

**MINUTES OF THE REGULAR MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, APRIL 11, 2005  
IN THE HAILEY TOWN CENTER MEETING ROOM**

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

**EXECUTIVE SESSION**

Davis moved that the council go into executive session to discuss litigation. Brown seconded; a roll call vote showed all in favor. The council went into executive session at 5:33 p.m. During the session, Davis and McBryant recused themselves. Burke moved and Brown seconded that the council go out of executive session; a roll call vote showed Brown and Burke in favor.

**OPENING REMARKS**

In her opening remarks, Mayor McBryant invited the community to a Hailey Public Library open house to recognize the Friends of the Public Library.

**HISTORICAL COMMISSION APPOINTMENTS**

Mayor McBryant asked for the confirmation of her appointments to Hailey's new historical commission of Denise Jackson, Rob Lonning, Laura Hall, Nick Busdon, and Teddie Daley.

Burke moved, and Brown seconded to approve the appointments to the historical commission.

**CONSENT AGENDA**

Mayor McBryant pulled CA122 from the consent agenda. Davis moved to approve the remainder of the consent agenda items as presented. Burke seconded; the motion carried unanimously.

- CA 121 Motion to approve Findings of Fact, Conclusions of Law and Decision for preliminary plat approval of 841 Business Park Subdivision.
- ~~CA 122 Motion to approve minutes of March 28, 2005, and to suspend reading of them.~~
- CA 123 Motion to authorize Mayor to sign application for Conditional Use Permit for chip seal storage on Lot 14, Block 46, Woodside Plat 11, zoned Recreational Green Belt
- CA 124 Motion to authorize City of Hailey to piggy-back onto Blaine County Chip Seal bid for gravel (1200 tons @ \$5.00/ton) and emulsion(350 tons @ \$202/ton) for Hailey's 2005 Chip Seal Project.

- CA 125 Motion to authorize Mayor to sign contract with Walton Inc for Woodside Meter Vault Installation
- CA 126 Motion to authorize Mayor to sign contract with Sun Valley Skylan for wireless internet service to the Woodside Wastewater Treatment Plant Administration facility
- CA 127 Motion to approve claims for expenses prepared between March 14 and April 5, 2005
- CA 128 Motion to approve Treasurer's Revenue/Expense Report for Month of March, 2005

**CA 122 March 21, 2005 Minutes- Hailey City Council Joint Meeting with Blaine County Commissioners.**

The mayor and council had been presented with minutes of a joint workshop with the Blaine County Commissioners. Mayor McBryant said she had no question regarding the content of the minutes, except that the content did not include some discussion that had been held. She added some information to the record of that meeting, including the following:

*RE: ADDING SPACE FOR HAILEY POLICE AT NEW COUNTY FACILITY:*

The Sheriff stated that there was no room on the parcel to increase the footprint, therefore a second story would be the only option.

The county commissioners indicated that there was already \$60,000 spent in architectural fees; the project was scheduled to break ground in May and the timeline couldn't be altered due to the need to take advantage of low interest rates. When asked, Commissioner Michael indicated that the county wouldn't change it's schedule.

*RE: PEREGRINE RANCH:*

In response to Commissioner Wright, Williamson noted that the agreement with Rinker would be valid regardless of the number of units developed on the parcel, from 1 on up.

*RE: E-911*

Mayor McBryant stated that consolidated dispatch and the additional cost to implement had not been part of the voter approved tax for E-911. McBryant noted that Ketchum operates its own sophisticated dispatch and that Sun Valley pays a fee for dispatch to the county. Both have high levels of emergency response service.

Consolidating dispatch would allow the cities of Sun Valley and Ketchum to shift that expense to the county as a whole. North cities would gain by reducing their costs and retaining the same level of dispatch; south cities would lose by having to pay more than at present for the new dispatch system, without an enhanced ability to respond.

McBryant asked the county to allow the City of Hailey to have its own appointee to the E-911 Board. Commissioner Michael said that discussion could be had at another meeting. She stated that the E-911 meetings are open to the public and that the city could have representatives attend.

*RE: DISCUSSION OF BLAINE COUNTY MORATORIUM:*

Commissioner Michael said that the county is considering requiring all subdivisions to provide an additional 20% of the total in affordable housing. Mayor McBryant suggested viewing the ability to subdivide as a substantial developer benefit; to make the affordable housing requirement as a percentage of the total density allowed, not in addition to, and not to allow density increases.

