

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD NOVEMBER 09, 2009  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:32 P.M. by Mayor Rick Davis. Present were Council members Carol Brown, Don Keirn, Fritz Haemmerle, and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson, and City Clerk Mary Cone.

**OPEN SESSION:**

Geoffrey Moore of 1250 Woodside Blvd. gave congratulations to Martha and Don on the election. Moore reported to council a high speed car accident on Woodside Blvd. recently. Moore asked council to look at Woodside Blvd. improvements before the council explores refurbishing River Street.

**CONSENT AGENDA:**

CA 463	Motion to approve and authorize the Mayor to sign IDWR application for transfer of APW water right for use at the Middle School (as discussed in October 26, 2009 meeting).....	1
CA 464	Motion to approve application for Community Designation for Preserve America grant .....	11
CA 465	Motion to approve Canvass of Nov. 3, 2009 General election and authorize Mayor and council to sign Abstract of Votes.....	23
CA 466	Motion to approve Special Event application from Hailey Chamber of Commerce for Hometown Holidays Parade on 12/04/09 from 6-9 pm .....	25
CA 467	Motion to approve Special Event application from Blaine County Title Company for Hailey Turkey Trot 5K Fun Run & Walk on 11/26/09 from 10-11 am .....	33
CA 468	Motion to approve date and name change of Special Event Hailey Fire Department Halloween Fun Run from 10/31/09 to 11/07/09 and new name is HFD Fun Run 9:30 – 11:30 am .....	39
CA 469	Motion to approve minutes of October 26, 2009 and to suspend reading of them.....	41
CA 470	Motion to approve claims for expenses incurred during the month of October 2009, including dispatch payment for having received acceptable service for the prior month.....	51
CA 471	Motion to approve treasurer’s cash report, including LOT report.....	69

**Keirn moved to approve all consent agenda items, seconded by Burke, motion passed unanimously.**

**NOVEMBER 3, 2009 CANVASS  
CITY OF HAILEY ELECTION RESULTS**

The results of the Hailey General Election are as follows:

Number of Registered Voters prior to the Election ..... 3735

Number of New Election Day Registrations .....39

Total Number of Ballots Cast .....785  
 Number of Ballots Cast Absentee.....73  
 Number of Absentee Ballots Requested .....73  
 Number of Spoiled Ballots.....1

**Number of votes for Council Seat Number 1:**

Martha Burke .....556  
 Anthony St. George .....219

**Number of votes for Council Seat Number 2:**

Don Keirn.....605

**20 year term for Local Option Tax** ..... Yes 657 No 125  
 Passed at 84%

**MAYOR’S REMARKS:**

Mayor Davis announced an article in the Via AAA traveler’s companion touting Hailey not as a ski resort but as a real town with 8,000 people.

**PROCLAMATIONS & PRESENTATIONS:**

*PP 473 Preserve America Resolution to accompany application for Community Designation*

Mayor Davis read the Preserve America Resolution Resolution # 2009-17

*PP 474 Proclamation for Idaho Family Reading Week November 15-21 presented from the Hailey Public Library*

Mayor Davis read the proclamation.

**APPOINTMENTS & AWARDS:**

*AA 475 Appointment of Hailey Representative to Mountain Rides Transportation Authority for a 2-year term (previously held by Heather Dawson)*

**Brown nominates Heather Dawson to the Mountain Rides Transportation Authority for another term, seconded by Burke, motion passed unanimously.**

AA 476 *HHPC Board appointments*

**Burke makes a motion to nominate Andrew Carey and Rachel Wolfe to the Hailey Historic Preservation Commission, seconded by Haemmerel, motion passed unanimously.**

**PUBLIC HEARINGS:**

PH 477 *Sweetwater Discussion (continued from October 26th meeting)*

Mayor Davis moved the Sweetwater discussion to the end of the Public Hearings.

