

**MINUTES OF THE REGULAR MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, JULY 25, 2005  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:33 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.

**OPENING REMARKS – JOINT BODIES PRESS CONFERENCE**

Mayor McBryant said members of two other governing bodies, the Blaine County Board of County Commissioners and the Friedman Memorial Airport Authority, had joined here tonight with the Hailey City Council to participate in a joint-bodies press conference. She turned the meeting over to Airport Authority Chair Martha Burke.

Burke said the governing bodies thought it would be beneficial to add clarity to the airport site selection process thus far. She read, in its entirety, a document signed by members of each of the governing bodies named above, a summary support of the Airport Site Selection Committee's recommendations.

Mayor McBryant said the City of Hailey is pleased to have the participation of County Commissioners Dennis Wright and Tom Bowman. She also thanked the Friedman Memorial Airport Authority, recognizing that this vital airport will continue to thrive if we help it grow to meet the community's needs. She said the airport relocation is an emotional issue.

Len Harlig, press spokesman for the Friedman Memorial Airport, said it isn't often that the airport authority and the owners ask for a media moment. Harlig said there have been too many confused speculations about the future of the airport. The summary provides factual data to help clarify the speculations. It all has been said before. It is better to know the facts than spend time worrying about airport rumors. On Aug 11, 2005 Hailey will hold its annual town hall meeting. Public comment is welcome at this event and at a September 28, 2005 airport meeting.

Pat Murphy of the *Idaho Mountain Express* asked why Sarah Michael's signature is not on the document. Harlig said that question would have to be asked of Commissioner Michael. Murphy asked if she had agreed to sign originally. Harlig said she had, to his understanding, signed this document at one time.

Gary Stivers of *Sun Valley Online* asked what precipitates this press conference at this time. Harlig said two important meetings are coming up, and the governing bodies hope to make them as productive as possible. Matt Furber of the *Idaho Mountain Express* asked if there is a new airport, what would the future of Hailey's airport be. Harlig said Hailey owns the airport land, that future will be part of Hailey government discussions.

Sue Bailey of *KECH Radio* asked why the three recommended sites aren't named. Harlig said the determination of those sites will begin at September's site selection meeting. A determination of which sites will be studied has not been made yet.

Kathleen Turner of the *Wood River Journal* asked if Sun Valley Aviation had any interest in staying or going. Pat Murphy said it is rare for three arms of government to move so quickly on a matter such as this, and asked where the discussion started, and whose idea it was. Harlig said all have been concerned that this information has not come out in a cohesive manner. The public may not have been reading the well-written press stories about this matter. He hoped the stories in this week's papers will direct readers to the full-page advertisement. Murphy asked when the process for this ad started. Harlig said discussions have occurred since the middle of the spring as to whether the message is getting out, and methods by which to do that. Matt Furber asked if there is any possibility that lobbying efforts would push this airport back to a accommodating only CII aircraft. Harlig said if limitations were to be made, this airport would go back to a B size airfield. The FAA said we can't have C aircraft using a B airport. If we want to continue accepting C aircraft, we have to modify the airfield, but the FAA also won't let us say no to the C aircraft that want to land here. Turner asked if there are plans to use past consultants in future decisions, and any plans for other consultants to help finish the process. Harlig said the present consultants are doing their job under the contract they have. We expect to continue with that, and are not likely to entertain a new contract unless something different came up.

Carmen Fitzgerald of the *Twin Falls Times News* asked if the governing bodies here think this statement will stop critics of airport relocation. Harlig said this is not designed to point out any group, and it is not expected to stop the critics; it is expected to foster understanding. Murphy asked what is Harlig's impression of the critic's different interpretation of the same facts. Harlig didn't want to speculate.

