

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD MONDAY, JUNE 8, 2009
IN THE HAILEY TOWN CENTER MEETING ROOM**

The meeting of the Hailey City Council was called to order at 5:30 P.M. by Mayor Rick Davis. Present were Council members Don Keirn, Carol Brown, Fritz Haemmerle and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson and City Clerk Mary Cone.

PUBLIC COMMENTS:

Anthony Pruitt of 2231 Winterhaven spoke to council regarding his 22 pound domesticated bobcat. Pruitt gave documents to council showing his vaccinations and that the cat has been declawed. The Idaho Fish and Game have approved of him having this animal and they are concerned mainly with bobcats larger than his species. Jeff Gunter, Hailey Police Chief gave Pruitt a notice to get rid of cat or move out of the city limits. Mayor Davis will get with Ned and work out something, possibly an extension as Pruitt's lease expires in August 2009.

AIRPORT ISSUES:

Susan McBryant spoke to council regarding the Blaine County task force and procedural steps prior to any airport transition. The task force is looking at several options to come up with a solution for the transition. McBryant suggests to council that it is important that Hailey retain its 50% vested interest until the record of decision and the date of beneficial use – when the airport opens. McBryant urges council to not allow anyone to push them out even those eager to serve on this board. Alternative landing methods have been researched since the last meeting; the FAA has definitively stated that there are no other landing options due to safety reasons. The City of Ketchum and City of Sun Valley has asked for a meeting (will be held at the Limelight Room in Sun Valley) at noon on June 18th, 2009.

CONSENT AGENDA:

- CA 241 Motion to approve Resolution 2009-09, authorizing the mayor to sign the grant application, representations and assurances, and grant receipt for Friedman Memorial Airport AIP 34 Grant in the amount of \$266,000 to procure snow removal equipment and to modify the existing maintenance building.
- CA 242 Motion to authorize the Hailey Tree Committee's Idaho Community Foundation Grant application for a Hailey Tree Inventory 1
- CA 243 Motion to approve authorization for the Hailey Arts Commission to submit the application online for JC Fox Building Mural Project..... 17
- CA 244 Motion to authorize the Mayor to sign a reimbursement request for funds from DEQ for the wastewater Master plan..... 33
- CA 245 Motion to approve support of Wood River Land Trust Grant Application for restoration project in Lion's park..... 35

CA 246	Motion to authorize signature of letter to Environmental Protection Agency in support of proposed Rule requiring national greenhouse gas registry.....	39
CA 247	Motion to approve Rodeo Grounds Phase I fee proposal and Scope of Work as submitted by Ruscitto/Latham/Blanton, AIA.....	43
CA 248	Motion to approve expenses in the amount of \$20,000 from the Capital Improvement Plan for sidewalk renovation and redevelopment on the south side of Bullion Street between Main and River Streets, to include curb, gutter, sidewalks, street trees, irrigation system and ADA access to buildings.....	47
CA 249	Motion to approve and authorize the Mayor to sign the Development Agreement with the State of Idaho regarding the rezone of the Armory	49
CA 250	Motion to issue a temporary Taxi Driver’s License permit to James C. Neraas, working for WR Taxi.....	55
CA 251	Motion to approve applications for Safe and Sane Fireworks Permits as recommended by the Fire Chief for Wood River Calvary Chapel, the Wood River Crisis Hotlines, Bruce Weaver’s Outlet Fireworks, and Bruce Zoldan’s Big Bear Phantom Fireworks.....	56
CA 252	Motion to approve Dangerous Fireworks Permit for 4 th of July Fireworks show, as recommended by the Hailey Fire Chief.....	65
CA 253	Motion to approve special event permit for Trailing of the Sheep.....	67
CA 254	Motion to approve special event permit for BCRD Bike Criterium.....	77
CA 255	Motion to approve special event permit for A Month of Art in Hailey	87
CA 256	Motion to approve minutes of May 11, and May 26, 2009, and to suspend reading of them	95
CA 257	Motion to approve claims for expenses incurred during the month of May 2009, including dispatch payment for having received acceptable service for the prior month.....	109
CA 258	Motion to approve treasurer’s cash report, including LOT report.....	137

Williamson pulled Consent Agenda item 256.