PH 478 *Request by Russ Horn for second preliminary plat extension of Lots 2A and 2B, Cedar Street Subdivision (1010 Queen of the Hills Dr)*

Beth Robrahn, Planning Director gave an overview to council. Last year council extended this application.

Brown is okay with this extension because they have approved similar extension requests recently.

Haemmerle is okay with a 2 year extension but is concerned that more people are requesting extensions and in the future they may not honor these requests.

**Burke moves to extend the preliminary plat of lots 2A and 2B 1010 Queen of the Hills Drive for 2 years, Keirn seconds, motion passed unanimously.**

PH 479 *Zoning Ordinance Amendment – Article 6A, Design Review – amendments would reduce the restrictions on roof-top screening requirement for small roof-mounted wind energy systems*

PP 479 & PP 480 are incorporated into PP 481.

PH 480 *Zoning Ordinance Amendment – Article 2, Article 4.2-4.9, 4.11 and 4.12 – amendments would allow for roof-mounted solar as an accessory use in zoning districts (see documents for specifics)*

PP 479 & PP 480 are incorporated into PP 481.

PH 481 *City Initiated Text Amendments to the Hailey Zoning Ordinance No. 532 - Section 2 to add the definition of Small Scale Wind Energy Systems and Solar Panels, Section 4 to allow for Small Wind Energy Systems and Freestanding Solar Panels as Conditional Uses and to allow for Roof-Mounted Solar Panels as an Accessory Use, Sections 6A to exclude*

*Small Wind Energy Systems from rooftop screening requirements, Section 11 to establish a new section with Conditional Use Permit standards for Small Wind Energy Systems*

Robrahn gave an overview to council as to why there are 3 groupings for the proposed changes; there are several amendments to separate Ordinances. There will be one Public Hearing and one motion for each of the 3 Ordinance changes proposed.

Mariel Platt discussed the proposed changes. First is the section in Design Review which removes the prohibition of roof top screening. Second is the zoning ordinance with definitions and where wind and solar, either roof or free standing would be proposed in the different zoning districts with a Conditional Use Permit. And the third amendment covers Conditional Use Permit standards for roof top and free standing wind power. Platt has heard people state that Hailey does not have enough wind to support wind turbines creating electricity. Wind resources are specific to sites. In referencing Idaho's Wind Energy Resource Map, Hailey has a wind capacity range from 0-14 mph on average. Typically for small scale wind turbines which Platt is referring to, winds from 6-12 mph will generate enough electricity for 1/3 to 1/5 of the average household needs.

Brown page 180, conditional use permit letter D, how would it work where a house sits on more than 1 lot. The intent was meant to be 1 per residence replied Platt. Platt will revise this to be more clear – one per household.

Mayor Davis asked how does one determine if a potential site produces enough wind to use a wind turbine? Platt replied that it would be up to the applicant to do the appropriate tests to determine if the site is viable for a wind turbine.

Judy Foster of 2270 Winterhaven Drive supports any alternative energy sources other than fossil fuels.

Ron Moore of 305 Croy Street West spoke to council. Moore indicated that years ago wind turbines interfered with Television and Radio signals; Moore assumes that there is no problem with these now.

Peter Lobb 403 East Carbonate likes that it is conditional. If the wind turbine is installed and not used, then we need language to require the removal of the structure.

Cal Strope of 541 Mother Lode Loop agrees with Lobb on the removal of unused turbines. We have low wind in our area compared to typical wind resource maps. Strope works for Power Engineers and they are looking at a wind spire which is 6 feet in diameter versus a typical 4 foot diameter wind spire for high winds.

Steve Deal with Power Engineers added that the model they are looking at operates at 6 dB (15 mph wind, 6 ft from base); well within the proposed ordinance parameters of 20 dB. This would be approximately as high as the Power Engineers building. Power has not put up an anemometer but they have used estimators from the airport. Power Engineers feels there is enough wind to install a low wind turbine.

Peter Lobb 403 East Carbonate comments again to council. He wonders if this would be encouraging people to cut down trees to put up a wind turbine?

