

**MINUTES OF THE REGULAR MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, SEPTEMBER 18, 2006  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 3:00 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, City Administrator Jim Spinelli, and City Clerk Heather Dawson.

**CONSENT AGENDA**

Davis removed CA 326 from the consent agenda. Keirn moved that the remainder of the consent agenda be approved as presented. Burke seconded; the motion carried unanimously.

- CA 319- A Motion to approve Special Events Permit for Ski Swap at National Guard Armory
- CA 319 -B Motion to approve Special Events Permit for Trailing of the Sheep event, with noise waivers for amplified sound
- CA 320 Motion to approve Special Events Permit for Wood River High School Christmas Arts & Crafts Fair
- CA 321 Motion to approve grant application for Idaho Community Forestry Transportation Enhancement Grant to establish a perennial greenway along Fox Acres Road path.
- CA 322 Motion to approve Agreement with ID Power to install service to new water tank
- CA 323 Motion to accept deeds for gifted land from Bill Simons west of Lion's Park within Croy Canyon
- CA 324 Motion to approve contract for prosecution of city misdemeanors with Rick Allington
- CA 325 Motion to approve pay request to RSCI for Water Storage Tank Project
- ~~CA 326 Motion to approve minutes of the August 14, 2006 City Council meeting and to suspend reading of them~~
- CA 327 Motion to approve minutes of the September 8, 2006 City Council meeting and to suspend reading of them
- CA 328 Motion to approve minutes of the September 11, 2006 City council meeting and to suspend reading of them
- CA 329 Motion to approve payment of claims issued during the second half of August, 2006
- CA 330 Motion to approve Treasurer's Cash Report for the month of August, 2006

**CA 326 Minutes of August 14, 2006 City Council meeting**

Davis corrected the minutes of August 14, 2006 to reference the environmental assessment "study" rather than agreement, and to say SEIDO, rather than the Peak Bus, hasn't yet accomplished much. A motion and second to approve the minutes of August 14, 2006, as amended, was passed unanimously.

**PRESENTATIONS**

Rich McIntyre was present to talk to the city council about the Wood River Legacy Project, an effort to change Idaho Water law to allow landowners to place their water rights into the stream,

rather than onto land. Local government entities have been offered places on the advisory board, and have been told that they will be invited to draft, review, and make comments on any legislation that is written. He was asking city council endorsement of this project, with full review. He hoped to have legislation passed around by the end of this year. Davis said he has seen the PowerPoint presentation at a rotary club meeting. How will the adjudication affect this project, and vice versa. McIntyre said the immediate effect of the adjudication is that the water in the river will increase. The legacy project will give an alternative at the end of that process. Brown asked about tourism. McIntyre said the project will increase the fishing length of the Big Wood River by 1/3, with a dramatically improved fishery.

## **EHRENBERG ANNEXATION**

Williamson said he has sent an annexation agreement back and forth to Ehrenberg but it is not yet complete. Davis moved to continue this matter to October 23, 2006. Keirn seconded; the motion carried unanimously.

## **LIDO EQUITIES COPPER RANCH FINAL PLAT PHASE 5**

Randy Fensquien Engineering introduced a new format relative to condominium platting. Idaho statutes are very lax in what is required regarding condominium plats. The building detail is based on architectural plans. If not built, the plat would have to be vacated at a different point. Grotto noted that this phase is for 4 buildings with 20 residential units, and follows the phasing agreement that was set forward in the second amendment. She recommended that a plat not relative to the instrument number needs to be added, as cited in the suggested conditions. Brown asked what would be the means of changing the final plat. Grotto said the plat would be vacated. Williamson said the space needs to be defined three-dimensionally, and he had not realized that these buildings weren't yet constructed. Williamson said he would want to look at the state law and see how it reads. Ed Lawson said he too had found this a foreign method for platting, and the three-dimensional plat grew out of local custom and practice. A foot print and a floor plan is all that is required, giving a right to a common area. There is no legal reason to wait for the three-dimensional plat. He suggested this is probably what the council will be seeing from here on forward.