Motion made by Keirn to approve all other consent agenda items minus 256, seconded by Haemmerle, motion passed unanimously.

Mayor Davis mentioned that he and council received amended minutes prior to tonight’s meeting and asked if everyone had a chance to review them and is okay with them. Council affirmed.

Motion made by Brown to approve minutes as amended (handed out to council prior to meeting), seconded by Keirn, motion passed unanimously.

PROCLAMATIONS & PRESENTATIONS:

PP259 – Mayor Davis conducted reading of Proclamation declaring July as a Month of Art in Hailey.

PP 260 – Presentation by Blaine County Housing Authority (BCHA) – Semi-Annual Report

Linda Thorson, Anna Mathieu and Kathy Grotto presented the BCHA semi-annual report to council. Grotto showed a Presentation during her overview, this information is in tonight’s packet. Grotto reviewed the process involved in obtaining, reviewing and approving applicants. Grotto referred to this process as “Ready, Willing and Able” for purchasing a BCHA identified home. Grotto discussed board activity highlights as outlined in the presentation including an administrative fee for rentals. Grotto noted that BCHA has moved to a new location: 5 Galena

Street East (Galena and Main Street). Grotto continued reviewing statistics of the area median income. Grotto then reviewed Near-Term goals of BCHA.

Linda Thorson reviewed the Draft Operating Budget with council pointing out revenues and a projected shortfall of approximately \$4,000 in the next Fiscal Year 2010. Thorson thanked the council for the continued support.

Grotto handed out to council a BCHA characteristics report of applicants as of June 1, 2009.

APPOINTMENTS & AWARDS:

AA 261 Arts Commission re-appointments Mark Johnstone and Jim Spinelli

Motion made by Burke to re-appoint Mark Johnstone & Jim Spinelli to the Arts Commission, seconded by Haemmerle, motion passed unanimously.

AA 262 Arts Commission new appointment of Erica Niemi to replace retiring commissioner Pat Robinson Webb

Brown moves to approve the nomination of Erica Niemi to the Arts Commission, seconded by Keirn, motion passed unanimously.

AA 263 Appointment of seven (7) members to the Community Oversight Committee by the Mayor, each City Council member, the Chief of Police and Liberty Lobby (continued from 5/11/09 meeting)

Brown recused herself from this discussion.

Keirn nominates Pete Kramer, Mayor Davis - Frank Halverson, Haemmerle nominates Peter Lobb, Tom Hickey, Joanie Allen nominated by Liberty Lobby, Steve England. Also nominate Jim Spinelli subject to him agreeing to accept the title.

Motion to nominate the 7 members mentioned above made by Burke, seconded by Haemmerle, motion passed unanimously. Brown recused.

PUBLIC HEARING:

PH 264 Discussion of proposed Resolution 2009-07, providing for park use guidelines for park reservations and activities, and proposed Resolution 2009-08 providing for park fees (continued from 5/11/09 meeting)

Hellen gave council a slightly revised document with bold type indicating the proposed changes from what is in tonight's council packet. Hellen pointed out to council that one specific change requested by the Park's and Lands Board that non-profit organizations no longer are exempt from paying daily park use fees and that the park use fee has been lowered from \$500 per day to

\$200 per day. Hellen pointed out to council a change in Resolution 2009-08 – strike the word “major”, from item 6, last line.

Dawson asked council to talk through the rationale behind waiving fees for only one organization, Northern Rockies Folk Festival. Mayor Davis believes it is the right thing to do because it has been around for many years (36 years) and it is a way of repaying them for the economic vibrancy our city gains from the event.

