

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD JANUARY 25, 2010
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 Don Keirn, Fritz Haemmerle, and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson, and City Clerk Mary Cone. Council member Carol Brown was not in attendance.

MAYOR’S REMARKS:

MR 025 Introduction of new Chamber of Commerce Executive Director to council

Mayor opened the meeting with Mayor’s remarks and introduced to Council Heather LaMonica Deckard, Executive Director of the Hailey Chamber of Commerce.

AIRPORT ISSUES:

Susan McBryant reported to council a few points from today’s FMAA special meeting. The topic of discussion was whether or not the FMAA will incorporate the newly formed Blaine County Commissioners Advisory Committee (BCCAC) into their body for their activities and direction. The FMAA voted to allow the BCCAC into the FMAA Executive Session when discussing the consultant selection. Haemmerle attended this FMAA meeting and spoke to council about the meeting. Haemmerle stated that one process was discussed by Commissioner Bowman for the airport relocation and he cautioned this approach and suggested that that is not how Hailey envisions the process. Burke understands that the process needs to have one authority involved in the new airport. The idea was that Hailey has co-sponsorship over the airport until such time that the new airport is up and running. Hailey needs to be actively involved until the airport moves. The concern is: does this new advisory committee swap rolls with the FMAA at some point in time? No one knows what the purpose of BCCAC is as of yet. The joint meeting between Hailey City Council and Blaine County Commissioners is scheduled for Feb. 11th at Community Campus Room 301. Haemmerle is concerned with the word process when used by the Commissioners - he feels that their definition and ours is different. Haemmerle is also concerned that the new advisory board will be attending the executive session with the FMAA. McBryant introduced 3 of the 5 BCCAC new members Carl Harris, Adrienne Robideaux, and Vanessa Fry. The next regular FMAA meeting will be on Feb. 4th, if anyone wants to comment please give them to McBryant before this meeting. Vanessa Fry added that if folks want to provide comments to the BCCAC, they meet at noon at the Blaine County Annex downstairs meeting room on Wednesday Feb. 3rd. Carl Harris also spoke to council. Harris wanted council to know that they are happy to be consulted as a resource for this process.

CONSENT AGENDA:

CA 014 Motion to authorize the Mayor to sign ARCH letter of support for proposed 24 Unit Senior Housing Development on River Street..... 1

CA 015	Motion to ratify Mayor’s signature on Mountain Rides letter of support – FY 2011 5309 Grant	3
CA 016	Motion to approve and authorize the Mayor to sign Idaho Commission on the Arts Entry Track Grant Application.....	5
CA 017	Motion to ratify Wood River Women’s Charitable Foundation 2010 pooled grant fund application to implement a Children’s Art Program.....	19
CA 018	Motion to ratify final application package to Idaho Office of Energy Resources (EECBG) Program – Woodside Wastewater Treatment Plant Upgrades.....	25
CA 019	Motion to approve Idaho Bicycle Ride Camp special event and authorize the Mayor to sign – scheduled for July 29, 2010 at Lyon’s Park.....	51
CA 020	Motion to approve Hailey’s Main Street Antique Show special event and authorize the Mayor to sign for September 3-5, 2010	63
CA 021	Motion to approve Hailey’s Antique Market special event and authorize the Mayor to sign – July 2-4, 2010 at McKercher Park.....	71
CA 022	Motion to approve 2010 Springfest Arts & Crafts Fair special event at McKercher Park – May 29-30, 2010.....	79
CA 023	Motion to approve minutes of January 11, 2010 and to suspend reading of them	87
CA 024	Motion to approve claims for expenses incurred during the month of December 2009.....	93

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

APPOINTMENTS AND AWARDS:

AA 026 Re-appointments to Parks and Lands Board – Janet Fugate and Tom Downey

Burke moves to re-appoint Janet Fugate and Tom Downey to the Parks and Lands Board, seconded by Keirn, motion passed unanimously.

