

**MINUTES OF THE REGULAR MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, JULY 10, 2006  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:35 PM. 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** – Pedro Salmon of 635 So River suggested that a sidewalk be constructed between Hop Porter and Lion’s Park as part of the Local Option Tax expense program

**CONSENT AGENDA:**

Keirn moved and Burke seconded that the consent agenda be approved with the omission of CA 227, CA 229, CA 230, and CA 233. The motion carried unanimously.

- ~~CA 227~~ — ~~Motion to approve minutes of May 22, 2006 and to suspend reading of them~~
- CA 228 Motion to approve minutes of May 25, 2006 and to suspend reading of them
- ~~CA 229~~ — ~~Motion to approve minutes of May 30, 2006 and to suspend reading of them~~
- ~~CA 230~~ — ~~Motion to approve Special Events permits for Concrete Rodeo at Hailey Skatepark and Ride Idaho event at Wood River High School field~~
- CA 231 Motion to approve Pay Request #3 to RSCI for \$200,937.50 for water storage tank project
- CA 232 Motion to approve Change Order # 2 for water storage tank project, increasing the contract amount by \$35,280.61 to a total contract price of \$2,674,702.04
- ~~CA 233~~ — ~~Motion to approve agreement with Valley Paving for \$28,951.80 for Briarwood Dr paving~~
- CA 234 Motion to approve claims for expenses incurred during June, 2006

**CA 227 Minutes of May 22, 2006**

Davis corrected the minutes of May 22, 2006 to correctly identify “Arrow R”, not Arrow Storage , and that the Rocky Mountain Hardware building is the first green certified building in Hailey. He noted that Denise Jackson Ford had stated that the Historical Preservation Commission had been working actively for 4 months, and corrected a typographical error. Burke moved and Brown seconded to approve the minutes as corrected. The motion carried unanimously.

**CA 229 Minutes of May 30, 2006**

Burke said the minutes need to reflect that she was not in attendance at the May 30<sup>th</sup> meeting. **Brown moved and Keirn seconded that the minutes be approved as amended.** The motion carried with Burke abstaining.

**CA 230 Special Events permit for Concrete Rodeo**

Brown said she was not in favor of the Council waiving the park rental fee as requested by the Concrete Rodeo. She also emphasized that this event should be insured. **Brown moved to**

**approve the special event permits with conditions as noted. Davis seconded; the motion carried unanimously.**

### **CA 233 - Valley Paving \$28,951.80 Contract for Briarwood Drive**

Williamson outlined some changes he had requested in the agreement language. **Keirn moved to accept the contract with the amendments made by the city attorney. Burke seconded; the motion carried unanimously.**

### **OLD BUSINESS**

#### **OB 235 3<sup>RD</sup> READING ORDINANCE 949 – SWEETWATER PARCELS REZONE**

Burke moved and Keirn seconded to approve the third reading by title only of Ordinance 949, an ordinance rezoning the Sweetwater parcels. The motion carried unanimously.

#### **OB 236 2<sup>ND</sup> READING ORD 952 - DESIGN REVIEW GUIDELINES AMENDMENT**

Mayor McBryant read the 2<sup>nd</sup> reading of ordinance 952 by title only.

#### **OB 237 2<sup>ND</sup> READING ORD 953 – SUBDIVISION PARKS STANDARS**

Mayor McBryant read the 2<sup>nd</sup> reading of ordinance 953 by title only.

#### **OB 238 - JOINT POWERS AGREEMENT – POLICE RECORDS SYSTEM**

Mayor McBryant said she had held conversations with legal counsel and Police Chief McNary. Williamson had not yet done the research he wanted to do relative to this matter. Chief McNary said he had budgeted \$50,000 for this project; and will use all of that funding. Infrastructure needed included a T-1 line, a firewall, three cars outfitted with hardware at \$6000 per car, and ongoing annual funding of \$15,000 to \$20,000 for hardware and a systems administrator. There may be alternatives for administration - would someone other than a policeman be less costly? She also questioned if there would be proprietary information, and if the administrator would report to the sheriff. Brown noted that this may be an opportunity to consolidate costs by installing the T-1 line into the city as well.

Davis asked if the system administrator would be shared between all local law enforcement departments? McNary said the costs would be split with Bellevue paying 8%, Ketchum paying 26% , Hailey paying 24% and Blaine County paying 42%. Much of the first year's works on the part of the administrator would in cleaning up files and eradicating corruption.