Brown feels that this is event (Northern Rockies Folk Festival) to our city as an economic engine. Brown feels that 15 business day availability for private parties to begin booking parks (Resolution 2009-07).

Keirn is in agreement with Brown with the 15 day availability as does Haemmerle and Burke.

Mayor Davis opened up the floor to public comment.

Dick Springs of 121 Pumpkin Center Road representing Trailing of the Sheep Festival wants to suggest to council to waive these fees for all non-profits for one year due to economic times.

Keirn makes motion to approve resolution 2009-07 with the proposed changes discussed tonight and authorize the Mayor to sign and be effective upon publication of the ordinance (July 1, 2009), seconded by Brown, motion passed unanimously.

Haemmerle makes a motion to approve resolution 2009-08 with the amended change, striking the word “major” from item # 6 and authorize the Mayor to sign, seconded by Burke, motion passed unanimously.

PH 265 Request by Airport West Partners to amend Airport West Annexation Agreement to allow residential uses

Beth Robrahn gave an overview to council as to this request. Robrahn indicated that this is a request to amend Airport West Annexation Agreement to allow for residential uses only in the portion of Airport West zoned SCI-SO (SCI-SO zone allows for residential uses).

Matt Engel presented for Airport West Partners residing at 1720 Northridge Dr spoke to council. Engel gave historical information of the CC&R’s developed when Airport West began. Engel expressed interest by some property owners to open up the SCI-I district to allow for residential uses also. A vote was tallied from 17 lot owners in Airport West Park Association, 11 were in favor of residential uses, 1 against, 2 abstained, and 3 lots were not represented in person or by proxy.

Peter Lobb of 403 E. Carbonate asked if this conflicts with Community Housing Units. Williamson does not believe it does so.

Burke spoke with Rick Baird the airport manager recently about this topic. Baird believes there could be complaints if residential uses were opened in this area. Burke is a proponent for allowing residential use.

Haemmerle is for this but is unsure how you limit the number of people living in a unit.

Keirn is concerned with small children living in these areas but overall is in favor of the idea.

Brown is in support of this idea. Brown asked Building Official Dave Ferguson if these buildings would be okay to convert to living areas. Matt Engel added that the owner would be handling the rental space and somehow related to the business occupied in the same structure.

Williamson asked Matt Engel who on the Airport West Board voted against this Accessory Dwelling Units (ADU) change and why. Engel replied that the voter against accessory uses did so because that person does not want to incur the cost of changing the annexation agreement.

Mayor Davis added that the City does not enforce CCR's so this would need to be "self-policed" by the owners.

Matt Engel will look into the legal language changes and bring it back to council.

- PH 266 City initiated text amendments to the following sections of the Hailey Zoning Ordinance No. 532 211*
- o Various zoning district articles, including but not limited to, establishing standards for solar panels and small wind energy systems, allowing a maximum of three chickens per lot within certain districts, and allowing accessory dwelling units within the Limited Residential (LR) district*
 - o Article 6A, Design Review, including but not limited to, requiring landscape plantings used in multi-family and non-residential developments to be drought tolerant species, adoption of the Hailey Landscaping Manual, exempting small scale wind energy systems from screening standards, and clarifying the standard for increasing energy efficiency in buildings.*
 - o Article 9, Parking and Loading Spaces, including but not limited to, reducing on-site parking space dimensions.*
 - o Article 11, Conditional Use Permits, including but not limited to, establishing standards for small scale wind energy system*

Mariel Platt Hailey Planner reviewed a presentation which gave an overview on sustainable practices and how to achieve a more sustainable community through the proposed text amendments. The presentation is in tonight's packet. Mariel then reviewed the proposed amendments which include standards for solar panels, wind energy systems, allowing Accessory Dwelling Units (ADU)s within the Limited Residential district and allowing a maximum of three chickens per lot.