Mayor McBryant opened the matter for public hearing. There was none. Davis said the applicant has already proven their worthiness, and suggested going forward. Keirn agreed, but asked what are the ramifications of the new approach are. Williamson said the buyer purchases at the very end, and there's a rush for those units. He simply would like to look at the matter before it is finalized. Brown suggested approving the plat subject to the attorney's assessment that it is legal. Williamson said if this is approved, we will see all condominiums done in this fashion. Brown asked if we can request an as-built plan, or any legal standing to deny. McBryant said her only concern is that she wouldn't like to see platting of buildings as policy, because a series of legal hurdles can be created if the buildings aren't built quickly. As a matter of protocol she preferred not to see it. **Brown moved to approve the final plat for Phase 5 Copper Ranch, with conditions A-E, and adding condition F that approval is subject to review of the city attorney, finding the application in conformance with state law, with the comprehensive plan, and subdivision ordinance, and that it does not jeopardize the health and safety of the general public.** Davis seconded; the motion carried unanimously.

## **COMPREHENSIVE PLAN AMENDMENT – SPECIAL SITES TOWNSITE OVERLAY**

Grotto said when the interim moratorium was enacted, amendments were to be done to the comprehensive plan. This amendment says infill development is fine as long as it fits in with the surrounding neighborhood, to establish a basis for design review, land institutes language change referring to the town site overlay consistently. It sets forth the authority to develop design review guidelines.

Keirn asked who provides these design review guidelines. Grotto said the plan is telling the city that it should provide for those guidelines. Mayor McBryant opened the matter for public hearing. There was none. Mayor McBryant said the language that is being added should bridge the concerns for people about the townsite overlay infill development, by requiring that it match the community in which it is being placed. Davis moved that the Hailey City Council adopt Resolution 2006-14, adopting the section of the comprehensive plan as proposed. Keirn seconded; the motion carried unanimously.

## **AMENDMENTS TO ZONING MAP – TOWNSITE OVERLAY**

Grotto said the application is to remove from the townsite overlay the properties east of the Wood River Trails. Accessory dwelling units will no longer be allowed in those properties, the set backs would change, and the minimum lot size would be increased.

Mayor McBryant opened the public hearing. John Barton of 213 Second Ave South said he owns two properties inside the area subject to rezone, at the corner of Bullion and Sixth Avenue. These two lots were subdivided after the town site overlay was put in place, and services were put in. He said he bought them about 2 years ago for \$275,000 each. The moratorium delayed construction. Carrying costs, taxes and administrative costs are running about \$60,000 per year. Specialists at infill, his company puts the houses at the front of the lots and the garages at the rear. Hailey is known for being a pretty stable government, and the moratorium came as a surprise. Imminent peril is a subjective matter. Without an accessory dwelling unit, this property won't pay for itself. The LR-1 zone requires a 75 foot lot width. The ordinance as it is written will render the property unbuildable. He urged the council to reconsider the direction of zoning requirements in this area.

Keith Pangborn of Ketchum said he represents a property on River Street, and Hailey approved Arbor Heights Subdivision about three years ago. The back lot has had a house being constructed upon it all summer. Adjoining lots have different land uses, and he wasn't sure how that line was drawn there. Has there been any investigation as to whether there are accessory dwelling units which will become non-conforming. The monetary impacts should be studied; they are potentially up to \$100,000. Mayor McBryant said this has been under discussion and public review for a very long period. Barton said this ordinance is not in compliance with Section 14 of the comprehensive plan. The Attorney General guidelines on takings requires that the city attorney generally makes that report, and Barton asked if it has been issued. Mayor McBryant closed the public hearing saying the comp plan is a guideline. Grotto said the lots, though narrower than minimum, will not become unusable, they can be built upon as long as the building meets setbacks. There is no taking because the lots can still be built upon. The vast