Mayor McBryant requested that a revised document be prepared for the council to work from. **Brown moved to continue this matter to the next regular meeting of the city council. Keirn seconded; the motion carried unanimously.**

### **MAYOR'S REMARKS**

McBryant added to the agenda an appointment to the Arts Commission.

She then thanked the 116<sup>th</sup> Brigade for having participated in the 4<sup>th</sup> of July parade. She complimented the Hailey Museum Heritage Court on their beauty and graciousness.

## **PH 239 JIM HILL'S TEXT AMENDMENT RE: LOT COVERAGE IN TOWNSITE**

Jim and Margie Hill presented their application for a text amendment to the Hailey Townsite Overlay district which would increase the allowed lot coverage from 40% to 55% within the Transitional district. Their property at 103 3<sup>rd</sup> Ave North<sup>2</sup> would be affected by this change such that they could build a nice office-building complex near other commercial buildings which would be well served by nearby professional offices. The building would have the same height as residential units in Hailey. Lot coverage had been allowed at 67% before the Townsite Overlay ordinance had been put in place.

City Planning Director Kathy Grotto said the planning and zoning commission had held a public hearing on this matter on June 13, 2006, and had recommended denial of the application. The Transitional zone is not considered part of the central business zone, but is intended to be primarily residential in nature with restricted business activities, to maintain the integrity of neighboring residential areas.

Mayor McBryant opened the public hearing. Geoffry Moore, 406 So 1<sup>st</sup> Ave said there is a large quantity of Transitional zoned area in Hailey and 55% is too much lot coverage. The wants of one shouldn't outweigh the wants of the many. There are 6 homeowners requesting zoning amendment form residential to transitional at this time

Rob Lonning of 415 So. 2<sup>nd</sup> Ave said the purpose of the Transitional zone is to create a residential feel, and we should be careful how properties are developed and expanded. There is a conflict between residential infill and turning properties into businesses, which leaves buildings in which people won't be living. With fewer people this becomes a thorny issue. Can we have both?

There being no further public comment, the mayor closed the public hearing.

Davis wanted to see how the townsite overlay workshops will play out, and was influenced by the fact that the transitional zone is intended to protect residents from businesses.

Brown agreed with Davis that the main purpose of the zone is to protect residents from businesses. The transition between businesses and residents is too abrupt at Les Schwab, for example. She was opposed to changing the bulk requirements of the entire district. She said that if this request were not a text amendment, it would be viewed more favorably, and suggested that perhaps this piece of property shouldn't be zoned Transitional.

Burke too wanted to see how the townsite overlay rewrite unfolds.

**Davis moved to uphold the Planning and Zoning Commission decision and to deny the application. Keirn seconded; the motion carried unanimously.**

## **PH 240 DELLA VIEW UTILITY EASEMENT VACATION**

City Engineer Tom Hellen presented an application to vacate a utility easement within the Della View Subdivision. A property owner in the area intends to apply for a lot line shift which would

reduce five parcels to three, including Cutler's Subdivision, some tax lots, and part of Della View Subdivision, including this utility easement which the City has no need for, since no other utilities are in it at this point or planned to be.

McBryant opened the public hearing. There were no public comments. **Keirn moved to approve the vacation of easement as presented. Burke seconded; the motion carried unanimously.**

#### **NB 241            TRANSPORTATION STUDY AMENDMENT TO INCLUDE BELLEVUE**

City Engineer Tom Hellen said Bellevue wants to be included in the transportation study currently underway by Hailey. Bellevue will benefit by certain efficiencies if the same consultant is used. Bellevue and Hailey are considered one traffic zone, allowing Bellevue to compete for funding.

