

**MINUTES OF THE REGULAR MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, OCTOBER 9, 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

Daryl Fauth (960 Foxmoor) was present representing the Foxmoor Homeowners Association to request a portable toilet for the 4th of July celebration with an added increase in police presence. They would also like more traffic control and enforcement of illegal fireworks. Drainage stemming from the northwest corner of the park is causing flooding within the neighborhood. Some of the trees are dying and Mr. Fauth asked whether it would be a maintenance issue or should the trees be replaced.

Fauth asked about the interest pertaining to fire station bond. Heather Dawson stated that the interest is factored at 4 ½ to 5 percent. He also asked if development impact fees could be used to offset the bond. Heather addressed this issue and stated that a credit would be factored into the development impact fees if the fire station bond is passed, because new development can't be charged twice for the same item. However, the difference between the bonded amount and the fire station cost could be paid for with development impact fees, if they are adopted.

CONSENT AGENDA:

Items CA 355 and 358 were removed from the Consent Agenda. Brown moved and Davis seconded to approve the remainder of the Consent Agenda as presented. The motion carried unanimously.

- CA 353 Motion to approve alcohol beverage license for H. Lucas Group dba Heidi's Hofbrauhaus.
- CA 354 Motion to approve September Water Storage Tank Project Pay Request to RSCI of \$234,686.
- ~~CA 355 Motion to approve Findings of Fact, Conclusions of Law and Decision for zoning map amendment to Townsite Overlay District boundaries~~
- CA 356 Motion to approve Findings of Fact, Conclusions of Law and Decision for Copper Ranch Phase 5 Final Plat
- CA 357 Motion to approve Findings of Fact, Conclusions of Law and Decision for R. Davis Business Center Final Plat
- ~~CA 358 Motion to approve minutes of the September 25, 2006 City council meeting and to suspend reading of them~~
- CA 359 Motion to approve payment of claims for September, 2006
- CA 360 Motion to approve Treasurer's Report for the month of September, 2006

CA 355 Findings of Fact on Townsite Overlay District Boundaries— Williamson said this item of business needs to occur after the third reading of the ordinance rather than before.

CA 358 Minutes of September 25, 2006 Brown amended a typographical error within the minutes. Dawson stated that the two motions relative to design review ordinance and fees should have been to continue these items to October 19, 2006 rather than to have read the first reading. This amendment effectively takes items OB 362 and 363 off of tonight's agenda.

Brown moved and Davis seconded to approve the minutes as amended. The motion carried unanimously.

OB 361 3rd Reading Ordinance 959, Townsite Overlay Boundary Amendment

The Mayor indicated she would allow public comment again upon this ordinance amendment.

Annie Kaiser (331 Apache) stated that she had sent an email to the council regarding the property at 6th and Bullion. The property owners would like it to remain within the townsite. She feels that the west side of Hailey looks different from the east side of Hailey because originally there were more individual property owners than subdivided property. She asked the council to consider allowing different size lots to stay in the townsite overlay.

Darryl Byington (620 East Bullion) stated that the same overlay had existed for the 20 years he has owned his property and he would like for it to stay the same.

Brown moved to authorize the third reading of the townsite overlay boundary amendment, Ordinance 959, and read by title only. Burke seconded. The Mayor acknowledged that there had been much public comment and suggested that the council consider the public participation. The motion carried 3 to 1 with Davis opposing.

CA 355 Findings of Fact on Townsite Overlay District Boundaries—Keirn moved and Burke seconded that the findings of fact and conclusions of law be adopted as presented. The motion carried with Davis opposed.

~~OB 362 — 2nd Reading of Ordinance 961, amending Article 6A, Design Review Guidelines~~

~~OB 363 — 2nd Reading of Ordinance 962, amending the Fee Schedule for zoning applications~~

MAYOR'S REMARKS:

Mayor McBryant noted that October is Youth appreciation month, and that a youth presentation would be made at the October 19 city council meeting.

The Mayor said she is opposed to Proposition 2 because it limits a jurisdiction's ability to change zoning. She feels that the appearance and feel of the Wood River Valley did not happen by accident; it was a planning process. Planning and zoning gives us all an opportunity to due process, appeal, and litigation. The feels that limitations are represented by Proposition 2.