Discussion regarding allowing chickens:

Platt handed out to council before tonight's meeting public comments, in summary these citizens are in favor of allowing chickens. Comments were received from: Sunny Grant, Jamie, Kristen, Charlie and Andy Coulter; John Gaeddart, Elizabeth Jeffrey, Maxine L Gilchrist, Mary Ann Wuebker, Bob and Debbie Commons, Sue Petersen, Kelly Jackson and Jason Mcilhaney.

Bob McLeod 417 E. Myrtle wonders how to protect from light obstruction of solar panels if a neighbor builds a structure which blocks the light for the panels to charge. Platt indicated there is a height restriction on page 301 in packet to help with this conflict. Platt also indicated that this section will be reviewed again to make sure it states the actual intent. McLeod asked about wind solutions as well as solar energy.

Peter Lobb of 403 E. Carbonate asked about ADUs, how large of an ADU can you have in the Limited Residential zone. The minimum would be 8000 answered Platt. Lobb also asked for council to consider the stress that ADUs would create on the city infrastructure.

Dick Springs 101 Punkin Center Road spoke to council. Springs is has many chickens and is happy to answer any questions if council has any as he is in support of these amendments.

Elizabeth Jeffrey of 415 South 2nd Ave in Hailey and voted the Environmental Advocate of the Year spoke to council. Jeffrey is in full support of these amendments and feels other communities have adopted similar guidelines which help achieve more sustainable communities.

Mayor Davis has received public comments from citizens, some of them he mentioned. Pete Kramer is opposed to the amendments. Mayor Davis read a few of the comments during the meeting. A complete list of comments received by Mayor Davis: Carma Angelo, Frank Halverson, Bob and Debbie Commons, Pete Kramer, Jay Cone, Robb Thomas, Lisa Horowitz, Julie Evans, Brian Bothwell, and Jim Spinelli.

Dick Springs 101 Punkin Center Road spoke to council regarding some of the public comment concerns about noise, smell and benefits. Springs let council know that animals raised on grass are proven to be much healthier than grain fed animals. Springs let council know that there are ways to keep the chickens safe (from predators).

Erin Molten of 2030 Briarwood asked how large of an area is needed for 5 chickens. Springs indicated 20 square feet.

Elizabeth Jeffrey wondered if chickens were easier to control than cats.

Haemmerle sees problems with allowing chickens within the city and feels they should be a conditional use permit. Haemmerle feels the city has more control until we are more comfortable with the idea.

Keirn agrees with Haemmerle and would like to see more controls in place.

Brown is generally for this proposal. Brown thinks there will be a few problems with predators. Brown is okay with a Conditional Use permit until we have a better feel for how this will be handled. Brown is concerned that conditional use permits are \$400 and would be too expensive for the broad public to purchase.

Burke does not think that a conditional use permit is a way to go because of the expense but she does believe that we should revisit this in one year.

Keirn does not mind the proposal to allow chickens but wants to see more guidelines around where to place chicken coops.

Robrahn spoke with other cities that have adopted similar ordinances. Platt spoke with Portland and they do not get any complaint calls regarding chickens.

Robrahn would like to do more research to help address Haemmerles' and citizen concerns and come to council with some proposed solutions.

Discussion regarding solar panels:

Brown is in support of solar panels which blend in with the roof.

Mayor Davis asked Platt if the wind systems were loud. Platt replied typically around 10 decibels where a typical conversation is around 60 decibels. Wind Systems are currently allowed under a conditional use permit.

Brown is concerned with the potential of a pole extending above the maximum building height.

Mayor Davis is concerned about the height limits.

Mayor Davis asked to discuss solar panels and wind energy and then continue this discussion to the next meeting.

Burke believes this is a good idea but we should consider the concerns raised today.

ADU discussion:

Haemmerle likes the idea of ADUs with limitations.

Robrahn believes Haemmerle's concern can happen in any area – not specifically ADUs.