*RE: PUBLIC COMMENT:*

In response to Tidwell: The city was asked about community housing and noted that approximately eleven units will be completed throughout the city in this building season, two are available for the Housing Authority lottery at this time. Interested parties were encouraged to arrange to tour those units.

In response to Kennedy: The offering of the current county jail facility to the city had been a selling point of the recent non-binding jail funding ballot; he would like to see that pursued. Councilman Brown concurred and asked the county to discuss that option with the city.

**Davis moved to approve the minutes incorporating McBryant's additions.** Burke seconded. Brown noted that although she didn't remember these statements exactly verbatim, they represent the context of the meeting. The motion carried unanimously, and the clerk was asked to communicate with the county that these revisions have been made.

**OB 129            2<sup>nd</sup> READING ORDINANCE 902 – MINIMUM LOT SIZE  
REDUCTION IN TONWSITE OVERLAY** Mayor McBryant read the second reading of Ordinance 902 by title only.

**PH 130            NATURAL RESOURCES, RECREATION AND PAKRS SECTIONS  
OF THE HAILEY COMPREHENSIVE PLAN**

Diane Shay said some of the changes from the nine different groups who offered input into this document were not collated correctly, and rather than make a skewed presentation, she preferred to bring this matter back at the next meeting. She said new language talks about wildlife resources and migration corridors preservation. The section talks about direct, indirect, and cumulative impacts. Some language deals with waterways and floodplains and green space. The commission wanted to take softer language out, and so harder language is sprinkled throughout the document. The text won't change, but the council will better be able to see how we got to where we've arrived when the collation is corrected.

Davis said he was glad to see that draught resistant landscaping is encouraged. He had thought only a couple of developable lots were left in the floodplain. He noted that language in the plan sounds as if there may be more. Shay said that language was left unrevised from the previous comprehensive plan version.

McBryant said the term “under the river” didn’t seem correct. She asked if it means under the water or under the river. Hyde said it means 6 feet under the river bed itself. McBryant said public and private trees would be better addressed in a resolution, rather than in an ordinance. An ordinance will need to call out numbers and species, and those facts will change. Shay said the riparian setback is 100 feet, and McBryant questioned whether that setback could be set further back. She didn’t know what the city’s enforcement authority over federal and state regulations can be. She and Keirn had wanted language regarding transfer development rights changed to something that would allow such type of program, but not necessarily a TDR program. McBryant said she didn’t know that we could “enable” impact fees for parks and lands.

Burke said the Introduction contains language about avoiding habitat fragmentation, and hoped that the language regarding protection of habitat could be added in Policy and Implementation, perhaps under section 4. It might again appear under wildlife populations. Community forests are noted, and when street trees are taken out, there’s been some past effort made not to replace them in the right of way. She said the language of the comprehensive plan is confusing to her. The Old Hailey trees are definitely in the right of way, and she hoped that citizens could add street trees to the right of way. In regards to alternate energies and resources, windmills should be put in Twin Falls and the energy put into our grid.

Brown referred to the Community Forest Section and asked if there was a goal that we would become a tree city; if so, said she would like that goal shown. Keefer said the tree city goal is in the parks section; Brown said it would be appropriate in this section as well. She said the plan refers to building height restrictions except in the central business district where they may be a “possible exception.” She preferred that the exception in the central business district be pursued not as an exception but as an aggressive style of business development. Under the Parks section, the board is stated to implement the master plan, but she felt recreation staff should do the implementation, and the board would be overseeing.

Becki Keefer displayed the maps which had been developed associate with this section. The Parks map shows where amenities should go, and the Natural Resources map shows where amenities shouldn’t go. The board was sensitive to the community recreation survey that was informally conducted in 2002, and amenities along the Big Wood River received unqualified public support. Within the area of impact, text speaks to the dark sky ordinance. Open space and green space are colored differently. Green spaces are increased at the edge of the community, which helps to define where you enter Hailey. We also discussed wildlife corridors and winter range areas. Idaho Fish and Game helped us with information about migration patterns. Future development should be sensitive to these corridors. She displayed a map which showed what areas are lacking in neighborhood park space. School parks and public green space are protected, open space is simply undeveloped land. School parks may not remain green space forever. City parks are currently restricted to municipal uses, and sometimes municipalities have uses for these lands other than parks. The board hopes to preserve these lands for parks.

Green space is preserved open lands, including preserved private lands. These agreements guarantee that the land will remain green.

Shay said the migration corridors are generally the areas in which you might see game.