The Mayor stated that there had been a lot of proposed changes to Planning and Zoning. The Mayor again expressed her opposition to increasing density. She explained that the public process and a majority dictate. The Mayor feels that a reasonable approach is needed in all issues.

PH 364 Beachwood Builders application for Final Plat approval of Old Town Bungalows

Bruce Smith announced that the River and Cedar Old Town Bungalows are now completed and should be recorded within the week. Diane Shay verified that the plans had been approved on January 6, 2006. Jon Omara (1030 Red Elephant) asked if there was a drawing but Bruce stated they are already built. **Brown moved to approve the final plat and Burke seconded.** The motion carried unanimously.

PH 365 Proposed amendments to several sections of Hailey Zoning Ordinance No. 532; the purpose of the amendments is to enact changes to the provisions governing the Townsite Overlay

Ned Williamson referred to notes from Lisa Horowitz's previous presentation and Kathy Grotto's staff notes, both of whom were not present. The transitional district creates a buffer between business and residential property. Williamson stated that the terminology has been cleared up. Kristen Anderson from Planning and Zoning was present for clarification and input. She stated that the public would like more of a residential character than business. Maximum lot coverage was discussed and Williamson referred to the minutes from P&Z which stated that this was a compromise and suggested a change in parking. It was suggested by P&Z that they reward those that have parking onsite instead of encroaching on neighbors. Attached or detached garages were debated by P&Z. The popular view was that they needed to be restricted. There is a 7,000 square foot requirement for additional dwelling units. This size was a compromise. Lot coverage guidelines could also be used to determine size. Williamson addressed minimum lot size and width. Business district changes were reviewed. Setbacks and maximum lot coverage were not revised. The design review of zoning ordinance was reviewed. Some sections were deleted for clean up and consolidated. There will be sidewalk requirements for new structures. It was debated whether a corner lot would be required to have one sidewalk or two. Sidewalk improvements on remodels in old Hailey will be considered for pedestrian safety. A credit or incentive for parking improvement was addressed. Williamson expressed concerned about the term "historic structure" and the implications of this terminology.

Public comment: Larry Butler (403 E Silver) expressed his concern with bulk changes. Due to changes to lot size he feels will force buildings vertical and that it eliminates lots,

causes upsize, and discourages new families within the neighborhood. He is against the changes. Because he owns a home built prior to 1941, it may be considered historic. He would like the opportunity to divide the lot north to south. The existing structure would not change. He feels that alley access and sidewalks should be voted on by the citizens of Hailey. The Mayor asked if he had reviewed the Townsite Overlay and he replied that he had.

Denise Jackson (441 Eureka Dr.) updated the council concerning the letter she had already presented to the council. Two workshops were held since the letter was mailed. People are concerned about not having enough incentives to preserve existing structures and about smaller lots causing older structures to be torn down when split. They would like funds and resources or a development agreement and transitional zoning for people who make an effort to preserve these structures.

Annie Kaiser asked if there is a credit for businesses that make an effort to offer parking. She expressed a concern with parking and pedestrian safety. She asked if the council was aware of the changes. Williamson explained that LR1 would not be recommended at 6,000 square feet. Council stated they were aware of this.

Geoffrey Moore (406 First Avenue S) is concerned about the in lieu fees.

Al Lindley (505 E Croy) is concerned that the ordinance does not accomplish the objective and does not promote infill development. He feels that the council should not have discretion concerning sidewalks. He also expressed that setbacks are more important than maximum lot coverage and that it may open a door for Proposition 2. Lindley said that the ordinance has to meet the comprehensive plan rather than generally conform to it.

Ann Marie Gardner (115 4th Avenue S.) does not like changes to lot size. Open spaces are important to her and should be left alone and not left open for development.

