

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD FEBRUARY 22, 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, City Administrator Heather Dawson, and City Clerk Mary Cone.

**CONSENT AGENDA:**

CA 059	Motion to approve special event Hailey’s Main Street Antique Show September 3-5, 2010 .....	1
CA 060	Motion to approve special event Hailey’s Main Street Antique Show July 2-4, 2010.....	9
CA 061	Motion to approve Findings of Fact, Conclusions of Law and Decision - changing the zoning district designation of the Hailey Zoning Map, Lots 4-10, Block 69, Hailey Townsite from GR to LB .....	17
CA 062	Motion to ratify Mayor’s signature on letter for ARCH regarding lease of River Street property.....	27
CA 063	Motion to approve minutes of February 08, 2010 and to suspend reading of them .....	31
CA 064	Motion to approve claims for expenses incurred during the month of January 2010.....	39

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

**MAYOR’S REMARKS:**

*MR 065 Letter from White House congratulating Hailey on designation of Preserve America Community*

Mayor Davis pointed out a congratulatory letter from the White House to the Citizens of Hailey. Mayor Davis praised HNPC and the volunteers which made this happen.

**PROCLAMATIONS AND PRESENTATIONS:**

*PP 066 Hailey Chamber of Commerce Quarterly report*

Heather Lamonica-Deckard of 309 South Main, Hailey Chamber of Commerce Executive Director gave a presentation to council. Lamonica-Deckard reviewed the events and programs scheduled by the Chamber including the Hailey Hometown Holidays and Holiday Lights Program. With regards to Marketing and Public Relations, the Hailey Chamber has partnered with the Sun Valley/Ketchum Chamber to place a Welcome Kiosk at the airport. A new program recently started has become very popular, Ladies Night/1<sup>st</sup> Thursdays at local merchants and restaurants. Brown asked Lamonica-Deckard to put together a list of “where the Chamber is headed.” Burke asked about the Night of Music and the partnership with the Hailey Arts Commission. Burke asked, “is the budget the same as last year?” Lamonica-Deckard replied that the Chamber paid for the various bands the first year and gave only partial funds last year. The event is so successful; the restaurants don’t need help paying for the band. Burke wanted to make sure that the events that are so popular won’t go away. The Hailey Chamber is adding events not eliminating events, ended Lamonica-Deckard.

Mayor Davis changed the agenda order to New Business item NB 077. But before moving to this item Williamson wanted to address the recent open meeting law change (effective July 1, 2009). Williamson summarized to council the open meeting law changes and asked for council to make a motion to accept the amended agenda. Williamson gave council a summary on when the agenda was posted (Thursday afternoon approx. 4 pm) and reposted with late add item on Friday morning approx. 8:40 am due to an oversight.

**Brown moved to accept the amended agenda adding late item NB 077, seconded by Burke, motion passed unanimously.**

### **NEW BUSINESS:**

*NB 077 Rodeo Grounds presentation of drawings by RLB and decision on whether or not to submit drawings to Planning and Zoning for Design Review*

Nick Latham with RLB gave council an overview of the meetings and tasks completed to date. Michael Bulls, Architect with RLB is also present tonight. Latham handed over the floor to Bulls to present the current design of the Rodeo Grounds project to council. The basic site plan has remained in the same position since early design discussions. Bulls explained some details that they have figured out for the Design Review application, including lighting, drainage, utilities and landscaping. Bulls then reviewed the floor plans and building facades with council. Bulls showed elevations of the proposed ice rink, multi-use Rodeo arena, and skate park. The seating capacity of the ice rink spectators will be 400 and the Rodeo arena 3,500 (today's seating is approximately 3,000). The visitor's center is the focal point of the entry of Hailey. Bulls then reviewed the colors and materials of the exterior facades with the mayor and council.

Haemmerle asked a question "how will people identify these structures as a Rodeo grounds facility?" Latham shares Haemmerle's concern with the design needing to make this keep the Rodeo grounds feel. Burke agrees with Haemmerle. Brown also shares the concern with the white wall being removed. Brown asked if different features were considered when designing the large wall façade of the Ice Rink. Latham answered yes, but this one is the most cost effective.

