

**MINUTES OF THE REGULAR MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, FEBRUARY 12, 2007  
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, Martha Burke, Don Keirn and Carol Brown. Staff present included City Attorney Ned Williamson, City Administrator Jim Spinelli, and City Clerk Heather Dawson.

**PRESENTATIONS**

**Senior Bash Committee** Terry James, a representative of the Senior Bash Committee, requested funds from the City of Hailey for the Senior Bash. Mayor McBryant said although not generally a proponent of donating cash to this type of activity, the Chief of Police informs her that seniors not attending are problematic. She said this matter would be discussed further near the end of tonight's meeting.

**Legacy Project** Rich McIntyre was not present to make a presentation he had scheduled.

**APPOINTMENTS – Historic Preservation Commission**

Mayor McBryant declined to make Parks and Lands Board appointments. She focused on the Historic Preservation Commission appointments, and put forth for nominations the three names recommended by the HHPC, Eddy Svidgall, Kelly Jackson, and Dick Meyer. **Davis moved and Brown seconded to approve the nominations;** the motion carried unanimously.

**CONSENT AGENDA**

After several items were pulled from the consent agenda, Brown moved and Burke seconded that the remaining consent agenda items be approved as presented.

- ~~CA 47 Motion to adopt Resolution increasing Historic Preservation Commission to 9 members, and approving appointments and terms as set forth in Agenda Item AA-46~~
- CA 48 Motion to approve Special Events Permit for Hailey Antique Market for 8 days, including 4<sup>th</sup> of July weekend and Labor Day weekend, planned at McKercher Park
- CA 49 Motion to approve Special Events Permits for Valley Motor Club Car Show planned at McKercher Park on August 11, 2007, with estimated 500 attendees
- CA 50 Motion to approve Special Events Permits for Porter/Ros Wedding planned at Heagle Park on July 28, 2007 with estimated 150 attendees
- CA 51 Motion to approve Special Events Permits for 4<sup>th</sup> of July Parade and Barbeque planned to be held at Hop Porter Park, and progressing on city streets with estimated 2000 attendees
- CA 52 Motion to approve Special Events Permits for Girls on the Run 5K Fun Run planned to begin and end at Heagle Park, and progressing on city streets with estimated 250 attendees

- CA 53 Motion to approve Memorandum of Agreement for FY07 Historical Preservation Grant
- CA 54 Motion to approve grant agreement for IDEQ Wastewater Master Plan Update grant
- ~~CA 55 Motion to approve First Amendment to Saddle River Subdivision Development Agreement~~
- CA 56 Motion to approve extension to file final plat on city owned Parcel O in Woodside
- CA 57 Motion to approve findings of fact, conclusions of law, and decision for final plat approval of Sweetwater Large Block Plat
- CA 58 Motion to approve findings of fact, conclusions of law, and decision for denial of rezone application for Lots 13-22, Block 15, Hailey Townsite
- ~~CA 59 Motion to approve minutes of Jan 8, 2007 City Council Meeting and to suspend reading of them~~
- ~~CA 60 Motion to approve minutes of Jan 30, 2007 City Council Meeting and to suspend reading of them~~
- CA 61 Motion to approve claims for expenses incurred during January, 2006
- ~~CA 62 Motion to approve RSCI pay request for Water Storage Tank Project~~

The items pulled from the consent agenda were then discussed separately as follows:

**CA 47** – Davis noted that the commission may still increase to 10 members. Brown urged the council to take care that the commission doesn't become too large and unwieldy

**CA 55** – Davis asked if the \$25,000 which the city would glean from the Saddle River Subdivision Development Agreement Amendment would be held for some purpose. Hellen said it has already been spent on the River Street extension. Keirn then moved that he Saddle River Subdivision Development Agreement Amendment be approved, and the mayor by authorized to sign it. Brown seconded; the motion carried unanimously.