Paul Hopfenbeck of 39 ½ Lower Broadford Road in Bellevue spoke to council. Do you (City of Hailey) have the ability to protect one's wind corridor? Say if one person installs a wind turbine and then 10 years later a neighbor installs landscaping which interferes with the wind turbine, what will happen?

Burke feels this might be the way to get started in alternative energy sources for our community. Burke would like to see this implemented with the understanding that the concerns raised tonight are researched (tree removal or blocking of wind by neighbors).

Haemmerle is concerned with the unknown wind speed, sighting issues, and noise production. Haemmerle though feels we have a way to test this system in a business corridor but not in residential settings yet. Collect data and understand the impacts Haemmerle.

Keirn agrees with Haemmerle on waiting on the residential use. Keirn feels we should move forward with this proposal.

Brown is okay with testing in certain business areas not Limited Business or Residential. Brown would like to see wind speeds as part of an application. Structure should be in good repair and used. Private property and neighbors trees, one risks a neighbor's tree impeding wind if they put up a wind turbine. Brown is not comfortable with the roof mounted turbines at this point.

Steve Deal with Power Engineers feels that there are not many if any existing buildings in Hailey which could absorb the wind torque which is generated by the roof mounted turbines. Deal believes that buildings would need to be reinforced before mounting a wind turbine on a residence.

Platt offered to do more research on roof mounted turbines and provide the information to council.

Mayor Davis understands that council wants to strike all Residential components. Mayor asked Planning to make these changes for the next meeting.

**Motion to continue by Brown to 11/23/09, seconded by Burke, motion passed unanimously.**

#### *PH 482 Nuisance Ordinance*

Williamson gave a brief overview to council. Williamson has received comments from Haemmerle and incorporated them into this revised document. Williamson provided council with a red lined version and a final draft. Designated parking spaces section has

been updated – they include areas which are improved (gravel, concrete). Williamson included the definition of noxious weeds consistent with State law. Williamson suggested that examples of nuisances give better support to city staff in carrying out the ordinance when adopted and in effect. Fences, sagging, leaning or if they will potentially injure a person will be considered a nuisance. Williamson pointed out another addition regarding repair of vehicles, maximum of 30 days, council may want a different timeframe. Section on page 196 allows the city to pursue civil or criminal enforcement.

Peter Lobb of 403 East Carbonate asks a question. If a large vehicle is parked in the city right-of-way, what happens? Williamson replied that if it is more than 6 feet in from the street than it is okay.

Haemmerle is concerned with the self-help provision. In case of emergency, then the notice can be by-passed. Haemmerle suggests using the 4<sup>th</sup> Amendment language. Must the owner/occupant received the notice or is it okay that it has been sent. Williamson feels that this ordinance sets appropriate notice by law.

Burke has concerns with the application of this, where neighbors will go after other neighbors if this is adopted. Will this achieve what we think it will, asked Burke?

Brown is tripping on the Parking application. Haemmerle feels we will have 50% of the people in violation of this ordinance. Haemmerle feels that if some citizens park their cars in their driveway while others park all over their lawns, it is a detriment to the city.

After a lengthy discussion regarding Parking in the Ordinance, Haemmerle suggests to remove the Parking and then decide what to do.

Williamson will make revisions based on council's comments tonight.

**Motion to table Ordinance 1031 to a date uncertain, seconded by Keirn, motion passed unanimously.**

At 7 pm Mayor Davis called for a 5 minute recess.

7:05 pm Mayor Davis and council reconvened.

*PH 477 Sweetwater Discussion (continued from October 26th meeting)*

Williamson feels that this proposal is better than what has been provided in the past. Williamson wants council to consider this proposal but not make a decision tonight. The property is set to be sold by trustee on Nov. 30<sup>th</sup> so council needs to make a decision soon and possibly have another meeting just to discuss this matter.

Haemmerle asked Williamson if he has a potential conflict of interest. Williamson feels he does not have a conflict of interest.