**Brown moves to authorize RLB to submit plans to the Planning and Zoning Commission for the Design Review process to begin, seconded by Keirn, motion passed unanimously.**

### **APPOINTMENTS AND AWARDS:**

*AA 067 Library Board appointment – Jim Spinelli*

**Brown moves to appoint Jim Spinelli to the Hailey Library Board, seconded by Keirn, motion passed unanimously.**

### **PUBLIC HEARINGS:**

PH 068 *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 (continued from January 25 and to be continued to March 8, 2010)*

**Keirn moves to continue this to the March 8<sup>th</sup> council meeting, seconded by Brown, motion passed unanimously.**

PH 069 *A city initiated amendment to the zone district map for the City of Hailey. The application would change the zoning of Blocks 128 and 133, Hailey Townsite, located on the corner of Main Street and Maple Street (706 S Main St) from Limited Business (LB) to Business (B). The purpose of the Business district is to provide areas for general business and commercial activities and a limited number of residential uses. The Planning and Zoning Commission recommended approval of the rezone on January 4, 2010*

Planning Director Beth Robrahn gave council an overview of this amendment. This is a city initiated amendment which will facilitate the sale of the property for the benefit of the Croy Canyon Foundation senior care and home facility to replace the Blaine Manor facility operated by the county. Robrahn pointed out that this amendment would be consistent with the Comprehensive Plan Use Map.

Brown is okay with this amendment. Keirn is in agreement with Brown.

**Keirn makes a motion to approve the city initiated application for a zone change of Blocks 128 and 133, Hailey Townsite from Limited Business to Business, finding that the amendment is in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare and adopt Ordinance No. 1049 and authorize the Mayor to conduct the 1<sup>st</sup> reading by title only, seconded by Burke, motion passed unanimously.**

**Mayor Davis conducted the 1<sup>st</sup> Reading of Ordinance No. 1049 by title only.**

PH 070 *A city initiated text amendment to Article 8.2, Signs, of the Hailey Zoning Ordinance No. 532. The amendments would reorganize procedures and standards, clarify standards for all types of signs permitted, create a new section to address signage for multi-tenant buildings, amend the sign area allowed for portable signs, and limit the number of portable signs permitted per business and permitted within the public right-of-way. The Planning and Zoning Commission recommended approval of the amendments and December 7, 2009*

Mariel Platt, Hailey Planner distributed a presentation to council. Platt reviewed the workshops and work conducted to come up with this amendment. Platt gave council an overview of the

amendments, including historical signs exemption, prohibited signs, portable signs and a master sign plan for multi-unit buildings. The last addition to this amendment is to allow city staff to remove portable signs that are not permitted.

On page 72 of packet the Mayor Davis asked about allowing food services to display a (car) roof and antenna mounted sign, page 2 of 4 in staff reports. Platt answered that one of the Planning and Zoning Commissioners suggested that we allow this type of sign.

Brown asked a question about section 8.2.6 items J and M why is neon allowed and day-glo not? Platt clarified to council. Section M may need to specify neon gas signs vs. day-glo (fluorescent letter) signs. Platt will address this confusion in the existing ordinance.

Haemmerle asked about 2 portable signs per corner. Is this first come, first served? Robrahn answered yes but reminded council that there is an annual renewal process for sign permits.

#### Public comments:

Steve Crosser of 431 Aspen Drive asked if a “For Sale” sign posted on a car would be issued a citation if parked downtown. Robrahn answered, no a person would not get a ticket in that situation.

Krista Gehrke of 21 East Maple (business address) asked about the minimum of the 4 square feet and the number of signs allowed as well as who does the enforcement on signs. Platt answered that signs are regulated which are in the public right-of-way (in sidewalk or off private property). Robrahn added that the Planning Department is responsible for enforcement of signs.