**CA 59** - Brown corrected the name Deon Wells within the minutes of January 8, 2007. Davis correct leak policy language. Burke amended the term water tower to water storage tank. Davis then moved that the minutes be approved as amended; Brown seconded. The motion carried unanimously.

**CA 60** - Mayor McBryant continued consideration of the Minutes of January 30, 2007 to the next city council meeting.

**CA 62**- Williamson corrected the pay request of RSCI, saying the math is wrong. Brown then moved to approve the corrected pay request. Davis seconded; the motion carried unanimously.

**PH 63            ZONING TEXT AMENDMENT NB DISTRICT**

Grotto introduced the application, saying it is not tied to a specific piece of property, but is a text amendment creating a Neighborhood Business zone with permitted uses and bulk regulations.

Mayor McBryant opened the public hearing. Mary Keppler of 1521 Aspen Valley Drive was surprised this text amendment has come up again, because she had thought it had died a natural death. She asked if it could be located next to single family residences. She said if it can, that doesn't fit into the zoning picture of Hailey. She questioned why adopt a text for which there is no need. Russ Bork asked if this was invented for the two parcels in Woodside, or would it be used somewhere else in the town.

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

Grotto explained that the zone could only be applied to parcels of a certain size. If applied to the Woodside property currently zoned B, it would represent a severe downzone of the property. She wasn't sure there are very many parcels of land for which it would be a good fit at this time. Davis said there are some properties that may come into the city, and perhaps in some areas NB would fit better than TN. He felt the timing is well served. Brown looked at this as a tool, not to be used everywhere, but it does have a high threshold to pass before it can be applied. She would like to see NB zones at the far edges of town. Keirn said it is useful to have on the books, and we can adjust it to what we think best if it should come up for any particular property. The language has been toned down since the last heated discussions of this matter. It could be a nuisance, and should be applied carefully. Burke asked if limits on hours of operation of businesses could be applied. Grotto said such limits could be applied, as well as buffering of parking areas. Burke summarized that there still are opportunities to do further buffering.

**Davis moved to hold the first reading of Ordinance 982, and read by title only, finding that the four standards of evaluation have been met.** Brown seconded; the motion carried unanimously.

## **PH 64 OLD CUTTERS PRELIMINARY PLAT**

Mayor McBryant said after the public hearing at the previous meeting, additional comments were made by Blaine County, and the applicant requested the same privilege but that request was denied. She therefore invited a representative of the applicant to speak further.

Jim Speck said the county wrote a letter to the city dated Jan 22, 2004, in which county stub roads were mentioned, and it was stated that county encroachment permits were required. The applicant replied to that county letter.

The 1972 Buttercup Subdivision precedes county zoning of the Cutters property. The County zoned the Cutters land R.4, to accommodate 140 to 150 lots. Anyone buying a lot in Buttercup after 1977 was on notice that three accesses to potentially 150 lots were platted. The city staff report for the city council meeting of Feb 9, 2004 discussed these items brought up by the county. The city staff report stated that it is not clear how the county could prohibit the platted roads stubs as dedicated rights of way, since they are platted as such. In the public hearing Brian Yeager, Cutters engineer, was asked if the