Fitzgerald asked about lease renewals. Harlig said hangar leases are not being renewed. As they expire, they are moving to a month-to-month basis. Sue Bailey asked if the FAA has not actually said that the airport has to be moved, and wouldn't there be a way to expand it in its current location. Harlig said although we have not been told that we have to move, we have been told that we have to be C3 compliant. Bailey asked if the existing airport could be made larger through eminent domain. Harlig said the expansion won't take place. He asked her to look at the nine reasons listed in the document read tonight for an explanation as to why. Turner asked if the Friedman airfield, if not used as such, will revert back to the Friedman family. Harlig said the property would revert back to the Friedman family if there is no airport upon it. An airport could not be run upon that property without the city's consent, but the owners could ask to rezone and develop the property with the city's permission. The City and County are obligated to use land acquired with federal funds for airport use. If not used as such, the land would have to be sold and the money directed to the new airport.

Furber asked if the airport can restrict more dangerous operations. Harlig said it can't. We are operating under permission to allow Q-4's if we keep the runway clear of other aircraft and have the cooperation of the tower. Stivers asked if federal money is part of the Friedman land. Harlig said the FAA won't fund two airports near each other, operated by the same sponsor. Burke explained that if this is a private field, FAA requirements won't apply. If, however, we continue to take FAA funding for this airfield, the full parameter of requirements will still be imposed.

There being no further press questions, Burke turned the meeting back over to Mayor McBryant and the Hailey City Council reconvened its regular business.

## **CONSENT AGENDA**

Williamson pulled items CA 235 and CA 238 from the consent agenda. Burke moved to approve the remainder of the consent agenda as submitted. Keirn seconded; the motion carried unanimously.

- CA 234 Motion to reject all bids for Water Storage Tank Project, and re-bid the project, per recommendation of City Engineer
- ~~CA 235 Motion to approve Decision for Bulotti appeal~~
- CA 236 Motion to approve Findings of Fact, Conclusions of Law and Decision for approval of final plat of a replat of Lot 1, Block 4, Airport West Subdivision Phase II
- CA 237 Motion to approve minutes of July 1, 2005 and to suspend reading of them
- ~~CA 238 Motion to approve minutes of July 11, 2005 and to suspend their reading.~~
- CA 239 Motion to approve claims for payment of June, 2005 expenses
- CA 240 Motion to approve Treasurer's Cash Report for the month of June, 2005

CA 235 Williamson said he had some amendments to the draft Order. McBryant said the council would wait to approve the document until after it is in final form.

CA 238 Williamson wanted the minutes of July 11, 2005 pulled for revisions. Neither of the above two matters were approved.

## **OB 241 ANIMAL CONTROL ORDINANCE – 2<sup>ND</sup> READING**

Brown said what she observed is that we are not enforcing our existing ordinance. She was unable to find dog owners anywhere in the vicinity of dogs off their leash. Until we are enforcing our existing ordinance, what good is it to add more regulations. Davis said this change has been asked for by the animal control officer. Brown said until she sees the animal control officer enforcing the ordinance we have, she is reluctant to change the ordinance. Keirn said a good law needs to be reasonably enforceable. McBryant said civilized societies have dog control ordinances on the books, which allow action when a serious situation exists, such as dogs running in packs or rabid dogs. Hailey is not of sufficient financial means to take care of nuisance dogs. When dogs are at large and not under the voice control of their owners, they could be picked up, which is already part of

our regulations. Burke said McMullen has identified the problem with the ordinance language as that it allows only “he said - she said” enforcement. Keirn said the pertinent language is “control” not “voice”. Brown said we can define control by trespass onto another’s property. Williamson said the language was written initially to allow people to walk their dogs along the bike path. Davis felt the enforcement and prosecution could be simplified with the language.

Mayor McBryant read the second reading by title only, and encouraged people to comment on this ordinance again at the next city council meeting.

