

**MINUTES OF THE REGULAR MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, SEPTEMBER 25, 2006  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:30 p.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, City Administrator Jim Spinelli, and City Clerk Heather Dawson. LeAnn Gelskey took minutes.

**OPEN SESSION FOR PUBLIC CONCERNS**

Davis introduced members of Youth Adult Konnection (YAK) to the council.

**CONSENT AGENDA**

**Burke moved that the remainder of the consent agenda be approved as presented.**

Burke seconded; the motion carried unanimously.

- CA 338 Motion to approve Idaho Certified Local Government grant application by Hailey Historic Preservation Commission to be used to survey properties within the Old Hailey Townsite.
- CA 339 Motion to approve staff's recommendation for independent auditor, and authorization to accept audit proposal as drafted
- CA 340 Motion to approve minutes of the August 28, 2006 City council meeting and to suspend reading of them
- CA 341 Motion to approve minutes of the September 18, 2006 City council meeting and to suspend reading of them
- CA 342 Motion to approve payment of claims for September, 2006

**OB 343 3<sup>RD</sup> READING ORDINANCE 957 -FY 2006/2007 APPROPRIATIONS**

**Davis moved to approve the third reading of the annual appropriation Ordinance No. 957 by title only, and authorize the mayor to sign.** Keirn seconded; the motion carried unanimously. Mayor McBryant read the ordinance by title only.

**OB 344 2<sup>ND</sup> READING ORDINANCE 959 - ZONING MAP AMENDMENT OF TOWNSITE OVERLAY**

Davis moved to reconsider the motion to read first reading of Ordinance 959, made at the previous meeting. Brown seconded for discussion only. The motion carried unanimously.

Davis had gathered more information and Jim Spinelli had discovered that the section of the Old Hailey Townsite removed by Ordinance 959 had been included originally. Davis received two phone calls, one from Mr. Burnhart and one other. Another look was taken at the map and original townsite. Some land had been subdivided. The area at Carbonate and Bullion presented some difficulty in a one block area around Bullion at 5<sup>th</sup> and 6<sup>th</sup>. Kathy Grotto verified the map to the council. Historic Preservation expressed a desire to

preserve as much of the area as possible. It was also discussed that the overlay should match the townsite. Brown suggested a public notice to go out if this matter is reconsidered.

Nathan Fairman and wife Susan were present to represent the Byingtons who have 6 lots on the corner Bullion and 6<sup>th</sup>. The Mayor stated that this issue had been addressed since June. Mr. Fairman asked what the intent of the city was. The Mayor did not address this question. Mr. Fairman also expressed that he thought merely straightening property lines was not a good idea. Some of his points were maintenance including the bike path. He also questioned density and whether the issue was even an overlay issue. The Byingtons want to keep it the way it stands.

Annie Kaiser was present to represent the Bartons and Kingsley Murphy. She is in favor of conforming lots. She expressed that this matter was affecting property values. Property owners are not getting what they thought they were buying due to the changes.

Kingsley Murphy stated that development is a measured work and that specifics are required from the city. He also stated that there had been much confusion between the city and developers. He also stated he was not notified.

Brown stated that there had been much public statement made throughout this long process. Brown suggested getting the word out to the public with specifics. Davis suggested presenting a different proposal at a later time. The Mayor didn't want it left open. Brown asked if it could be delayed. Ned Williamson stated it could be delayed and the public needed to know what they would be commenting on. Burke acknowledged property owners and developers and previous comment. Burke wanted to go ahead with the 2<sup>nd</sup> and 3<sup>rd</sup> readings. The Mayor stated they would be voting on what had already been presented and would take some limited comment. Kathy Grotto verified that notice had been given by mail. **Burke moved to go ahead with second reading and Keirn seconded.** The motion carried with Davis opposed. The mayor read the 2<sup>nd</sup> reading and scheduled the 3<sup>rd</sup> reading for the October 9 meeting.