county roads needed to be reconstructed to accommodate increased traffic from Cutters. Yeager had indicated the roads were adequate. At the time of that staff report the application had 80 lots north of Cutter drive, and now the application only has 40, which is less overall density than is in the Buttercup Subdivision. A March 4, 2004 county letter said Cutters access would be allowed only through portion of streets declared to be open, but said a permit would be needed to open the stubs. The board would consider opening the north access, but expressed that the location could be relocated to the very northern edge of Buttercup Subdivision. The Board preferred that approach. That is precisely the issue brought up last October, and the applicant then wrote 2 letters to Blaine County, both dated March 10, 2004, one stating they would immediately apply for a permit for the north access, and felt it was a county requirement to use those stubs. Chapman had said opening the northern stub is a necessity. However, should the county succeed in acquiring a vacant parcel, the applicant would redesign the road. A second letter states itself as a formal request to open the north access as stubbed, and asked to be advised if any further action need be taken. Campbell got no response from the county to those 2 letters. Speck said these letters couldn't be found in the county files, and county representatives admitted there were serious gaps in their filing. Because encroachment permits expire 60 days after issued, it made no sense to apply for them in advance of construction. When city annexation was achieved, the county verbally told Cutters representatives not to worry about further applications until preliminary plat was approved. Then comes the letter of October 18, 2006, which seems to want to revisit the relocation of the north stub. Speck told the city council that the city has accommodated the county for three months, and the Mitchells for good reason continue to resist. Their lot would be reduced considerably in size. The county meanwhile has decided we need to jump through some formal hoops. There is no reason to delay preliminary plat one more day. The county should have responded in 2004 and resolved all these issues then. Our plat approval is contingent on getting approval from the county.

Speck said the Cutters developers can't do their work on a contingent plat approval. Imposing a condition requiring county approval as a contingency sets the developer at the county's mercy. There must be established public necessity for any kind of condemnation. If the county has concerns about impacts to Buttercup, those should have been brought up in 2004. He said the applicant would like preliminary plat approval without that last condition. Instead of the approval being contingent upon the county's approval, it could instead be contingent upon a north access solution acceptable to city staff. Another option would be to improve the right of way and limit it by chaining it off to emergency services.

McBryant summarized that Speck's comments are the continued conclusion of the public hearing, now closed. Williamson said the main focus of the council discussion should be on Condition U, and whether the approval should be contingent upon permission from Blaine County to open road and obtain an encroachment permit. It is fair to say the north access is critical, because there is a dual access requirement within Hailey's subdivision ordinance. If the county does not open up that northern access, then we would have a different subdivision than the one we conceptually annexed. Those temporary suggestions may become permanent conditions. If the county doesn't open up the platted

stubs, then dual access won't exist. Another thought is to discuss a phasing agreement which would potentially allow for the bulk of infrastructure, but in two phases, a southern phase and a northern phase.

Keirn asked if the road is chained off, is the condition of dual access nevertheless met. Williamson said the subdivision ordinance prohibits dead-end streets. Grotto said the streets are designed to carry the expected traffic in and out of the subdivision. Brown asked if the traffic study is predicated upon 2 accesses. Hellen said it was predicated on 3 accesses.

Davis said the only alternative is the phasing possibility suggested by Williamson. Keirn said he is frustrated. He suggested taking the phasing advice of Williamson, but said he didn't like it. Brown asked for elaboration on how the phasing might look. Williamson said there is interconnectivity in all the streets, and everything south of Cutters Drive could stand on its own. The north part doesn't stand on its own. If we allow construction on the south part, the infrastructure development on north part could be accomplished later. Brown said public officials fervently want to serve the public. She would be willing to move forward contingent upon a phasing plan, with the northern end contingent upon county approvals.

**Brown moved to approve the preliminary plat with conditions A through T, adding condition U to develop a phased plan agreement with city staff, with construction on south end at the start and north end contingent upon county approval, finding the application in conformance with the Hailey Comprehensive Plan, and that it doesn't jeopardize the health and welfare of the general citizens.** Davis seconded; the motion carried unanimously.

OB 65 **2<sup>ND</sup> READING OF ORDINANCE 981, ANNEXING EHRENBERG PROPERTY** – Mayor McBryant read the 2<sup>nd</sup> reading by title only.

OB 66 **WATER DEPT POLICY ON WATER LEAKS** and conservation enforcement  
(continued from Jan 30, 2007)

Hyde introduced the changes to the policy which had been drafted subsequent to the city attorney's advice. **Davis moved to approve the new policy.** Brown seconded; the motion carried unanimously.

