

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD FEBRUARY 8, 2010  
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 Carol Brown, Don Keirn, Fritz Haemmerle, and Martha Burke. Staff present included City Attorney Ned Williamson, and City Clerk Mary Cone.

**AIRPORT ISSUES:**

Susan McBryant gave council an update. Regular FMAA meeting last Thursday was held and the primary topic discussed was how to integrate the Blaine County Advisory Committee with the FMAA into meetings. The BCAAC can't vote without the authorization of City of Hailey. Wednesday is an all day FMAA session to interview the 3 potential project managers of the new airport project. Feb. 11<sup>th</sup> is joint meeting – Hailey City Council and the Blaine County Commissioners to discuss airport governance with Peter Kirsch at Community Campus Room 301, 5:30 pm.

**CONSENT AGENDA:**

CA 036	Motion to approve change order and authorize the Mayor to sign services agreement, change order 1 from GeoEngineers for Rodeo Grounds.....	1
CA 037	Motion to approve Memorandum of Understanding with ARCH for River Street Project.....	3
CA 038	Motion to approve National Park Service Historic Preservation Fund Grant Program and authorize the Mayor to sign application for Hailey Rodeo Park Interpretive Center.....	7
CA 039	Motion to authorize the Mayor to sign the Tree City USA Growth Award forms.....	19
CA 040	Motion to approve minutes of January 25, 2010 and to suspend reading of them .....	31
CA 041	Motion to approve claims for expenses incurred during the month of January 2010.....	41
CA 042	Motion to approve Treasurer's report and LOT .....	61

Brown pulled CA 40 to abstain from this motion as she did not attend the last meeting.

Haemmerle pulled CA 37 to ask a question.

**Haemmerle moved to approve all consent agenda items minus CA 037 and CA 040, seconded by Burke, motion passed unanimously.**

CA 037 – Haemmerle asked Williamson if he drafted the MOU. Williamson said yes and no. This is not the 99 year lease that will be later.

**Haemmerle moves to approve CA 037, seconded by Keirn, motion passed unanimously.**

Brown was not at the last meeting so will abstain from this motion.

**Burke moves to approve CA 040, seconded by Keirn, motion passed with Brown abstaining.**

## **MAYOR'S REMARKS:**

### *MR 043 Key to Idaho State Capitol*

Mayor Davis attended the State Capitol's Rededication Celebration recently. All Idaho cities received a plaque and key to commemorate the reopening of the Capitol. The plaque was made of wood from the historic Harrison Tree – an oak tree planted on the Capitol grounds in 1891 by President Benjamin Harrison.

## **PROCLAMATIONS AND PRESENTATIONS:**

### *PP 044 Becki Keefer to present brief update on Rodeo Grounds fundraising effort*

Keefer handed out a project summary to council. Fundraising efforts to date total \$556,000 which includes \$500,000 of Hailey Ice funds and a \$50,000 pledge from the Deer Creek Fund. A venue is being researched for a spring fund raising event. Over 70 people have responded to the brochure mailed a few weeks ago. Also, last week 400 letters we mailed to potential donors.

Shaun Dollman of 1873 Heroic asked when the construction is due to start on this project. July 6, 2010 is the projected start date answered Keefer.

## **PUBLIC HEARINGS:**

### *PH 045 An application submitted by Ed Uhrig for an amendment to the Hailey Zoning Map. The proposed amendment would change the zoning of Lots 4-10, Block 69, Hailey Townsite from General Residential (GR) to Limited Business (LB). On December 21, 2009 the Hailey Planning and Zoning Commission recommended denial of this application*

Planning Director Beth Robrahn gave a brief summary to council. The Planning & Zoning Commission found general compliance with the comprehensive plan they did not find that infill goals were supported with this rezone. Infill is considered on all rezone applications and part of this process is considering vacancy rates in the central core overlay. Due to the high vacancy rates in the business districts the Commission did not feel that a favorable recommendation for rezone was supported.

Haemmerle asked Williamson if he should recuse himself from this discussion as his firm has represented the applicant in the past. Williamson advised Haemmerle that he has studied this situation by reading code and feels Haemmerle can proceed with this discussion.