## **OB 242 SPECIAL EVENTS ORDINANCE -3<sup>rd</sup> READING ORDINANCE 912**

Williamson said he had tried to define special events better within this draft. One of the flaws with our current process is that not enough key information is gathered; we’ve put more requirements now in the ordinance pertinent to the application process. Revising the standards of evaluation has been key. Davis said if an applicant has a past track record of what has been successful, we should have discretion to reduce or increase our standards. Burke said the folk festival has had years to figure it out. Others may take advantage of reduced standards.

Mayor McBryant opened the public hearing. Kathleen Turner said she had attended a picnic where everything was recycled. She suggested putting that in Hailey’s regulations. Alee Marsters said it is difficult to enforce recycling during a lengthy event. Some of the other events are happening for more than 4 days. The clerk noted that new fees may be cumbersome to enforce upon already reserved events. McBryant said if the event is already booked or a permit issued as of 5:00 p.m. today, there should be no enforcement of the new fees, but everything being accepted, evaluated, or approved after today should be subject to all the new regulations.

Brown was interested in adding language regarding recycling containers relative to the event. McBryant said it is difficult to make sure the public doesn’t dump garbage in recycling containers, thereby contaminating them. She suggested gathering information about how the recycling worked during events. Brown said we will get the feed back without a formal request.

**Brown moved to adopt the special events ordinance with minor changes as noted in these deliberations, and read by title only.** Burke seconded; the motion carried unanimously.

## **BRUCE ALLEN’S PARVIEW BUSINESS CENTER PRELIMINARY PLAT**

Bruce Allen introduced the project, saying the property is located on the highway curve entering town, between 4<sup>th</sup> Avenue South and the Wood River Trail. Access to the arboretum would be given through this property. The design will be classical old Hailey. The anchor ownership will be a large piece fronting Main Street by 200 feet. Underground parking will be placed under that building, to accommodate some of the

parking shortfalls other buildings may face. The street tree motif of the rest of Hailey's main street would be continued, all the way to the arboretum. Low water plants will be used throughout. Allen said there is limited visibility and access onto this property.

Grotto said there exists a Parkview Estates Subdivision, and she was not sure the County would accept the Parkview Business Center name proposed. The commission required the applicant to provide landscaping in the right of way area between the development, the highway, and the Wood River Trail. Keirn asked if a noise easement is required. Grotto said it is noted on the plat. McBryant asked if there is a timetable for landscaping infrastructure. Grotto said the right of way landscaping would be required to be completed or bonded for prior to the issuance of the final plat.

Mayor McBryant opened public hearing. Gary Stivers asked how many tenants will be housed on the project. Allen didn't know yet, but said there are three lots.

McBryant liked the entrance concept. She wanted the bonding for landscaping in the right of way to have a time limit. Brown also applauded the applicant's sensitivity to the entry concept. Davis suggested utilizing the gateway concept in the project name. Burke explained plat note 9, because this is in the runway protection zone and the FAA will have to approve. She said this property won't be in the RPZ forever.

**Brown moved to approve the preliminary plat with conditions A-J, altering I to include one-year after recording of plat landscaping on right-of-way property improvements shall be completed or the bond forfeited, and that the name will be changed if required by the county.** Burke seconded; the motion carried unanimously.

## **SUBDIVISION ORDINANCE AMENDMENTS**

Shay said the city proposes to amend language in the Subdivision Ordinance to require plats to be prepared by professional land surveyor, a state recognized designation. Development restrictions don't exist in the comprehensive plan, so the language makes development subject to ordinances and generally to the comprehensive plan. Safety is made more key. A long session on appeals has been written for the subdivision ordinance to mirror the appeal section of the zoning ordinance.

**Davis moved to approve the first reading by title only, finding in that the ordinance is in conformance with the Hailey Comprehensive Plan and the welfare of the general public.** Keirn seconded; the motion carried unanimously.