NB 67 **CLIMATE PROTECTION POLICY – MAYOR'S RESOLUTION**

Brown said as an employee of the federal government, her seat as an elected official is subject to the Hatch Act, which prohibits federal employees from engaging in lobbying of congress. She therefore recused herself from this discussion. Davis commended staff on its work in this regard. He cautioned that we can not sacrifice safety to accommodate these goals. Mayor McBryant noted that the work is largely that of finance department staff member Becky Stokes. Keirn said there should be some grants out there; we need to keep our eyes open as a great way to add to this. Burke said she was honored that we are doing this. **Davis moved to approve Resolution 2007-02, authorizing the US Mayor's Climate Protection Agreement** Burke seconded; the motion carried unanimously.

**OB 68            TRAFFIC SIGNAL AT COUNTRYSIDE & HIGHWAY 75**

Williamson said the Sweetwater development agreement requires Sweetwater to pay for all costs of the Countryside/Highway 75 traffic signal. The Balmoral contribution toward that traffic light needs to be used by Nov 2007, pursuant to the Balmoral Agreement. Sweetwater believes it is possible to recoup some of their costs if the city takes the lead on this. If the city did take the lead, Sweetwater would have to pay all our costs back. Hellen said the plan is that the traffic light would be installed by this fall. Davis said this proposal is a win-win for everyone. He asked why the FAA has to have design review approval. Hellen said it is within the airport runway protection zone. The council concurred with the concept of Hailey taking the lead on the traffic signal project.

**OB 69            REVISIONS TO WATER METER ORDINANCE**

Hellen introduced revisions to the water meter ordinance, which allow water service to begin at the same time as billing, and other general housekeeping revisions.

**WORKSHOP**

Mayor said a letter from the Blaine County Commissioners that's in the packet, dated Feb 6, speaks about a MOU for annexation of Hiawatha Drive into the city. Davis said the people of that subdivision made it clear they don't want to be annexed. McBryant said she has put this matter out to the council. If the council is interested in having this matter on a future agenda, they should contact her.

Burke said she has a trip planned to visit the FAA in Seattle for the purpose of interviewing all of the four consultants to submit a statement of qualifications.

Brown said the Area of City Impact agreement was set aside while the county was working on its Blaine 2025 ordinances. They had become engaged in the agreements in principal, and she was ready to continue her work on this. She also said the Hailey Arts Commission will be hosting Delta James of the Idaho Commission on the Arts for a 5-hour goal setting meeting on Friday, January 23, 2007.

Keirn said he had conducted phone interviews with potential directors of the E-911 Dispatch System.

Davis congratulated Burke on having recently become a grandparent. He said he had started to think about potential county growth, and thinking through how the city would recoup its cost relative to county growth. He suggested that Brown have a discussion with Williamson about his thoughts on that. He offered to help. Hailey had the potential of being affected on Broadford Road, River Street, Bullion Street, and Myrtle Street, with police, emergency services, and road impacts put upon Hailey by county growth.

Mayor suggested that staff's climate protection plan be brought back to the council on a consent agenda.

Hellen said the affordable housing issue is coming forward quickly, and how we are going to deal with this needs to come onto the table. Are we going to be our own landlord; the possibilities are endless as to how we can do this.

Spinelli said the school district is interested in knowing if we would go half and half on a new Welcome to Hailey sign.

**Senior Bash.** – Mayor McBryant said she is not unwilling to use up to \$500 from her budget for the Senior Bash in the interest of safety. Brown was concerned about the discretionary fund being tapped for other reasons, but felt that each council member could contribute another \$125 from their discretionary fund, for a total of \$1000 donation to the Senior Bash as a health and safety prevention measure

Davis moved to go into executive session. Keirn seconded; a roll call vote showed all in favor. The council went into executive session at 7:10 p.m, and shortly thereafter McBryant recused herself. Following a motion and roll call vote to adjourn, the council went out of executive session at 7:30 p.m.