Mayor McBryant opened the matter of public hearing. John Gaddert of 1 Quigley Gulch Road said at the end of the parks and lands section, he wondered if the latter part beginning with policy 3 a-g doesn't belong in the natural resources section. On page 9 it looks like we're getting rid of the recreational inventory. Shay said it will be updated. Gaeddert said instead of 14 acres of park improvements, there are school improvements, and the plan should recognize that by saying there are 23.2 acres. The distinction between city owned parks spaces and school district spaces are defined, however, both the high school and Woodside Elementary school parcels have agreement language requiring open spaces in perpetuity. He said these areas function as park service areas. The school district is not going to close down all those fields, and those public facilities should be part of our recreation service area benefit and inventory. A circle showing a service area should emanate from Lion's park, and the Roberta McKercher trail to the stop light should be shown. The term Recreation Trail on the legend should say Existing Trails, for example the Quigley Road trail which currently exists is different than the Quigley proposed trails, which are in a different location. He questioned whether the "and" in the map's title means that all four ingredients are there. Should the conjunctive term be replaced with an "or"? Inventorying existing conditions is called out in the natural resources section. Even though we know the Woodside flood plain doesn't exist, it is mapped, and until the map is changed, this natural resource map should show that. The flood plain language with its focus on the cottonwood forest is good, but we should also look at establishing some sort of hierarchy in our floodplain ordinance. He said the county's ordinance designates classes of streams and sets a logical hierarchy. Indian Creek isn't a cottonwood forested stream. He recommend establishing a hierarchy under the zoning ordinance.

Aaron Domini made comment on the standards for evaluation parks. He wanted to see some language added referring to efficiency. The current standards are forcing developers to lower density. Houses with children will have more impact on the parks than units developed for empty-nesters. He said all development, even those less than nine units, should have equal requirement for parks. Every development should pay for the parks through impact fees or some other mechanism. He said the goals and policies need to be balanced throughout all the documents.

Matt Furber said the city supports sidewalks and addressing the development and reconstruct of sidewalks might be a good place to address some kind of tree plan.

Terry Hogue was present on behalf of Quigley Canyon Ranch owners and expressed concern about the east end of the ranch shown as green space. It is currently a working farm, and it has no water or trees there. The land use map showed that the public wanted residential building all the way up to the lower lake. McBryant said the parcel south of

the airport is also shown as green. Some of that may simply be open space or scenic corridors, and that coloration could be representing any of those conditions.

John Gaeddert again spoke, saying what visual corridor means is not consistently defined. There is no property currently in the city that requires a hillside ordinance. The city has 100% discretion in terms of annexation, and that would potentially be a better means for controlling hillsides than by producing another ordinance. Policy 2 should have a provision “less dense” dovetailing with the land use map. The riparian setback preservation along waterways should be limited by a strata of waterways. General reference is made regarding wildlife along the highway. He felt a site specific analyses should be made of critical winter range on the east side of the valley. He has never heard any city dialogue about what water conservation requiring dual water systems means. Shay said that is one of those areas that the commission felt we just shouldn’t encourage, but should require, dual water systems, both for water conservation and less expensive water delivery. Gaeddert said it won’t necessarily promote conservation. A greenway or greenbelt around the community is a great concept, but we don’t have a definition of that. Creating parks within walking distance may not be a good concept because people may still drive the ¼ mile to the park. He said the term greenway distribution is not defined. Keefer said all these details reside in the Parks and Recreation Master Plan, and she didn’t think they needed to be repeated. Brown suggested putting a citation there. Gaeddert encouraged the removal of first person pronouns.

**Brown moved to continue this discussion to April 25, 2005.** Burke seconded; the motion carried unanimously.

## **PH 131 VENDORS LICENSE**

Dawson introduced some amendments of Chapter 5 of the Hailey Municipal Code drafted for council consideration. At a previous meeting, the council had expressed the need to further restrict outdoor sales so that they would not unfairly compete with property tax-paying businesses, but would still lend themselves to the “messy vitality” of Hailey’s downtown. The amendment restricted outdoor sales sponsored by businesses to sell products such as those sold within the sponsoring business. There was an exclusion drafted for fireworks sales, putting those sales under the authority of the fireworks ordinance.

Christine Dougherty of the Farmers Market said she had recently submitted an application as a special event at Bullion Square. She said there is no produce sold within any businesses at Bullion Square, so the Farmer’s Market wouldn’t be allowed there as a vendor under this amendment. She was concerned that this amendment might overly restrict where a farmers market could go. Brown asked about whether the farmers market is a special event. Dawson said it falls under the definition of a special event at a location such as Bullion Square.

Aaron Dominy said the vendors regulations are too restrictive in broad strokes. These regulations prohibit some things that would be a great asset to the community. Another

comment made was that vending carts promote healthy activity in town. There was no further public comment.

