

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, JUNE 12, 2006
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:35 p.m. by Mayor Susan McBryant. Present were Council members Rick Davis, Don Keirn, Martha Burke and Carol Brown. City Attorney Ned Williamson was absent. City Clerk Heather Dawsos took minutes.

OPEN SESSION FOR PUBLIC CONCERNS

A realtor with Idaho Mountain Real Estate spoke to the mayor and council about the current moratorium within the Hailey Townsite Overlay, saying the condition has resulted in that homes can neither be built nor sold, and homeowners and realtors are having difficulty making proper disclosures because it is not generally known what ordinances currently govern the townsite overlay. In essence, the market is frozen in that part of town until further notice. One of the unknown elements among property owners is uncertainty about what properties are in the townsite overlay.

Gina Lagagren spoke to the council about loud noise emanating from specially permitted events. She said there is at least once such event per week, and the noise is so loud that not only does it impact residential areas, but it must be unpleasantly loud at the venues themselves. There is growing concern about loss of hearing, and efforts should be made to cap noise at a certain decibel level. She was told by Hailey police officers that venues could be as loud as they want to if they have a permit.

Lagagren also submitted a copy of an Intermountain Gas Company bill, saying the billing format is what she would like to see on city water bills. She wanted to see the dates that the meters were read on her bill.

CONSENT AGENDA:

CA 183 was pulled from the consent agenda, and the remainder of the consent agenda was moved to be approved as presented by Brown and seconded by Burke. The motion carried unanimously.

- CA 176 Motion to approve Inspection service for water storage tank
- CA 177 Motion to approve Resolution approving the issuance of non-recourse revenue bonds
- CA 178 Motion to approve Safe and Sane Fireworks permits as recommended by the Fire Chief
- CA 179 Motion to approve Dangerous Fireworks Display application of City of Hailey
- CA 180 Motion to approve Hold Harmless Agreement with School District for fireworks
- CA 181 Motion to approve Water Tank Change Order #1 reducing contract by \$15,179.67.
- CA 182 Motion to approve Woodside Central Park Change Order #3 increasing costs by \$8,500
- ~~CA 183 Motion to approve Woodside Central Park Change Order #4, which adds the Echo Hill Park project costing \$24,300 to the Clearwater Landscaping Contract for Woodside Central Phase 1~~
- CA 184 Motion to approve that Management Partner's conduct annexation study for Life Church
- CA 185 Motion to approve Special Event Permits, including Relay For Life and Hailey Fire Department's Family Fire Safety Awareness, both with a waiver of application fees
- CA 186 Motion to adopt Joint Powers Agreement for law enforcement records management system
- CA 187 Motion to approve Findings of Fact, Conclusions of Law and Decision for Text

- Amendment, Article X, Planned Unit Developments, regarding Parking Space Dimensions
- CA 188 Motion to approve Findings of Fact, Conclusions of Law and Decision for Rocky Mountain Hardware Planned Unit Development
- CA 189 Motion to approve Planned Unit Development Agreement for Rocky Mountain Hardware
- CA 190 Motion to approve minutes of May 8, 2006 City Council meeting and to suspend their reading
- CA 191 Motion to approve bid for air conditioning repair High Country Heating \$1,935
- CA 192 Motion to approve bills paid for costs incurred during the month of May, 2006
- CA 193 Motion to approve Treasurer's Report for the Month of May, 2006

CA 183 – Echo Hill Park Contract

Mayor McBryant felt that the Echo Hill Park contract should not be a change order to the Woodside Central Park Contract, even though the same company would be doing the work. Echo Hill Park should be developed under its own contract. **Keirn moved that the council approve a separate contract allowing Echo Hill Park to be constructed by Clearwater Landscaping Company for a cost of \$24,300.** Brown seconded; the motion carried unanimously.

OB 194 - 3RD READING ORDINANCE 946 – Davis moved to authorize the third reading by title only of Ordinance 946, amendments to Article X of Zoning Ordinance, Planned Unit Development, regarding parking space dimensions. Keirn seconded; the motion carried unanimously.