## **COX CABLE FRANCHISE**

Williamson said at the last regular meeting, he had said things were going well with the new franchise negotiations. He had met at the end of that week with Cox representatives, and had minimized the issues to only one. The issue boils down to service, and he was still hopeful to have a resolution to that. Hailey wants mandatory service to the South Woodside Light Industrial area. Cox's counsel had said he would be speaking with Glen

Parker regarding options. We have an ordinance in effect for three months, and can continue to work toward a solution. McBryant said this will be the end of public comment. Parker said he had no changes yet.

**Brown moved to continue this matter to the September 12 city council meeting.** Keirn seconded; the motion carried unanimously.

## **ALCOHOL BEVERAGE LICENSES**

Keirn moved to approve alcohol beverage licenses submitted for annual renewal. Davis seconded; the motion carried unanimously.

## **MORATORIUM DISCUSSION**

Grotto said the council enacted a moratorium on July 1, 2005 which will expire on January 1, 2006. The final city council meeting prior to that expiration will be on December 12, 2005. She said the initial draft needs to be completed one month from today in order to be discussed by both the Planning and Zoning Commission and the City Council. She had looked at other jurisdiction ordinances, including Sun Valley. She needed direction on big issues – what to define as housing, inclusionary or linkage ordinance, what threshold to start at, what size subdivision these regulations should be applied to, should they be on for-sale units only, or rental units also, what kind of incentives, and what kind of developer alternatives would be considered. She recommended some consulting assistance.

McBryant said she had the opportunity to meet with Sun Valley Mayor Jon Thorsen and Blaine County Commissioner Bowman. What is the goal to be achieved in the community? When Bowman and she talked about Hailey, we talked about saving the community that exists. If we don't preserve it, we will become a community of empty homes or second homes. County at large has different goals. She suggested in the next week council members get together 2 by 2, make a list, then put the lists together, and match them up. Burke wanted an education on the definitions. Brown said she would buddy up with Davis, and needed some help from staff or housing authority. Shay suggested those meetings occur with planning staff. McBryant said we don't have a list of tasks yet for a consultant, she directed Grotto to put together a list of 5 consultants.

Grotto said the council had indicated that it wanted line by line rewrites of the Townsite Overlay and Subdivision Ordinance. Brown said that is too much, she suggested handling only the work-force housing matter, but handling it well. Grotto said the stated purpose of the moratorium is the housing issue. The other issues are all related to housing. Linkage relates to the number of jobs commercial developments create, and how much work force housing is necessary. Sun Valley links residential development to service jobs creation. McBryant suggested anticipating an afternoon per week of the council's time to work on this project.

Michael Davis offered the housing authority's services in this project.

## **COUNCIL REPORTS**

Brown had attended a regional transit meeting, and she will be distributing notes summarizing that meeting.

Brown said Brian Bothwell had paid some substantial in lieu fees for the Woodside Central Park, and had asked if those funds would be used in Woodside. The community does pay attention to these issues.

Keirn said Bowman and Wright had authorized the signing of the economic development group. Wednesday he will attend the E-911 meeting. He and Tom Hellen will meet later that day with Jan Edelstein, who has traffic study concerns to speak about.

Davis said Wednesday he will attend a meeting of the historic preservation commission. One constituent came to see about contractors working past curfew regarding noise. A copy of the noise ordinance should be distributed with the building permits and demolition permits. Photos from different angles should be submitted with demolition permit.

McBryant asked the council to take a planning and zoning commissioner out to lunch or coffee. They're you're best connection to getting the work product you want as an elected official. Only a few people were interested in being on a moratorium committee, would write them a letter thanking them for their interest but not

Brown moved to authorize signing of the School District Emergency Response Grant application, pending city attorney review. Burke seconded; the motion carried unanimously.

Burke moved to go into executive session. Brown seconded; a roll call vote showed all in favor. The council went into executive session to discuss pending litigation and land acquisition at 8:10 p.m. Following a motion, second and roll call vote, the council went out of executive session at 8:30 p.m. Mayor McBryant then adjourned the meeting.

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Susan McBryant, Mayor

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Heather Dawson, City Clerk