McBryant summarized the discussion dichotomy between the intent to not offer an unfair advantage to people who have not placed a permanent commitment to the community, which is opposed by the amenity such activity bring to the community. She added that a mobile vendor might have safety issues. There might be room in the ordinance if we design it to position those types of vendors to areas appropriate, such as the corners at 1<sup>st</sup> Avenue and River Street, for example. It would give some level of control to the city, and define the range of sales such as flowers, ice cream, etc. Burke said the vacant lot stand needs to be prohibited, but she wanted to see the ice cream truck, the mobile food vendor, and the farmers market preserved. Davis said it creates some vibrancy in the city, but how will we allow some but not others. McBryant said businesses previously complained about the food carts. Brown said special events such as Springfest should accommodate such activities.

McBryant asked how the council can restrict coats but not restrict food. There is a business in town that exclusively sells ice cream which would be impacted by an ice cream vendor just as the retail clothing stores are impacted by a coat vendor. She viewed this as a matter of equal treatment. Davis agreed. Brown said vending should be tied to a special event and limited to specific time frames.

Davis moved to adopt Ordinance 903, waive the three readings, read by title only, and authorize the mayor to sign. Brown seconded; the motion carried unanimously.

### **PH 132 COX CABLE FRANCHISE 90 DAY EXTENSION – ORDINANCE 904**

Mayor McBryant introduced an ordinance which would extend the terms of the current cable tv franchise while the city pursues negotiations of a new franchise ordinance and agreement. McBryant opened the matter for public hearing. There was none. Davis moved to adopt Ordinance 904, waive the three readings, read by title only, and authorize the mayor to sign.

### **OPEN SESSION FOR PUBLIC COMMENT**

Davis Gertz of 720 Hailey Drive said he lives at the north end of Deerfield Park, and has on several occasions asked the city to cut back dead cottonwoods that are hanging over from the Hiawatha Canal into Deerfield Park. The buck keeps getting passed back and forth between the city parks department and the Hiawatha Canal Company. Last summer's issue was liability of some sort, and he had brought the matter before the city council in an open session for public concerns. The mayor assured her that the work would be done in the fall when the work load was lighter. Hyde said the trees are on Hiawatha Canal property.

Mayor McBryant asked Hyde to make arrangement with Dave Cropper to allow the city to remove the trees.

Aaron Domini said the neighboring lot to a new coffee shop on North River Street is storing materials outside, including lumber, vans, and said there may be some code restrictions on this, but if not, there should be.

## **WORKSHOPS**

Attorney Reports – Mayor said representatives from Intermountain Gas Company were present to promote a new franchise ordinance in which no changes are being proposed other than that Intermountain Gas has requested a 20 year franchise period, to allow them an assured position in the community. She has concerns about locking the community into so long a term that, for reasons we can't anticipate, may not be in the best interest of the citizens. Davis said the last time we went into a lengthy franchise, we were sorry. He was hesitant to go for something longer than 10 years. Rick Moore, Division Manager of Intermountain Gas, said his company would just simply like to go back to a longer term if possible. Brown was comfortable with the 10 year term, with renewal to 20 years. If there's more to it than she is hearing, then she would not be amenable to that. Burke said if we're at the franchise fee cap, and there is a mutual out, she wasn't opposed to a 20 year term.

Airport Issues - Burke asked if there is recourse to a poor appointment to a volunteer committee. Williamson said that matter would be addressed in the committee's bylaws.

Burke said she attended the northwest regional Federal Aviation Administration (FAA) Conference in Denver last week. She missed part of the conference, because her flight was diverted to Twin Falls. She learned that there are no waivers for any safety deviations at this airfield or any airfield. Our master plan language is only our local guidance as sponsors of an airfield, and the FAA is not interested in that at all; they are interested only in safety deviations. The FAA isn't affected by a master plan, nor does it honor such a plan.

She said the engineer's presentation addressed relocating Highway 75 to where the bike path is, and possibly condemning some of the residences just east of the current bike path. If other airplane changes are developed, the FAA notifies us again that even more expansion is required. It is easier for the FAA to budget incrementally one year at a time. If an entirely new airport is built, the initial outlay of funds will be greater, but a new site will allow for planned growth of the new site so the same restrictions don't happen in the future.

She said the FAA's perspective is quite different than a community's perspective; the FAA views communities as encroaching upon airfields, rather than the other way around. She said they will do every thing they can to make this or our next airport safe. They are reasonable, bright, and helpful. It is up to us to come up with the plan – they will help us implement the plan if it meets safety standards.