majority of lots on the west of River Street are narrow skinny lots, if there are any accessory dwelling units they are illegal because none have come through for design review approval. Brown said the council previously heard from roomfuls of people that the area east of the bike path has a different look and feel. Arbor Heights Subdivision will have the look and feel of the town site in its front unit. Moving the town site overlay is appropriate, it doesn't change the underlying zoning. Burke said a week ago when she met to continue this matter, there were people here to support the redefined boundary. That area did not have the look of the old town site to start with. Davis said he hates it when government incurs costs to other people. All comments until tonight have favored removing that area from the town site overlay.

Williamson said this is a quasi judicial procedure, with required notices. Two council members have talked about comments heard outside this meeting and statements should be made as to what the council has heard generally. Davis said he has had people talk to him about this topic outside the public meeting, in support of the map amendment. Burke said she heard, in this room, from people present last week, who asked if they needed to come back today and had difficulties with the 3:00 p.m. time frame. McBryant said she is more interested in comments from people residing in the neighborhood. Development is a risk. Davis asked about notice. Grotto said property owners within the application area were mailed notice. **Keirn moved that the council approve ordinance 959, and read the first reading by title only;** Brown seconded;. **Keirn amended the motion to add the finding that the application is conformance with the comprehensive plan and does not jeopardize the health and safety of the general public.** Brown seconded the amendment. Davis encouraged everyone to go about and make sure we're doing the right thing prior to the next readings. The motion carried unanimously

## **2005/2006 AMENDED BUDGET**

Dawson introduced the amendment to the current fiscal year budget, which had been noticed for public hearing following the council's adoption of a tentative budget in August. Mayor McBryant opened the public hearing; there was no public comment. Burke moved to adopt ordinance 958 amending the current year's appropriation ordinance, read by title only, waive the three readings, and authorize the mayor to sign. Davis seconded; the motion carried unanimously.

## **LEGACY PROJECT**

Mayor turned the council's attention to a discussion of whether the council was willing to endorse this project as introduced earlier in the meeting by Rich McIntyre. McBryant noted that the legislation should be applicable to jurisdictions that have water rights. Davis was in favor of endorsing this project as well. Burke said the antiquated water laws do waste water. We can't afford to do that anymore. **Brown moved that Hailey support the legacy project, lending its name to any endorsements.** Keirn seconded; the motion carried unanimously.

## **WOODSIDE FIRE STATION BOND**

Fire Chief Mike Chapman displayed the various duties that have increased the job responsibilities of the Hailey Fire Department since 1884. Emergency response calls have

increased dramatically with increased population and new responsibilities. A second graph showed the number of calls per 100 people – if we double the population we triple the calls, and we now receive 6 calls per day per 100 people. The mass casualty trailer doesn't have room to be sheltered inside, so medical supplies freeze. Four employees are working in three offices and a storage space. North Woodside has 238 residential lots, central Woodside 806 lots, and south Woodside 637 lots and 75 business lots. 128 lots are undeveloped and there are 1681 residences. Low census figures estimate 2.39 occupants per residence. Sweetwater created an additional 125 units, another 1000 people. The average response time is less than 4 minutes to anywhere in Hailey except to central and south Woodside, which is 8.5 minutes. The Idaho Survey and Rating Bureau determines insurance rates based on the city water system, dispatch center, and fire suppression capabilities. We are currently rated at class 4. A city must have only one rating, it can't be split. Rural fire districts can have split ratings. The rating is based on a 1.5 mile travel distance and a 3 minute response time. The mile and a half goes to Moonlight Drive. Areas north of McKercher and south of Moonlight drive are outside that radius. A 3.5% drop in points will drop us to a class 5. Only 10% of the developed city limits was outside the service area in 1997, and now 27% is outside. Automatic aid gets credit for equipment. An increase in fire insurance of \$1 million per year will be paid by everyone in the city who carries fire insurance.