Jim Kuehn (413 Second Avenue N) feels that a lot of changes are knee jerk reactions to a single situation and that the council has a responsibility to the health and welfare of community as a whole. He has remodeled in the east section of Hailey and stated that it is a challenge. He would like for more homes in this area to use Green techniques and would like for this to be addressed. He also feels that creating something that is nonconforming sets a dangerous precedent. He is concerned about what it will take to get a permit in the future and the additional costs that may be prohibitive to the community. He noted that the vision quest is important and recommended that the council stay with original ideas.

Denise Jackson clarified her previous points. She disagreed with Mr. Kuehn's knee jerk reaction statement and feels this is a proactive response. She also stated that she feels that many of the homes in Old Hailey are Green because of recycling and the use of existing landscape, etc.

Larry Butler emphasized again his point that it's all about affordability and that most residents are on a budget.

Jeff Brendell (19 W. Bullion) agreed that it is about affordability and that it can be a balancing act to restore and bring an existing structure up to code and that the end result is priced higher than it is affordable. He strongly disagreed with Denise Jackson's statement about old homes being green. He feels that there is no middle ground and recommends that the council not give false impressions.

The Mayor closed the public hearing.

Rick Davis asked why lots can't be divided north to south. Ned Williamson stated that issue was decided on based on street frontage.

PH 366 Proposed amendments to Section 4 of Hailey Subdivision Ordinance No. 821, addressing sidewalk requirements, subdivision of Townsite lots and requiring insulating material for shallow water service lines

Williamson referred to the previous minutes from the P&Z meeting. Kristen Anderson stated that there was a lot of talk concerning terminology and parking issues in Old Hailey. Davis is concerned about the smaller lots and would like to allow north to south divisions. Keirn is concerned about lot coverage but agrees with lot sizes and feels that Old Hailey is dense enough. He is concerned that more density creates more traffic. Burke discussed smaller homes on smaller lots and expressed that there are choices but within a maximum lot size. She asked the council to look around town at tucked in parking that is being implemented at some businesses. She noted that the scale of a structure needs to meet the surrounding area. She questioned the corner lot sidewalk situation and where the majority of the traffic flow is and recommended further review. Brown asked about an exception for the north and south division for future home owners and whether someone else could tear down a historic structure. Williamson suggested a condition. She is for ADU's but would like to revisit the lot sizes and the minimums. She likes the allowance for lot coverage. Brown also expressed her desire to see 7 ft. sidewalk requirements and not the recommended 5 ft. This recommendation is for subdivisions only and not residential areas. Ned stated this will be addressed at a later time. The Mayor cautioned about north and south divisions because it's contrary to the original design. She feels that a historic structure needs more definition and would like to increase density but preserve the character within the city. She is comfortable with the setbacks and would like larger lot sizes but smaller ADU's as an accessory unit and not a rental. Anderson suggested that proportion and lot coverage should be reviewed. Brown does not want a property owner to have to pay for two sidewalks. Diane Shay suggested this be addressed again on October 23rd at 5:00pm. Keirn moved and Burke seconded to continue both matters to October 23, 2006. It was approved unanimously.

NB 367 APPOINTMENTS There was no appointment at this meeting.

REPORTS:

Rick Davis would like a goal setting meeting with City Administrator Jim Spinelli. He stated that some residents had contacted him asking about the status of impact fees.

The Mayor asked Heather Dawson for a consent agenda at the next council meeting. This would be to allocate \$2500 out of the budget with collected local option tax to offset expenses and shift from the police budget to the library budget. The library will determine how the money will be used.

Keirn and Spinelli have been invited to attend an economic development meeting. Brown announced a KART board meeting. She also encouraged everyone to attend the Company of Fools presentation.

The Mayor endorsed Keirn as the council member to represent Hailey at BC3

The Mayor announced a ribbon cutting ceremony on River Street at 8:00am on Wednesday October 11, 2006 and invited council and staff to attend.

EXECUTIVE SESSION

Keirn moved that the council go into executive session to discuss Pending Litigation, Land Acquisition, and/or Personnel Matters. Burke seconded; a roll call vote showed all in favor. The council went into executive session at 8:03pm. Following a motion and roll call vote to adjourn, the mayor adjourned the executive session and the meeting directly thereafter.

Susan McBryant, Mayor

Heather Dawson, City Clerk