McBryant noted that we can't talk about funding until a site is selected and an airport is designed upon a site. Burke agreed, saying the FAA is subject to making certain findings

such as cities make when they vacate a street. If Friedman is vacated, the FAA would use language that says Friedman is no longer needed for the airport network. Burke said she questioned if that finding could be made. If so, the land could be sold and the funds reverted to the new airport. An airport can generate operating income through taxes on tickets, and lease of property. If the community decides to move only the air carriers to a new location and keep Friedman as a private field, there won't be any operating business, because the business money will be here, and the aircraft will be somewhere else. If Friedman remains a general aviation field, we would still have to move Highway 75 by Eccles because the FAA can't differentiate between private aircraft and air carriers. It would have to be a private field, a consortium of wealthy jet owners, and there would be no safety standards implied or inferred.

Council Reports – Brown said she had spent some time looking at the jail plans. The building is 73 feet from the property line, and the architect said the perimeter of any jail from a property boundary should be a minimum 50 feet. The building could be shifted 23 feet, but then the issue becomes parking. The architect said the dispatch and training room would have to be moved upstairs, which would gain 10 parking spaces which could be dedicated to the city by going to a second floor. Costs are going up 1% per month, and the county is schedule for a May 16, 2005 concurrent Conditional Use Permit and Design Review hearing. It will take two months to redesign this building, and the additional construction would cost approximately \$600,000, some of which the city would have to share. We haven't identified how we would fund that at this point. The county has targeted September 2005 for the foundation to be put in, but they have not yet received judicial confirmation. If the city is at all serious, a redesign would cost \$15,000. Do we want to pursue this site, or talk to the county about use of their old jail site?

Davis felt uncomfortable putting that much money into a facility and having no ownership of it. Burke said he had met with Chief McNary, who had said the players in place now will not be here in 20 to 30 years, and we will have made a really good law enforcement facility. It will, in the long run, be incredibly important to this community.

McBryant said she is disappointed that regional planning is only for what Blaine County deems regional, and there was not even a phone call to us about this matter. Not having been informed, we have not had the opportunity to pursue grants or voter approval. We already have a second floor facility. Brown said it just doesn't seem possible, and there's no time to meaningfully engage. The judicial confirmation may not be approved. Davis said it is too late to try to climb on board with the facility. He wanted to know what they are going to do with the old facility. However, our police department is not paying something for a lease at this time. He was in favor of exploring all options.

Mayor McBryant said if the judicial confirmation doesn't go favorably, we could engage in a manner that is appropriate. Right now the joint facility looks like it was an opportunity that's come and gone. Davis said the rodeo grounds will be back in our hands within a few years.

Davis said he would like a 30 minute segment at the beginning of a council meeting to make plaque presentations to fireworks sponsors and boosters. McBryant suggested the latter half of May would be appropriate.

McBryant said she has visited the skatepark with the police after residents complained that they think drugs are being dealt. It has been a pleasure, and there has been no negative activity while we were there.

Tom Hellen said he had arranged meetings with transportation master planners to get a feeling of which company he would prefer to work with. They both have great strengths and a few weaknesses, and the choice is difficult. Brown said they are both excellent firms, and we will get a good product with either one. Hellen said ITD agreed these two were the best of the five consultants.

Hellen noted that the motion as made in **CA 124** should read 115 tons of oil, not 350.

### **NB 133            SNOW REMOVAL ORDINANCE**

The council had continued the snow removal ordinance to this meeting from February. Brown said she did not like language in the draft which states that it is unlawful for any person to “fail” to remove snow from sidewalks. She still wanted to protect the city but not put an undo burden on residents. Davis said 7.0 is not the way the council wants it. If the council mandates snow removal, where do we put the snow, because it can’t be put into the public streets. McBryant said we should strike it altogether. Ketchum is different because there is a business open every day. There are main street businesses in Hailey that are not open on Sunday. Although the city has an expenditure of funds when it removes snow from sidewalks, the practice is working at this time. She sees this as the type of direct benefit the tourist receives, and hopes to continue to fund the work through a local option tax. She wanted to leave that section out, and adopt the ordinance. Burke said we need to address it, but we are not there yet. Brown felt C and D needed to be somewhere in the ordinance.

McBryant asked the council if they can start at 5: 00 p.m. rather than 5:30. Brown said it would be tough for her. McBryant then suggested having more meetings but shorter.

There being no further business, Mayor McBryant adjourned the meeting at 8:39 p.m.