AA 027 Re-appointments to Tree Committee – Tom Ward and Keri York

Burke moves to re-appoint Tom Ward and Keri York to another term on the Tree Committee, seconded by Haemmerle, motion passed unanimously.

PUBLIC HEARINGS:

PH 028 An application by Hartland Development Company, LLC for annexation of Lot 1, Block 1, Stevens Family Ranch, LLC Subdivision (70 Broadford Road). The property comprises approximately 21.81 acres and lies generally west of Airport West Subdivision and south of Della View/Broadford Estates Subdivision. The property is now largely undeveloped within Blaine County and zoned Residential - 1 acre lots (R-1) and Flood Plain (FP). A future residential subdivision of up to 94 units and General Residential (GR) zoning is proposed. The Planning and Zoning Commission recommends denial of this application

Robrahn passed out two comments received after packet was created. One from Errol Carlsen received on January 22, 2010. The second was an email from Anne Pemberton sent to Beth Robrahn on January 23, 2010.

Jeff Phaeffle (applicant) of 409 Wall Street Gimlet Subdivision spoke to council. About 5 years ago he came in front of council with another application. This application is significantly different. 175 acres is the size of the entire parcel. Currently the property is in 2 parcels,

Phaeffle points to a map to show these parcels (parcel 1 on the high bench, parcel 2 is along the river – Stevens Family Ranch). The original plan was to develop on some land that was in the floodplain. A flood occurred a few years ago and since then they've changed the plan to not include development in the floodplain. Development is now restricted to the area on the bench, added community housing component and created a density that is more conforming to the goals of city. The 17 acre parcel will adjoin subdivisions to the North, access to trails, and provide lots of open space added Phaeffle. Note also that these roads would be maintained by the Homeowners Association stated Phaeffle.

Phaeffle handed over the floor to Jim Laski, attorney to speak to the council. Laski explains the decision for adding this 17 acre parcel. This application was put in front of the Planning and Zoning Commission and they recommended denial of the application. Laski submitted a letter last Friday that addresses some comments from city staff reports. Laski believes that the City needs growth. New growth should pay for itself added Laski. The density proposed is higher than other areas in the city – a benefit he believes to the City. Laski mentions the forced annexations if this property was annexed into the City. Laski asks council to put little weight on the Planning and Zoning Commission recommendation. This application would square out the city boundaries. If you don't feel growth is needed in Hailey, then council would not be supporting the comprehensive plan added Laski. 3 of the 4 owners (who would be forced annexed) are against this annexation added Laski.

Haemmerle asked Laski why he thinks that the City needs growth at this time. Laski believes that the comprehensive plan states that natural growth is to be expected. Haemmerle asks what the unit per acre development is north of this parcel. Pfaeffle replied that it would be the same as Della View Subdivision. Robrahn answered that this area is Limited Residential (LR) and that a 8,000 square foot lot is the minimum lot size in LR.

Pfaeffle can provide open space and access that doesn't exist now. Pfaeffle believes that his application will have fees which will help pay for improvements to Broadford Road.

Laski spoke to the open space and trails proposed by the application.

Keirn asked about the public river access.

Mayor Davis asked if there are extra water rights available. Pfaeffle said they could discuss this if annexed.

Haemmerle asked what the impact estimates are? Brian Yeager based their estimates on public comments; they did not contact the Hailey Fire Chief or Police Chief but can if asked to do so.

Williamson asks a question about city standards of a 60 foot right of way. On the application it was stated that they will "Pay proportionately to improvements to Broadford Road." What does that mean asked Williamson. Pfaeffle has spoken with Mayor McBryant a few years ago and also Tom Hellen, Public Works Director. Laski clarifies that the applicant would want credit towards improvements made to Broadford Road when it came time to determine the Annexation fees. Pfaeffle feels this discussion is better slated for the development agreement. Laski wants

to know if council will consider this annexation before the Economic Analysis is paid for by the applicant.