Linda Haavik of 608 3<sup>rd</sup> Ave South with Haavik consulting spoke for the applicant. Also present tonight is Jim Phillips attorney and applicant Ed Uhrig. Haavik explained what the current use is close to this property, high business use just across the alley. Haavik feels the staff report is accurate but wanted to add that the Commission's decision was not unanimous, they had a long discussion about this property. Haavik believes that Limited Business is a natural fit for this property. The 24 hour gas station and other retail on Main Street in the immediate area create

high traffic in the shared alley. Residential development does not make sense according to Haavik, as no other property in the area backs up to a retail plot like the applicants lot. Haavik believes the vacancy occurring around town is due to the national economy and that this will improve in time. Haavik feels that this would not be sprawl as indicated in the Staff Report. Haavik states that this area does not function well as a residential neighborhood. The timing of the rezone was an issue with the Planning and Zoning Commissioners added Haavik. Haavik believes that the Comprehensive Plan does support the rezone to this property to Limited Business.

Keirn asked why they asked for LB instead of transitional. Haavik answered that LB was a better fit according to future use. Transition zone is defined a moveable and anywhere between intense business and residential. Haavik feels it is a more natural fit as LB and gives more opportunities. The residential neighbors are still protected from heavier business uses as they will require a Conditional Use Permit.

Williamson asked if the rest of council has seen this property recently. Yes, all of council replied they have driven by today or very recently.

#### Public comments:

Tony Evans of 12 Spruce Street Hailey asked how the current fencing business conforms to the existing zoning, is it a conforming use? Robrahn replied that it is an existing non-conforming use.

Robrahn added that in Joel Leidecker's phone voice message comments received today that he does agree with the Planning and Zoning's decision to deny this application. He owns property within 300 feet of this application.

Mayor Davis feels that this property looks like business now.

Brown has concerns with this and agrees that this already seems business like.

Keirn agrees with Brown but would like to see a development agreement drawn up to limit the business use if rezoned.

Haemmerle is in favor of this rezone. Looking north, this is consistent with those businesses. Haemmerle feels this is in conformance with the Comprehensive Plan. The vacancy rate issue, Haemmerle agrees with Haavik, this is close to the downtown core.

Burke is in favor of the rezone and feels we should look at the other properties close to it. Burke feels that a rezone would be good for the entire area. Burke is also in favor of a development agreement.

Williamson offered that the City could initiate a rezone of the area.

Robrahn comments on development agreements. Rezones with development agreements are similar to spot zoning. They create a mess for city staff to follow. Robrahn suggested that the council should look at and modify the permitted uses in the zones instead of drawing up a development agreement.

**Haemmerle moves to approve the amendment to the zone district map for the City of Hailey to change the zoning of Lots 4-10, Block 69, Hailey Townsite, (17 Myrtle Street East) from General Residential (GR) to Limited Business (LB), finding that the project is in conformance with the criteria of Section 14.6 (1) that the proposed amendment is in accordance with the Comprehensive Plan, (2) essential public facilities and services are available, (3) the proposed uses are compatible with the surrounding area, and (4) the proposed amendment will promote the public health safety and general welfare of the city. seconded by Burke, then Haemmerle amended his motion to include: regarding Section 14.6.1, (a.) the vacancy rates are not a concern and (b.) it is a short distance from the Central Core Overlay District boundary and finding that these are in accordance with the Comprehensive Plan, seconded again by Burke, motion passed unanimously.**

#### **OLD BUSINESS:**

*OB 046 3rd Reading of Ordinance 1047 and authorize the Mayor to sign - 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*

**Burke moves to adopt Ordinance 1047 and authorize the Mayor to sign and conduct 3<sup>rd</sup> Reading by title only, seconded by Haemmerle, motion passed unanimously.**

Mayor Davis conducted the 3<sup>rd</sup> Reading of Ordinance 1047 by title only.