Jim Laski attorney for Sweetwater gives council a handout with updated proposal information. Laski explains a few of the proposals, including Park fees, traffic signals, landscaping and Community Housing. Laski understands this is different than what was proposed in the last council meeting.

Brown asking about the Phasing lines; Laski wants to build the units as the market demands dictate.

Kevin Adams Sweetwater developer of 2724 Central Ave. Memphis TN spoke to council. Adams is not running away from this project, but this has put him in jeopardy with his family. Adams has lost millions of dollars, but is willing to make this work with the City's help.

Linda Johnston of 39 ½ Lower Broadford Road Bellevue, ID encourages the council to consider this proposal. Johnston states that there are currently 200 foreclosures in the Valley.

Ann Swaner of 411 Bald Mountain spoke to council. We need this development to look forward. Swaner wants council to be flexible.

Beth Duke of 641 Eastridge announced to council some of her concerns regarding the property. Duke feels that the steps going into these units are a bad design decision.

Peter Lobb of 403 E. Carbonate feels the council does not have much choice but to accept this proposal. Lobb feels that this negotiation is needed but we can learn from this situation for future developments, we bond to ensure that this does not happen in the future.

Paul Hopfenbeck of 39 ½ Lower Broadford Road Bellevue, ID is the Project Manager for Sweetwater – most people don't understand the intent of the project as a whole.

Doug Brown of 76 Eastfork Road spoke to council. Brown feels that the council needs to be very practical and move forward.

Haemmerle wants to know if they can get the project off the ground with the current proposal. Laski thinks they can make this work given the proposal in front of council.

**Motion to continue this meeting to Wednesday 11/11/09 at 4:00 pm at City Hall, seconded by Keirn, motion passed unanimously.**

Williamson gave council view on next steps.

**OLD BUSINESS:**

*OB 483 3rd reading of Ordinance 1037 and authorize the Mayor to sign, changing the zoning district designation of Lots 4 through 10, Block 126, Hailey Townsite, from General Residential (GR) to Limited Business (LB)*

**Haemmerle makes a motion to conduct the 3<sup>rd</sup> Reading of Ordinance 1037 by title only and authorize the Mayor to sign, seconded by Burke, motion passed unanimously.**

Mayor Davis conducted the 3<sup>rd</sup> Reading of Ordinance 1037 by title only.

*OB 484 3rd reading of Ordinance 1038 changing the zoning district designation of Lots 1, 2, and 3, Block 126, Hailey Townsite, from General Residential (GR) to Limited Business (LB)*

**Burke makes a motion to conduct the 3<sup>rd</sup> Reading of Ordinance 1038 by title only and authorize the Mayor to sign, seconded by Haemmerle, motion passed.**

Mayor Davis conducted the 3<sup>rd</sup> Reading of Ordinance 1038 by title only.

*OB 485 2nd Reading Ordinance 1040 proposed changes to Chapter 10.08 Parking Ordinance*

**Motion made by Burke to proceed with the revised ordinance, 2<sup>nd</sup> Reading by title only, seconded by Keirn, motion passed unanimously.**

Mayor Davis conducted the 2<sup>nd</sup> Reading of Ordinance 1040 by title only.

**NEW BUSINESS:**

*NB 486 1st Reading of Ordinance 1035 – Local Option Tax Ordinance for a 20 year term beginning on July 1, 2010, passed by voters on November 3, 2009*

**Motion made by Burke to proceed with 1<sup>st</sup> reading of Ordinance 1035 Local Option Tax by title only, seconded by Brown, motion passed unanimously.**

Mayor Davis conducted the 1<sup>st</sup> Reading of Ordinance 1035 by title only.

*NB 487 Sustain Blaine's presentation of Proposed Governance Model and Request for funding of Executive Director position from City of Hailey through a contract for service in the amount of \$3000*

Haemmerle and Keirn recused themselves from this discussion. Haemmerle for unspecified reasons and Keirn because he is on the Sustain Blaine board.