#### **PR 345            BROCKWAY PRESENTATION ON QUIGLEY STUDY**

Dr. Chuck Brockway introduced the Quigley Flood Study. This zone study included the dam up Quigley almost to Bellevue city limits. This phase was to evaluate the water main channel and prevent finger flooding through Woodside. A major component of the study was also evaluating the 100 year flood which was believed to be about 500 cfs. Rainfall analysis was used for the estimate. Mr. Brockway referred to the flood that occurred in 1963 which occurred when much rain fell on already frozen ground. No measurements of water flow were recorded from the flood of 1963. He estimated the flow to be 280 cfs. The study showed that there would be enough capacity until it reached the culvert located in the area of the new high school. Targeted burning could be used to reduce the fingering effect to keep it from traveling south and west. This would channel the flow on through Woodside. Another concern is the new Sweetwater area. He suggested rehab crossing and flood control. He also would like FEMA to finish quality control, look at weak points, and come back to the city with a proposal. He also

asked for an application to modify with FEMA on a flood plain revision. This would all be contingent upon measures being implemented. There would also need to be an agreement with the city to pay for modifications. Mr. Brockway verified to Don Keirn that the dam was in place in 1963. He explained that the old channels were very shallow. Garth McClure wants the city to think about improvements and start thinking ahead. The new study does not move people who are currently not in the flood plain out into a flood plain. The council will proceed as planned. Gary Stivers asked about Sweetwater. Mr. Brockway suggested raising the east bank and deepening the channel.

### **MAYOR'S REMARKS**

The Mayor stated that the council will be meeting numerous times in October for planning and zoning issues.

### **PH 346 WOODSIDE FIRE STATION BOND ELECTION**

There had been a change to the wording of the ballot by bond attorney Michael Moore relative to a 21 year term. Dawson read the revised ballot language. This bond would replace an existing bond for approximately the same par. The Mayor expressed some points on this including safety first and management second. Mike Chapman stated that he would like to host an open house for questions from the public. Ron Taylor (419 S. Second) is concerned about the cost. He is a firefighter and a paramedic with Wood River Fire and Rescue. He states that 260 of the 386 calls received are ambulance calls. He would like for the council to consider a contract of services with existing agencies. He used the north valley as an example. Keirn thinks that the cost to build will continue to rise. Brown liked the idea of consolidation and thought there were many options. Davis stated that there was potential for insurance costs to rise.

### **RESOLUTION 2006-15 - AUTHORIZING BOND AGREEMENT. ORDINANCE 960 – BOND ELECTION ORDINANCE**

**Davis moved to approve ordinance 960 and suspend the rules to waive three readings, read by title only and authorize mayor to sign.** Keirn seconded. It was approved unanimously. Burke moved to adopt Resolution 2006-15. Keirn seconded. The roll call vote was approved unanimously. Brown moved to approve the summary of ordinance 960 and authorize the Mayor to sign. Keirn seconded. The motion carried unanimously by roll call vote. Brown moved to approve the Notice of Election and authorize the Mayor to sign.

### **PH 347 FINAL PLAT OF R. DAVIS BUSINESS CENTER (FORMERLY REFERRED TO AS “PARKVIEW BUSINESS CENTER”)**

Bruce Allen stated that the center was named after Rick Davis for his dedication to the City of Hailey. Davis was very flattered. Kathy Grotto stated that plat approval had been met. There was one new comment from Mike Chapman concerning access. Grotto stated that lot 3 is excluded. She suggested that the engineers meet with her. Bruce Allen had no concerns. The mayor opened the public hearing but there was no public

comment. **Keirn moved for approval to include conditions from the staff report.** Burke seconded; the motion carried with Davis abstaining.

**PH 348            TEXT AMENDMENT TO ARTICLE 6A, DESIGN REVIEW  
                      ADDING DESIGN REVIEW GUIDELINES IN THE TOWNSITE  
                      OVERLAY**