*OB 047 3rd Reading of Ordinance 1048 and authorize the Mayor to sign - 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*

**Burke moves to adopt Ordinance 1048 and authorize the Mayor to sign and conduct 3<sup>rd</sup> Reading by title only, seconded by Haemmerle, motion passed unanimously.**

Mayor Davis conducted the 3<sup>rd</sup> Reading of Ordinance 1048 by title only.

#### **NEW BUSINESS:**

*NB 048 Consideration of Quitclaim Deeds authorized under Ordinance No. 1048*

Williamson explains that the adoption of Ordinance 1048 just now is the first step in this process. Next step is to have the council make a motion to approve the Deeds and authorize the Mayor to sign.

**Burke moved to approve the 3 Quitclaim Deeds and authorize the Mayor to sign, Brown seconded, motion passed unanimously.**

*NB 049 Annexation Ordinance amendment*

Williamson drafted these changes based on last week's comments from council. Brown, Keirn and Haemmerle are in agreement with these changes. Staff will notice this amendment and place on a future agenda for consideration.

*NB 050 Business License Ordinance amendment*

Williamson was asked by the City Administrator to review the Business License Ordinance and home occupations. At first glance the Business License Ordinance is not in line with the procedures. After reviewing the Business License Ordinance and the Zoning Ordinance, Williamson feels an amendment to the Ordinance is necessary based on two points. First, when looking at the standards of the Business Licenses city staff is asked to review the business against compliance with building & fire codes, zoning ordinance standards and sewer and water requirements. A home occupation by definition has very little impact on these systems. Second, city staff has concerns around monitoring and enforcement of licensing of home occupations. This would go to public hearing if council is okay with making this amendment.

Haemmerle asked why we have business licenses. Williamson explains why.

Brown is fine with these two ordinance amendments NB 050 & NB 051 and moving forward with both of them together.

Council is good to move forward with this item.

*NB 051 Zoning Ordinance amendment (Revision of home occupation definition)*

Council is fine with moving forward with this item.

*NB 052 Consideration of Resolution in support of Mountain Home AFB as the home base for the new F-35 Lightning II jet fighter*

**Haemmerle moves to adopt 2010-03, seconded by Burke, motion passed with Brown recusing.**

**STAFF REPORTS:**

Williamson passed out a staff report with an update on the Quigley and city staff meetings. 4 different meetings held with applicant, this document covers the discussions and outcomes. Next meeting scheduled for Feb. 16<sup>th</sup>.

Brown: 2/18 – tree committee meeting with Robrahn facilitating the meeting.

**Keirn has been attending** the Sustain Blaine meetings (now called Sun Valley Economic Development Corporation). Brown asks Keirn if they are going to ask us for money at some point. Keirn feels that they need to go broader to sell memberships, not just ask for money in the Valley.

Reminder of the Joint Hailey City Council meeting with Blaine County Commissioners to discuss airport governance with Peter Kirsch is Thursday 2/11 room 301 at the Community Campus 5:30 pm.

On the support letter for Highway 75, council is okay to send this letter to Ketchum. Mayor Davis will sign the letter once prepared.

On the subject of the Christmas Eve Idaho Power Outage: Haemmerle asked Brown what would have been done had the power been off for a longer period of time. Brown answered that people would have been sent via bus to the hospital, the lodge, etc... There was a plan added Brown, but this plan has been modified based on feedback from this event. Mayor Davis met with Lonnie Barber last week, the topic was can the schools be used since they have generators if needed in emergency type situations. Barber is willing to offer the schools as a place for people to go if needed. The school is in support of signing a MOU to provide space during future outages.

**EXECUTIVE SESSION:** Pending & Imminently Likely Litigation (IC 67-2345.f/j)

**Haemmerle moves to go into Executive Session to discuss Pending & Imminently Likely Litigation (IC 67-2345.f/j) at 6:54 pm, seconded by Burke, motion passed with roll call vote. Burke, yes. Haemmerle, yes. Keirn, yes. Brown, yes.**

Mayor Davis and council came out of Executive Session and concluded the meeting at 7:10 P.M.

---

Rick Davis, Mayor

---

Mary Cone, City Clerk