Williamson suggested a Joint Powers Agreement be a better document to facilitate this goal, with Bellevue paying directly for their share. Williamson recommended not doing anything at this point, saying he had requested Bellevue City Attorney Jim Phillips come up with an agreement

**Burke moved to table this matter. Brown seconded; the motion carried unanimously.**

#### **NB 242            ARTS COMMISSION APPOINTMENT**

Mayor McBryant presented the city council with her 4<sup>th</sup> appointment to the Hailey Arts Commission: Betty Ervin, a Wood River High School Arts teacher. Mrs. Ervin is hesitant to organize big events but is a great entry to school's students and will be able to engage them to participate. **Davis moved to approve the appointment of Betty Ervin to the Hailey Arts Commission. Keirn seconded; the motion carried unanimously.**

#### **NB 243            DISCUSSION OF PROPOSITION 2**

Williamson initiated a discussion of a Statewide initiative set for the Nov 7, 2006 ballot known as Proposition 2. If passed by voters, it becomes effective Nov 22. Ramifications if adopted:

- 1) Address decision by US Supreme court allowing eminent domain for economic development. Not large impact on Hailey. Perhaps bad use of Eminent Domain.
- 2) Law would allow property owner to receive damages from land use law. If municipality enacts ordinance effecting property, owner can sue city. Fearful of planning coming to a halt. New laws may pass costs on to citizens of Hailey

Exemptions:

- 1) If based upon building or fire code, effecting public safety.
- 2) Traditional nuisances.
- 3) Exempts existing laws. Nov 22 laws on books should be exempt. Ordinances adopted (hillside, parks, big box ordinance., area development plan...)

Based upon potential of passage of Proposition 2, must look hard at ordinances. How do we want Hailey to look forever? Future councils should be careful. Any decrease in value city may be paying for.

McBryant expressed concerns relative to time, workload, administrative issues. Grotto said the P&Z commission has a full plate. Sweetwaater, Old Cutters, 3 annexations, 4 Design/Review, Tree Ordinance, Demolition Ordinance. Brown asked if adoption of impact fees is considered in the work load.

Grotto said some P&Z reviews might be more cursory reviews with the Council doing the lion's share of finalizing these ordinances. McBryant asked the council if it was willing to support a temporary policy to direct P & Z not to notice any item until so directed by the Council. Items need to be either put in the que or they will wait until after the November election.

Brown said the Townsite Overlay, Demolition, and Tree ordinances are her top three priorities. Any annexation can wait. She trusted McBryant to line items up. Council can do the extra meetings to finalize.

McBryant hoped to be able to accept applications but not schedule hearings on them. **Brown moved to accept but not schedule applications, Keirn seconded. Burke stressed the need to help committees; she fears losing them. The motion carried unanimously**

Jim Speck, representing the Cutters project, said he respects Williamson for being on top of the Proposition 2 issue, and his ability to look at what is important in long run. Old Cutters doesn't have a definite date; tentatively on an August agenda and hopes to be still on that time frame. McBryant requested everything complete before actually scheduling. Staff must have opportunity to review (Canal, park, other issues).

McBryant gave assignment to the Council to write down key points relative to Hailey's zoning and subdivision ordinances by Monday morning. Uses, set backs, bulk requirements, LI, RGB,.... She asked Williamson if this is the appropriate time frame to zone the current airport so that it isn't grandfather to continue to exist as an airport. Williamson indicated he would give that some thought.

## **WORKSHOP**

Mayor McBryant said there have been fast and furious requests for Local Option Tax monies, including sidewalk improvements along Croy Street for \$30,000 BKHA for \$14,000, the Chamber of Commerce for \$ 7-20,000, the Museum for \$10,000, Lighting for \$10,000, Parks Maintenance for \$15,000, and the PEAK bus may be asking for the same as last year, and maybe a bit more

Brown addressed city involvement with KART, saying a community member to be KART board member. ARTS Commission to meet with Parks and Lands board. Write grants for Woodside Central Park to design entry ways with a common theme. Tracy Anderson could be available to help write the grant.

Keirn – Liaison to BKHA – requesting \$50K, will be sent letter to explain City of Hailey can't do anything until we have a better LOT idea. E911 – concerns with spending, organization...

Davis - Fireworks presentation, thanks to Mike Chapman, best yet even with the pucker factor (impending electrical storm). Fireworks Fund is planning to do something for HFD.

Hellen – Tree/Idaho Power to trim trees on power lines. Voucher to help replace trees if need to remove. Water storage tank has had concrete poured. Projection that Nov water to be stored in new tank.

Dawson passed out flood costs handout, which may be reimbursed by Homeland Security.

7:35 Williamson requested adjourn to Executive Session for reason of litigation. Burke moved and Keirn seconded that the council go into executive session. A roll call vote showed all in favor. The council made no decisions in executive session and the mayor adjourned the meeting thereafter.

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Susan McBryant, Mayor

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Heather Dawson, City Clerk