Doug Brown with Sustain Blaine spoke to council and gave them a handout for their review. Doug Brown covered the plans for Sustain Blaine. [www.sustainblaine.org](http://www.sustainblaine.org)

Brown is present tonight to ask for \$3000 from council to kick off, hire a director and to begin raising money to implement the Sustain Blaine strategy.

Carol Brown asked if we would have a contract for services, Dawson confirmed that we will have a contract – it is in tonight’s council packet.

**Motion to approve the contract for services made by Burke for \$3000, seconded by Brown, motion passed with two recused.**

*NB 488 Review and acceptance of Woodside Fire Station conditions of Design Review approval*

Burke asked about the 9:30 training, Williamson suggested changing it to read no training from 9:30 pm to 7 am.

Mayor Davis asked about the potential changes in wind turbines and if it will affect # C page 228 of packet (Conclusions of Law and Decision), air conditioning, solar panels. It does not preclude the use of solar panels, replied Robrahn.

Council authorizes the Fire Department to proceed with the project.

**STAFF REPORTS:**

*SR 489 Snow Removal Policy*

Tom Hellen, Public Works Director reviewed the changes in the snow removal policy and welcomes questions from council. Hellen pointed out the request to purchase new snow removal equipment and selling the inefficient equipment currently owned by the City. These trucks could be used in the Summer as well as snow removal vehicles.

Brown asked if the Chamber of Commerce has seen the snow removal policy. Hellen will make sure the Chamber gets a copy and collect comments. Brown feels that plowing is one the most important functions of the City. Keirn feels this is important because it is a safety issue if not performed (snow removal). Mayor Davis is all for creating efficiencies.

Ron Moore lives at 305 West Croy a dead-end street. Moore wonders what the policy is on snow removal on dead-end streets. Hellen will check into this and talk to Moore.

*SR 490 Letter to Blaine County Commissioners regarding contract for services on dispatch*

Brown gave an update and background of the last meeting. All 4 cities had inconsequential changes to the dispatch contract. No other decisions were made besides all jurisdictions were on board for one more year of paying dispatch fees to the County.

Keirn attended Fly Sun Valley Alliance this morning. The main topic of discussion was on how to circumvent the State Laws restricting public agencies funding MRGs.

Research has shown that the majority of the MRG institutions around the country are funded through the private sector. Burke let council know that the airport is paying Mead and Hunt to do a proforma for Frontier Airlines. This was voted on in the last airport board meeting and approved added Burke. The FAA will allow it; it is not a diversion of funds.

Brown is invited to attend a luncheon where Nancy Napier with Boise State Graduate Business School is speaking. Don Keirn will attend the luncheon with Brown. Brown has Tree Committee and Library Board meetings this Thursday. Brown has gotten lots of compliments of citizens regarding the recent tree removal effort of the city.

Gunter gave council additional information based on Geoffrey Moore's comments earlier in the meeting. Gunter believes that the cause of the wreck was more due to the fact that the driver was driving under the influence instead of Woodside Boulevard issues.

Dawson gave a draft letter to council, for citizens to become involved in the Downtown revitalization committee.

Robrahn gave schedule dates to the Airport Master Plan 2 design charretts on 12/10 and 12/17 6-8 pm at City Hall.

**EXECUTIVE SESSION:** Real Property Acquisition (IC 67-2345.c), and/or Imminently Likely Litigation (IC 67-2345.f/j)

**Motion to go into Executive Session for Real Property Acquisition (IC 67-2345.c), and/or Imminently Likely Litigation (IC 67-2345.f/j) at 8:23 pm made by Burke, seconded by Haemmerle, motion passed by roll call vote. Burke, yes. Haemmerle, yes. Keirn, yes. Brown, yes.**

Mayor Davis and council came out of Executive Session at 8:30 pm.

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Rick Davis, Mayor

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Mary Cone, City Clerk