

**MINUTES OF THE SPECIAL MEETING OF THE
HAILEY CITY COUNCIL
HELD THURSDAY, MAY 25, 2006
IN THE HAILEY TOWN CENTER MEETING ROOM**

The special meeting of the Hailey City Council was called to order at 7:30 a.m. 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 – No general comments were made.

OB 169 Inclusionary Community Housing Section of Subdivision Ordinance
Brown moved and Davis seconded that the mayor read the third reading of Ordinance 944 by title only. The motion carried unanimously.

OB 170 Taxi Service license amendment exempting car rental shuttle services
Keirn moved and Davis seconded that the mayor read the third reading of Ordinance 945 by title only. The motion carried unanimously

OB 171 PUD section of Hailey Zoning Ordinance - parking space dimensions
The mayor read the 2nd reading of Ordinance 946 by title only.

PH 172 Emergency Ordinance restricting the cutting of certain trees in Hailey

A draft ordinance to put a moratorium in place to prohibit the cutting of trees had been prepared by the city attorney and planning department. Mayor McBryant opened the public hearing.

Marianne Wuebbker of East Old Hailey made comments in favor of Hailey adopting a tree-cutting moratorium.

Elbie Bellon, business owner on Main Street, made comments opposed to restricting the cutting of trees on private property.

Hellen Stone of 314 First Avenue North supported the ordinance.

Craig Wesling, certified arborist for Idaho Power asked if there would be permits relative to the trees in question. Funds expended toward maintaining of power lines can go toward tree maintenance.

Carl Hjelm of 220 Second Ave South said he understands the city's desire to enact an emergency moratorium and he understands the business district's need to maximize their property. There needs to be some wiggle room in the ordinance. We often recommend removal of trees, not because they are hazardous, but for the health of the property itself. Trees planted too close together may become disease laden. Removing one or two trees

in a stand ends up improving the health of the stand. Some of those trees can be larger than 12 inches in caliper size. Reasonable use of property is an issue, and 6 months is a long time for the building community. The ordinance doesn't make any mention of dead trees. Encouraged the council to work on an in between place. The forest service trees represent a significant loss to the community and there should be some process required prior to removal of trees.

Ben Scheppes of 314 First Avenue North said the community has been working with the city on identifying the community character. The established structures in the old Hailey townsites have trees, and newer buildings have no trees. The same is reflected in the business district.

Craig Wesling said one of Idaho Power's goals is to identify trees for removal that pose a hazard to the community. He preferred to remove rather than trim trees, and put the right trees in the right spot.

Pat Rainey of Alpine Tree Service said he does a considerable amount of work in Hailey. This moratorium addresses residential and commercial property trees. He asked if we could put some latitude that we as a whole can draw from. Can we restrict the downtown core to this moratorium, and allow private residential property its private property rights.

Bill Josey of 290 Ambrook agreed we need to have more latitude. He dealt with a client that was instructed by the fire department that they had to remove a tree from the alley for fire department access.

Mayor McBryant closed the public hearing.

Davis recommended adding language addressing the overall health of the property. He is a huge property rights proponent, but the historical preservation commission would like to see this moratorium in place so a tree ordinance can be discussed.

Keirn concurred. He too expressed being a private property rights advocate, but the moratorium would be for the purpose of designing a permanent ordinance that would be good for the community. If the tree will bring down a power line, it may need to be removed.

Burke said what she is reading encompasses the concerns expressed. The arborists can write something down and the city will respond to that. An ordinance can be developed that will fulfill our permanent need when this moratorium has elapsed.

Brown said she has heard some great comments, and wanted the term "live" tree to be inserted, or the dead trees could be determined to be hazardous. What we do well with as a community is talk these issues out, and she wanted the moratorium in place so that we can talk it out fully. An inventory of trees exists, but we haven't identified which trees are worth restoring as heritage trees or legacy trees.

Williamson suggested for that paragraph that the council consider after public right of way or public utility, or because the removal of the tree would substantially improve the health of other trees on the property, and that we put the word live before tree at the end of the first paragraph.

Hjelm said the standards for measuring using DBH with a 15 inch measure at the base of the tree above the mineral layer. Josey added that DBH is normally measured 4 inches above the ground.

Burke moved that the council adopt Ordinance 948, waive the three readings, read by title only, with changes made during the discussion in Section 1.A, including “pubic right of way or public utility” and “improve the overall health of the property” and “15 inches at the base” and insertion of “live” trees. Keirn seconded; the motion carried unanimously. Mayor read the ordinance by title only, saying it would become effective upon posting, and noting that the moratorium would come to an end if a tree ordinance was adopted.

IDAHO POWER REQUESTS CONSTRUCTION NOISE AND LIGHTS WAIVER

City Engineer Tom Hellen presented Idaho Power Company’s request for noise and light waivers during construction for a 2 night period to be scheduled with business owners. Dan Olmstead of Idaho Power said the construction May be on June 3, and then on June 10, working in the alley all night with a new vault and new wire. Davis was concerned about Atkinson’s Markets’ freezers if their power is off. Brown asked if there is a way to get them alternate power. Olmstead said that would be incumbent upon the business itself. Mayor wanted it incumbent upon the franchise holder to provide power to the businesses affected.

WOOD RIVER LAND TRUST – FINANCIAL SUPPORT FOR PRINTING

Grotto said the information which the Wood River Land Trust will distribute is not redundant with any information that the city has, and would be a good informational brochure to be put out there. Davis felt any information given to the public would be beneficial. Burke moved to expend \$250 for brochure from the discretionary fund of the council. Brown seconded; the motion carried unanimously.

STAFF REPORTS

Williamson said a federal court judge has dismissed the law suit filed by the Liberty Lobby against the City of Hailey and its Clerk for not accepting an initiative petition.

McBryant said she would like to hold a workshop with the council to discuss a city administrator job description, and set a special meeting for that purpose for Tuesday May 30, 2006 at 4:30 p.m.

There being no further business, the mayor adjourned the meeting at 8:30 a.m.

Susan McBryant, Mayor

Heather Dawson, City Clerk