Brown feels that Limited Residential areas are larger properties which can accommodate more density.

Haemmerle would like staff to come up with some solutions which address his concerns.

Mayor Davis asked to continue this discussion to the next regular meeting.

Motion to continue this hearing to July 13, 2009, seconded by Keirn, motion passed unanimously.

OLD BUSINESS:

OB 267 Motion to conduct 3rd Reading of Ordinance 1028 and authorize the Mayor to sign - for the vacation (abandonment) of a portion of the alleyway, located between Lots 8-12 & 20-24, of Block 125, Hailey Townsite

Motion made by Keirn to authorize the Mayor to sign and conduct the 3rd Reading, seconded by Burke, motion passed unanimously.

Mayor Davis conducted the 3rd Reading of Ordinance 1028 by title only.

OB 268 Motion to conduct 3rd Reading of Ordinance 1029 and authorize the Mayor to sign - Amendment to Hailey Municipal Code Section 2.36.020, Establishment of The Hailey Tree Committee, to increase membership from five voting members to seven voting members

Motion made by Burke to authorize the Mayor to sign and conduct the 3rd Reading, seconded by Keirn, motion passed unanimously.

Mayor Davis conducted 3rd reading of Ordinance 1029 by title only.

OB 269 Motion to conduct 3rd Reading of Ordinance 1030 and authorize the Mayor to sign - Amendment to Municipal Code Chapter 12.12 regarding Park Reservation and Use Policies

Motion by Brown to approve with amended changes as discussed, authorize the Mayor to sign and conduct the 3rd Reading, seconded by Burke, motion passed unanimously.

Mayor Davis conducted 3rd Reading of Ordinance 1030 by title only.

NEW BUSINESS:

NB 270 Request for payment by City of Hailey for legal representation of plaintiff's in marijuana initiatives litigation

Haemmerle makes a motion to have the City of Hailey pay the Roark law firm invoice directly on behalf of Mayor Davis for the marijuana initiatives litigation, motion seconded by Brown, motion passed unanimously.

NB 271 Discussion of May 14, 2009 Dispatch Users Group meeting and recommendation re: governance model

Dawson reviewed the recommendations from the Dispatch Users Group meeting.

Mayor Davis is concerned with this proposal.

Dawson indicated that the County has not voted on this item yet.

Brown clarified that she would like to see technical suggestions from the users group comparing equipment to costs as an example.

NB 272 Discussion of city council meeting schedule - move to 3 or 4 regular meetings per month

Brown is not sure she wants to commit to adding more Mondays to the schedule. Brown believes that the annexation application under review has created more special meetings. Brown wondered if we could temporarily add some meeting dates to get us through the next few months.

Burke is in agreement with Brown.

Haemmerle is on vacation the first two weeks in August. Brown and Burke are out the week of July 6th.

Dawson suggests July 13th, 20th and 22nd meetings to discuss budget. Burke is out of town July 27th.

Brown suggests having meetings July 13th, July 14th and 20th or 21st, with the 13th and 20th regular meetings and the 14th and 21st meetings for Quigley.

WORKSHOP:

Tom Hellen, Public Works Director - This weekend the Parks department staff will be removing various trees this weekend in a few parks (as outlined in Hellen's hand out to council tonight on hazardous trees identified by the Tree Committee) which need to come down due to instability, age and disease. Brown commented that we are receiving many hours of volunteers to help remove these trees. Hellen added there will be some staff time to remove the trees.

Keirn attended the Sustain Blaine meeting June 3rd where the main topic was brainstorming on fundraising ideas.

Mayor Davis reminded council that Friday afternoon is the Carnival by Aktinson's, Saturday is "Together We Can Blaine County" at the Community Campus.

With no further business Mayor Davis adjourned the meeting at 8:37 pm.

HAILEY CITY COUNCIL MINUTES
June 8, 2009

Rick Davis, Mayor

Mary Cone, City Clerk