OB 195 2nd reading Ordinance #947 – Fire regulations section of the Hailey Municipal Code

OB 196 2nd reading Ordinance #950 – Local Option Tax ordinance as approved by voters

Mayor McBryant read the 2nd reading of Ordinances 977 and 950, noting that the Local Option Tax Ordinance 950 contained an administrative change eliminating a fee for businesses to obtain tax permits. Burke asked how the local option tax dollars would be spent. Mayor McBryant indicated that would be flushed out during the annual budget process.

PRESENTATION OF ANNUAL FINANCIAL STATEMENTS

Curtis Stoker of Condie Stoker Associates presented the annual financial statements for the fiscal year ending September 31, 2005 to the mayor and council. He rendered a clean opinion of the city's finances, saying there were no material conditions round showing non-compliance with General Accounting Principals. The mayor noted that Hailey's revenues exceed its expenditures. She asked the auditor to refer to employees' positions rather than names in the auditor's management letter. She said that expenditures which had been a result of land acquisition discussions in executive session, which had been called out as not being approved by the appropriate department head, were approved appropriately by the city council. She noted too that balances have been reconciled since completion of the audit. **Brown moved to accept the Financial Report, including these changes called out by the mayor.** Keirn seconded; the motion carried unanimously.

MAYOR'S REMARKS

Mayor McBryant read a letter from the City of Bellevue offering support as Hailey puts in place a tree ordinance. Bellevue had previously gone through the process to become a Tree City USA, and offered

assistance to Hailey to do the same. McBryant noted that Hailey's current moratoriums are all interrelated, and Hailey staff is working hard to craft ordinances to merge the community's goals.

PH 197 474 CLUB, LLC AMENDMENT TO THE ZONE DISTRICT MAP

David Petrie represented the Sweetwater Project, and introduced a portion of the project which would require a rezone. The maximum density under current zoning is 24 units per acres, and the project is proposing only 19 units acres. The rezone is not needed to achieve more density; instead, it is proposed to achieve more consistency throughout the project. An amendment to the SGA Settlement Agreement on this property is required for this rezone, and that amendment is in the council's packet. Brown noted that the project rezone from GR to LB allows an increase of density from 12 to 24 units per acre, and throughout the entire project an additional 15 units are proposed.

Mayor McBryant opened the public hearing. Jim Laski, attorney for Sweetwater, spoke further about the proposed amendment to the SGA Settlement Agreement. There was no other public comments made.

Davis moved to approve Ordinance 949 and read the first reading by title only of this ordinance which would amend the zoning of Sweetwater parcels. Keirn seconded; the motion carried unanimously. **Brown moved to approve the addendum to the SGA Settlement Agreement as drafted.** Keirn seconded; the motion carried unanimously.

PH 198 SCHER AND PLOWMAN FINAL PLAT OF MSP CONDOMINIUMS

Bruce Smith represented the applicant requesting final plat approval of MSP Condominiums. Grotto outlined the previous approvals that had been granted in prior meetings, and the suggested conditions in her staff report. Mayor McBryant opened the public hearing; there were no comments. Keirn moved to approve MSP Condominium's application for final plat approval with conditions proposed in the planner's staff report. Brown seconded; the motion carried unanimously.

PH 199 DEMOLITON ORDINANCE

The council had been given a memorandum by the city attorney discussing the points of law and processes involved in adopting a Historical District, which was the foundation of the proposed demolition ordinance by the Hailey Historic Preservation Commission. Keirn described the "civil war" that had erupted along Harrison Boulevard in Boise's north end when that area was made into a historical district; some residents wanted to be in the district and some did not. Grotto added that the attorney's memorandum lays out that this is more process oriented than we had originally thought. In the latter part of his memorandum, the attorney suggests that the council may want to think about altering the section of its old townsite moratorium which prohibits demolition entirely.