Lisa Horowitz presented proposed changes to the Design Review Guidelines and the history of the process leading to this recommendation.. A team was created to do the project. The project started in February and the public was asked to submit photos of things they liked or disliked in Old Hailey. Those photos were the base of the project and over 100 photos were submitted. The project started with the original plat from 1881. The public prefers wider setbacks. Originally lot coverage was smaller but is now larger. Building orientation was also a factor. Variety was important in building form. The public likes mixing old and new while respecting scale. Roof form was a fairly important issue. Wall planes need to be kept within human scale. Windows, decks and balconies were not of as much importance. Building materials were fairly important but the public would like for the city to allow for diversity. Ornamentation is fine but not too much. Historic structures need to be preserved. Parking was another important issue. Public wants to keep access to alleys. Some issues concerning this were snow, debris and weed management. Trees and landscaping were another big issue. Public would like preservation. People like a mix of residences with businesses. The Mayor thought the document really was an actual guideline. Kathy Grotto recommended that a final decision not be made without the historical section. Rob Lonning (415 S. Second) would like to preserve the character of Hailey. Peter Lobb (403 E. Carbonate) appreciated the public input. It was noted that Old Hailey commented mostly. Davis stated that zoning changes will hurt old Hailey instead of helping. The council would like to know what can be enforced legally. Kathy Grotto suggested a hearing examiner as an efficient method. Solar energy issues were added to the project with examples that were working. Traditional forms would be encouraged. Material and design should break up big masses. The Mayor asked if there would be any regulation on color and Lisa stated that color would be considered a material choice. Berms shall be discouraged but not prohibited. Ned Williamson spoke about the historical commission and potential recommendations. Brown commended the public and the team. Burke agreed with Brown. The Mayor would like to talk to Ned Williamson about any vacated alleys. She is concerned about this issue and landscaping issues including encroachment. Keirn expressed a need for better housekeeping of alleys. Davis thought the project offered flexibility. **Davis moved and Keirn seconded to continue this matter until October 19, 2006.** The motion carried unanimously.

**PH 349            FEE SCHEDULE AMENDMENTS, SETTING FORTH NEW FEES  
                      FOR DESIGN REVIEW IN THE TOWNSITE OVERLAY**

There is a two tiered fee schedule including a \$300 fee for duplexes and \$250 for single units. If fifty percent or more of an existing structure is to be remodeled, it will be required to go through a design review. Fees will be tracked to see if they are adequate.

No public comment. **Keirn moved to continue this matter to October 19, 2006.** Davis seconded. The motion carried unanimously..

**PH 350 AMENDMENT TO EMERGENCY TREE ORDINANCE NO. 948,  
TO ALLOW REMOVAL OR RELOCATION OF TREES IN AN  
APPROVED LANDSCAPE PLAN**

Permits were approved before the moratorium and this is causing some concerns. Residential homeowners doing landscape projects are subject to the moratorium. An arborist would have to defend the removal of an existing tree. Grotto stated that some incentives will be made for commercial developers who would save trees. Grotto is working on these incentives. Peter Lobb asked Ned Williamson if state statutes prohibit cuts on private property. The mayor stated that had been addressed. Jim Laski of Sweetwater stated that they are in favor of the amendment. **Keirn moved to authorize Ordinance 963, amending the emergency tree preservation ordinance,** and Davis seconded. The motion carried unanimously.

NB 351 Appointments for arts commission were put off to a later meeting.

NB 352 Jim Laski requested funds of \$67,000 that the city set aside from the Balmoral Project for improvements to the Countryside/Highway 75 intersection, be released to be used in the design process of a traffic light. Davis moved to release money for traffic light to Sweetwater for design of a traffic light and Keirn seconded. It was unanimously approved.

**REPORTS**

Dawson reported that the new owner of the former Chi-chi's restaurant had come in earlier that day with an application for the sale of beer and wine. Dawson would set the matter before the city council on October 9 with temporary permission to the new business owner until council consideration is given.

Dawson noted that Hailey had received \$21,765 for mitigation of Hailey's flood related expenses last May. The total cost of the flood control had been over \$45,000 but they had excluded payment on straight time which included time worked by city crews on the Blaine County Deer Creek Bridge. The council directed that Blaine County be billed for charges incurred on bridge repair.

Tom Hellen reported on the progress of the River Street project. Ned Williamson addressed condominiums and plat issues and will continue working on it. He asked the council to think about it for further comment. The Mayor asked Grotto and Williamson to bring more information concerning this to be addressed at a later time.

Brown announced that the Hailey Arts Commission had received a grant of just over \$5,400. She suggested that the council think about requiring new public buildings to have a public arts component.

Keirn expressed a need to replace Michael David of the housing authority. Davis spoke of the upcoming historic preservation meeting. The Mayor thanked the council for their efforts.

### **EXECUTIVE SESSION**

Davis moved that the council go into executive session to discuss Pending Litigation, Land Acquisition, and/or Personnel Matters. Keirn seconded; a roll call vote showed all in favor. The council went into executive session at 8:28pm. Following a motion an roll call vote to adjourn, the mayor adjourned the executive session and the meeting directly thereafter.

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Suan McBryant, Mayor

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Heather Dawson, City Clerk