumed by council review of invoices isn't in place at all. She asked the attorney to revisit the approval process; it doesn't make sense when the debt has already been incurred. Hellen said at some point the council can't look at everything; it moves beyond functioning. Brown said we still have a chance to question invoices, even though it may be after the fact. Brown said she looks at per diem expenses. City Clerk Heather Dawson said the council doesn't have to pay invoices; that is one of the authorities of a municipality. Williamson added that may not necessarily be a good way to do business. Burke said it is working okay; it may do us all a good turn to call and find out what an invoice is. Brown said one of the few responsibilities we have as council members is our fiduciary responsibilities.

Traffic Committee. – Hellen said Hailey will host an open house this week for pedestrian safety enhancements; ITD will have recommendations per the Parson's- Brinkerhoff study. ITD wants public input before it eliminates the center turn lane. Mayor said the work is a culmination of a lot of people who wanted to see improvements.

Mayor read Ordinances 890 and 891 by title only, their third reading.

There being no further business, Mayor McBryant adjourned the meeting at 9:02 p.m.

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Susan McBryant, Mayor

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Heather Dawson, City Clerk