Mayor McBryant opened the public hearing. Garth Calahan said a project he is working on has been delayed by the demolition prohibition of a shed north of the old Head Start Building. He urged expediency with the demolition ordinance, so that projects such as this could keep moving.

Rob Lonning of 416 Second Ave South said there is a legal precedent to set up a historical district. He had been researching some community approaches, and had sent for a booklet which he felt would be helpful.

The council then discussed the current moratorium, and Burke said having an expert in an advisory role, such as the arborist has in the tree moratorium matter, would be helpful. Brown said a building must contribute to the historic elements we want to preserve, and if not, demolition would be okay. Davis said a certified architectural historian could address in writing requests for demolition. He said some buildings are a threat to public safety and should be demolished. Grotto then summarized the discussion as she would draft it into the ordinance, saying that if a building is less than 50 years old, is a threat to public safety, it may be subject to demolition. Brown then moved to continue this matter until June 26, 2006. Burke seconded; the motion carried unanimously.

PH 200 AMENDMENT TO ORDINANCE 948, EMERGENCY TREE ORDINANCE, TO ACCEPT THE REMOVAL OF HAZARD TREES FROM DEGREED PERSONS

The council then turned its attention to a proposed revision of the Emergency Tree Ordinance recently adopted, which would allow a professional forester to make written recommendations about tree removal, in addition to certified arborists.

Mayor McBryant opened the public hearing. Garth Calahan suggested there are plenty of certified arborists in town.

There being no further public comment, Burke moved to adopt Ordinance 951, waive the three readings, and read by title only. Davis seconded; the motion carried unanimously.

NB 201 APPOINTMENT OF ARTS COMMISSIONERS

Mayor McBryant nominated Mark Johnstone, Denise Simone, Dana Dugan, and Elizabeth Ruiz to the Hailey Arts Commission. Brown noted that Johnstone is changing his residency, and will meet the commission's residency requirements after that change has occurred. Davis moved to approve the appointments; Burke seconded. The motion carried unanimously.

WORKSHOP

Burke described problems with the airport runways core samples.

Davis said he had cut his irrigation consumption by 50% after following city staff's irrigation guidelines.

Brown summarized a recent Blaine County 2025 meeting she had attended, saying a sphere of influence is marked around each city for three miles, and existing zones will be maintained within those spheres. Receiving areas had been identified north of Perot Road. She was hopeful that a TDR program could be developed that leaves cities still in charge of areas which could be annexed. The county is interested in pursuing a receiving-area discussion with every single city. Mayor McBryant

noted that Hailey's moratoriums take precedence over these discussions in terms of work-load management.

Following a question by the council, Grotto explained why the TDR program would benefit Hailey, specifically in that Hailey is taking steps to increase density in its core, but not doing everything to prevent sprawl.

Davis asked why the county is calling the area a sphere of influence rather than Area of Impact. The mayor said there are legal requirements relative to the Area of Impact.

The Mayor then asked the public works department to step up enforcement of the prohibition against irrigating between 10:00 a.m. and 5:00 p.m.

She also said she had spoken with Ron Leblanc, the Ketchum City Administrator, and is entertaining an idea relative to contracting dispatch services with the City of Ketchum rather than Blaine County.

Mayor McBryant said she had asked the clerk to obtain a report on the status of community housing units in Hailey. She had put in place a committee to review city administrator position applications, even though she would be making the final hiring decision. That committee would include 2 council members, Davis and Keirn, Heather Dawson, Elizabeth Lonning, and Jay Webb.

Mayor McBryant said she had held a meeting with Della View residents to debrief the flood, and one of the residents outstanding concerns had been relative to their calls to 911 and how those calls were mishandled. The residents had been full of praise for city staff's work during the flooding. Keirn added that the area disaster coordinator had said Hailey had done the best job.

Dawson noted that in upcoming budget drafts, the Hailey Council would be able to see that its work in recent areas is bearing fruit in producing stronger revenue streams from permits and franchises.

There being no further business, the mayor adjourned the meeting at 7:38 p.m.

Susan McBryant, Mayor

Heather Dawson, City Clerk