Public Comments:

Brad Billger of 43 Broadford Road spoke to council. Billger has followed this process, and feels it gets more entangled and that no one wants to commit to a decision. The Airport West annexation was a concern to Billger, fix that problem first. Billger overall is concerned that this would be expensive to bring the water & sewer to his house and is against the annexation ordinance.

Keri York - 119 E. Bullion is the stewardship coordinator for Wood River Land Trust (WRLT). The WRLT holds two conservation easement agreements with the Stevens family (one on the west side of the Bigwood River 103 acres which calls for no development and public access is allowed and the 2nd on the east side 51 acres with no public access on this side). WRLT enforces the terms of these easements. With regards to the proposed application WRLT supports the general annexation which will provide more open space and more public access. This greenway protects wildlife and WRLT supports the application and the proposed trails.

Pat Williams of 1371 Snowfly Dr. spoke to council. Williams land abuts this property. Williams is concerned with the density of this proposed development.

Jill Bryson 81 Colorado Gulch – Bryson is surrounded by this property. Bryson feels annexation of this property is a mistake and unfair to force annexation to nearby properties.

William Miles 71 Broadford Road is across the street from the proposed development. Miles submitted written comments to council. Miles wonders why the city needs growth? Miles feels it is okay for this to be developed through the county instead of the city. The path along the river is what would be useful to the public. There is nothing in the comprehensive plan or annexation ordinance that addresses forced annexations.

Kathie Barfuss 1371 Silver Star Dr. spoke to council. Barfuss agrees that the density is too much and if she is forced to annex then the development will change status for her. Barfuss points out that a good portion of the west public access proposed is hillside. Barfuss is concerned mostly with the density. Barfuss doesn't want to see the same thing happen with this property as did happen with Airport West – increased density from what was originally stated.

Darin Barfuss 1371 Silver Star Dr. – Barfuss has been in front of council before. 400-500 feet would be public access; the rest would be for private estates. Barfuss is concerned with the proposed density of this development. Can Broadford Road take this additional traffic, Barfuss asks. Barfuss is not against development but would prefer to see development through the county, not the city. Barfuss is concerned about hooking up to the City services after the 5 year timeframe – who will pay these fees after the five years – he currently has two wells. Barfuss feels that the council should consider Planning & Zoning Commission's recommendation.

Jeff Nevins 98 Broadford Road – his property borders the property on the south. Nevins is opposed to this application.

Sean Flynn 1121 Broadford Rd. – spoke to council. Flynn wants council to consider the Planning & Zoning Commission's recommendation. Flynn feels that Broadford Road is a peaceful drive, why do we want to change that? There are plenty of other places to develop this density. Annexation would cause problems and disturb the peacefulness. Flynn doesn't see a benefit to the high density of this area. Flynn is opposed to this application.

William Miles added to his earlier comments (71 Broadford Road) – applicant says there will be no impact on wildlife – he feels there would be an impact to wildlife.

Jill Bryson added to her comments (81 Colorado Gulch) – she thought this entire property was zoned agriculture, she's not sure when this changed.

Mayor Davis closed the public comments section of this hearing.

Laski spoke to council regarding mitigating the impacts to the neighbors which is included in the letter recently submitted to council. Hillsides still apply for public access even though it is not always useable. Density is always a concern with people. Laski speaks to development in the county would create water concerns to the City. With respect to the traffic comments, a traffic study has been done. This is a property that is within the Area of City Impact – therefore is subject consideration of annexation. Precedence of past annexation decisions do not determine future decisions. Laski believes that this is in conformance with Hailey's Comprehensive Plan.

Brian Yeager 317 – N. River Street with Galena Engineering spoke to council on behalf of applicant. Yeager believes the Comprehensive Plan is in place to benefit the general community – not anyone person. The neighbors are opposed to this development but other Hailey residents are not opposed because they are not here speaking tonight. Yeager plans to help mitigate the impact to the neighbors. The applicant is offering financial and lifestyle benefits in order to annex this property. There is a perception that Broadford Road is a sanctuary, Yeager does not think of it this way.