This proposed station anywhere else would be considered a substation, with administrative quarters and a duty station. Hailey has an immediate need for 2 apparatus bays. Chapman displayed a picture of the Jerome fire station which is similar to what we're looking at, except Hailey's would have a wing on both the left and right, both a bit shorter than the one wing depicted on Jerome's. The station would have a 10,445 square foot footprint and 50year life masonry walls. This would not replace the existing station.

Financing through a bond allows citizens to determine an acceptable level of service. It allows for future taxpayers to pay for costs. It prevents the depletion of existing capital reserve funds. It is the recommended funding source of the city finance department. As the existing bond for the Fox/Brown building paid off, this bond would replace it at the same cost to taxpayers.

Current cost estimates for construction during 2006 are at \$2,639,585.00

Davis said the biggest selling point is that taxpayers will be paying the same amount. He felt the city could sell this before November 7. Insurance costs will go on and on, the station costs are finite. Davis said citizens don't want to pay for growth, they want growth to pay for itself. Keirn said a large percentage of voters are in Woodside. Chapman noted 40% of voters are in Woodside. McBryant said Hailey has been aggressive in utilizing all the legislative opportunities to make development pay for itself. There will come a day when this fire station would be mandated rather than our option.

Chapman addressed the consolidation issue. Functional consolidation rather than legal consolidation has become the goal of area fire districts. Until we can get around the five-times cost difference, we can't do a legal consolidation. State code doesn't allow that a county run city fire departments, and service can't be extended for a lower fee than Hailey's own citizens are paying. Brown said functional consolidation is the ultimate goal. If we can jointly build a station at the north, all three small central fire stations would be decommissioned, and we would gain back more land. .

**Davis moved to proceed to a November 7 2006 bond issue, and instruct staff to make it happen.** Keirn seconded; the motion carried unanimously.

### **AIRPORT REPORTS**

Burke said the authority now has the power to conduct eminent domain. Friedman Memorial Airport will be closed for construction Sept 19-21, 2006.

Brown said the Arts Commission submitted for a grant and was awarded the requested amount of \$5,425. The Statewide Arts Commission will help us get templates in place.

Brown said we try to actively manage our own urban forests within the city. She would like the council to consider amending our moratorium on the tree ordinance, or repeal it for any already approved projects. It appears we won't regulate on private property. Mayor suggested bringing a list of properties already approved that are affected by the moratorium. Brown said there is tremendous volunteer work going into the tree ordinance. Brown said she had received a call from a promoter of a state-wide change to regional transit authority regulations. State law currently does not allow for any funding mechanism. RTA tax would have to go to voters after the enabling legislation is put in place. KART marketing planners will interview Brown tomorrow, and the Hailey Arts Commission meets tomorrow at 4:30 p.m.

Keirn said two committees he's on met on the 14<sup>th</sup>, and he was out of town. He also was appointed to the executive board of the Southern Idaho Economic Development Organization. The clerk noted that payment of the SIEDO annual \$6000 contribution would be in the claims to be submitted at the next council meeting..

Davis said the historical survey will be revised by Claudia Walsworth relative to a recommendation made by Ann Swanson of the State Historical Preservation Office.

Williamson said Rocky Mountain Hardware is closing on the bond this week. He also noted that he had received an environmental report on the Croy Canyon land that was gifted to Hailey, and the report raised no concerns. We have accepted that 40 acre parcel and that easement. Spinelli said he attended the SIEDO meeting, and the organization is heavily recruiting for technological businesses to come here, specifically 15 to 50 member companies.

Spinelli also said he attended a community housing meeting with Tom Hellen and Diane Shay.

Brown moved, an dBurke seconded to go into executive session to discuss pending litigation. A roll call vote showed all in favor. The council went into executive session 5:40 p.m. Following a motion a roll call vote to adjourn, the mayor adjourned the executive session and the meeting.