Pfaeffle wanted to clarify a few points. Pfaeffle has attempted to speak to these neighbors who will be subject to forced annexation and discuss the potential impacts to them. Everyone knows that the public uses the trail which is on private property. Anytime property is annexed into a city it increases the density – changes the zoning to what the City standards allow. Pfaeffle will pay the impacts to the city; this is the chance for the city to help decide on the density with annexation. One residence is proposed on the river – not 3 as mentioned by Darin Barfuss. Pfaeffle has an email from the Barfuss's and he can meet their expectations. If the property is sold to a 3rd party then – there are portions of property that would have useable access (not hillside) to the river. People already use this property. Pfaeffle has attempted to speak to these neighbors to talk through the impacts to them with forced annexation. The City has the flexibility to involuntarily annex these neighbors towards the end of this project (after 5 years). Jeff Adams with Blaine County suggests that 5 units per acre can be developed on the Cities

borders (Area of City Impact). Pfaeffle feels that the neighbors would benefit from annexation and he feels he can meet their needs if only given a chance to communicate with them.

Laski clarifies that he meant there is a need for growth as stated in the comprehensive plan but not an immediate need.

Mayor brought the discussion back to council for their thoughts.

Haemmerle feels that the Planning & Zoning Commission's findings were thin. Haemmerle remembers other applications, and thinks if further research is done, that we could better determine whether or not this is in line with the comprehensive plan.

Keirn agrees with Haemmerle, and wants to send this back to the Planning & Zoning Commission.

Burke is opposed to this annexation. Burke is willing to review the application in more detail to consider whether this annexation will benefit the city generally. Burke knows that the community uses this private property and understands that this is a problem. Burke is not sure if improvements to Broadford Road would be a benefit. Burke appreciates the thoughtfulness of the applicant.

Haemmerle agrees with Burke that he does not see a benefit to the city generally. Haemmerle needs to see the comp. plan analysis to understand if it does or does not support it.

Mayor Davis asked if Robrahn could put together a summary of how it does/does not support the comprehensive plan. In terms of consistency, this staff report is modeled after the Quigley staff report. Robrahn can do some analysis and provide to council so they can determine whether or not it meets the comprehensive plan. Robrahn explained the rationale for organizing the staff report (page 7-11 shows the analysis). Robrahn asks council what she can do to help council.

Laski has created a spreadsheet with comparisons of comprehensive plan code and he is happy to share it with Robrahn.

Motion to continue this discussion to February 22nd, 2010 council meeting made by Keirn, seconded by Haemmerle, motion passed unanimously.

Mayor called for a 5 minutes recess.

When Mayor Davis reconvened the meeting he rearranged the items on the agenda.

NEW BUSINESS:

NB 032 Discussion of River Street Project housing application by ARCH, including status update from ARCH, discussion of whether to lease or deed River Street property to ARCH, and a Memorandum of Understanding between parties

Michelle Griffith with ARCH spoke to council. ARCH has selected an Architect for the project – two firms partnered – Anderson Architects and a firm from Boise. ARCH has received two private grants which will help in the scoring of the government grant application. On the table is the question, a deed or lease to ARCH of the city owned property. Page 191 of the council packet lays out the pros and cons of each situation.

Haemmerle prefers to lease instead of deed. Keirn agrees with Haemmerle. Griffith interprets deeding with a reversionary clause is not a problem with HUD. A 99 year lease is not as permanent as a deed. After the 99 years this property can be used for other governmental purposes.

Williamson mentioned that Sweetwater has not but could file a lawsuit asking for the River Street property back.

Council is in agreement that they should lease the property. Williamson will work with Michelle Griffith to work on a potential lease agreement. The application must be submitted by Feb. 12th. Next council meeting is Feb. 8th. The MOU in council's packet was for a deed situation. URA gets more points.

Back to PUBLIC HEARINGS:

PH 029 Resolution declaring need within Hailey for an Urban Renewal Agency, finding that deteriorated or deteriorating areas exist within the city limits

Dawson explains the purpose of an Urban Renewal Agency (URA). The draft resolution speaks to deteriorating areas – Dawson references Idaho Code for this definition. The purpose of the resolution is to state a finding, it is not to put the Urban Renewal Properties in place. Before city staff and the newly formed Downtown Revitalization Committee can get the Urban Renewal Plan done, city council must adopt this resolution. If council accepts/approves this resolution then a commission will be formed and then the city can move to next steps of implementing an URA including setting in place a commission and authorizing continuation of staff work. Idaho law allows council to be this commission through an ordinance.

Keirn explained what Boise city did when he was involved.

Haemmerle asked for clarification. The Resolution states in the last sentence of the title "...designating such area," what does this mean? Robrahn suggests adding "s" to area. Haemmerle thinks this idea is very good. The actual areas will be defined later by this commission.

Public comments:

Tony Evans with Idaho Mountain Express asked if the URA plan is the same thing as Downtown Revitalization Plan. Dawson replied that it will be a component of the Downtown Revitalization Plan – dubbed the Hailey Vitality Plan.

Haemmerle makes a motion to adopt Resolution 2010-02 amending the last sentence in the title changing “area” to “areas”, seconded by Keirn, motion passed unanimously.

Mayor Davis read Resolution 2010-02.

OLD BUSINESS:

OB 030 2nd Reading of Ordinance 1047 - text amendment to Article 7, of Hailey Zoning Ordinance No. 532. The amendments would clarify that Accessory Structures with a floor area of 120 square feet or less are required to be setback a minimum of 3 feet from either: 1) the side and/or rear property line, or 2) the primary structure

Mayor Davis conducted the 2nd Reading of Ordinance 1047 by title only.

OB 031 2nd Reading of Ordinance 1048 - ordinance to vacate streets and alleys generally located within the Hailey Elementary property, Blaine Manor property and the Rodeo Grounds property within the Hailey Townsite

Mayor Davis conducted the 2nd Reading of Ordinance 1048 by title only.

NEW BUSINESS:

NB 033 Discussion of chain link fences and Design Review

Robrahn explained that the Design Review standards don't allow chain link fences and if they exist, they need to be removed or replaced.

Robrahn asks council if there are in fact cases where chain link fences are okay. Burke suggests that an amendment should be made addressing a reason to keep chain link fences for safety. Robrahn has been working with the Armory and Idaho Power (they have chain link fences existing) and will let them know if changes will be made to our design review code.

Council is in agreement that there are “appropriate” uses for chain link fences and want Robrahn to draft an amendment.

STAFF REPORTS:

Robrahn explained the comprehensive plan update process. There are over 100 policies in the plan, which is one of the motivations around amending the comprehensive plan. Robrahn anticipates that the Planning and Zoning Commission will be working through these changes until June 2010 and then Robrahn will bring proposed changes in front of council around July 2010. Robrahn wants to simplify the comprehensive plan.

Tom Hellen the Public Works Director let council know that Ketchum is asking for a letter of support from Hailey (on project to widen Highway 75 just south of Ketchum). Hellen wants council's thoughts before replying to Ketchum. Council would like more details before

responding to the request from Ketchum. Hellen will get more information and bring back to council. Hellen asked if council has comments on snow removal. The last snowfall was a challenge because it came in the early morning after snow plows had been through the streets.

Keirn is on the SVEDC Executive Board so he will keep the council informed. Haemmerle offered hesitation and suggested we tread lightly on this and similar committees.

EXECUTIVE SESSION: Pending Litigation (IC 67-2345.f/j)

Haemmerle makes motion to go into Executive Session for Pending Litigation (IC 67-2345.f/j) at 8:18 pm, seconded by Burke, motion passed with roll call vote. Burke, yes. Haemmerle, yes. Keirn, yes. Note: Williamson was not present for the entire Executive Session (he left at 8:30 pm).

Mayor Davis and council came out of Executive Session and concluded the meeting at 8:40 P.M.

Rick Davis, Mayor

Mary Cone, City Clerk