Bob MacLeod 417 East Myrtle asked for clarification on the first 2 portable signs per corner. It's on the first 2 permitted signs answered Robrahn.

Linda Haavik of 608 3<sup>rd</sup> Ave South asked about signs on cars from businesses located outside of Hailey. Haavik has a concern with this restriction. Brown is concerned about this too. Platt clarified it should not be an issue because these signs are typically under 4 square feet. Platt also added that she could add language if council feels it is necessary. Brown asked her to do so. Haemmerle agrees with Brown, we don't want to regulate these types of signs.

Brent Nelson 1310 Woodside Blvd. asked if one can wrap a vehicle in a sign. Platt answered that this is allowed as long as it is used in relation to your business. Nelson asks council to not be too restrictive. Nelson feels that not allowing balloons is too restrictive. Nelson feels that Hailey's sign ordinance is very restrictive now on size. Do portable sign have to be permitted? Robrahn answered yes and it does go towards the sign size allotment.

Tony Evans with Idaho Mountain Express saw a mannequin on Main Street today in front of a business. Are there any provisions in the ordinance to regulate this type of structure? Robrahn answered yes, this is allowed if outside sales and the information is included on the business license application.

Council deliberation:

Brown began with the portable signs (aka sandwich board signs). These signs were first allowed in the City while she was serving on the Planning and Zoning Commission. Brown's concern is that most of the portable signs are "directional" (pointing patrons to the place of business located off of the main street) instead of informational showing a menu such as CK's Restaurant.

Keirn does not have a problem with the portable signs or the balloons.

Haemmerle likes the idea of balloons and does not want to limit only 2 signs per corner.

Burke likes the portable signs and small balloons but she understands our corner height restrictions (between 3-7 feet) Brown asked about Article 8.2.6 (n).

Robrahn spoke to council about signage in general and her challenge on how to apply fair and reasonable standards to all businesses. We need uniform standards to use as guidelines. Hailey's sign ordinance is liberal added Robrahn. Platt added that we've not had any issues with businesses abusing the sign ordinance standards over the past couple of years while Platt has been with the city. Robrahn explained that the Planning Department does enforce signs but they are not able to enforce all issues all the time. This amendment is an attempt to make this process better. The ultimate goal is to have the city involved with businesses to create good signage.

Keirn added that this is a good ordinance and we should not try to regulate every little thing.

Lastly, Robrahn wants to ultimately get to a point where the city is helping businesses get effective signage and that the businesses benefit from this collaborative effort. Mayor Davis feels this process is already in the works by their efforts and commends the department.

**Brown moved to continue this to the March 8 meeting to allow staff time to make revisions based on comments tonight, seconded by Burke, motion passed unanimously.**

*PH 071 City initiated amendment to Hailey Municipal Code, Title 14 and motion to conduct first reading of Ordinance*

Williamson gave council a quick overview. This was discussed in the last council meeting and he was asked to put this on tonight's agenda.

**Haemmerle moves to approve Ordinance number 1050 amending title 14.01 sections 14.01.080 and 14.01.090 annexation procedures and authorize the Mayor to conduct 1<sup>st</sup> Reading by title only, seconded by Keirn, motion passed unanimously.**

**Mayor Davis conducted the 1<sup>st</sup> Reading of Ordinance No. 1050 by title only.**

*PH 072 City initiated amendment to Hailey Municipal Code, Title 5 and motion to conduct first reading of Ordinance*

Williamson gave council a quick overview; amendment to business license ordinance which abates home occupations as a business that require a business license.

Haemmerle got a call from a business operating a business that was causing traffic issues in a Woodside neighborhood (Chief Gunter investigated this issue and confirmed the traffic congestion and addressed the issue). How can we stop this from happening without licensing them? Williamson commented that this is prohibited under the zoning ordinance by definition. A companion ordinance will follow this one once it goes through Planning and Zoning and is properly noticed. Williamson added that neighbor and citizen complaints would be followed up by the Police and then the situation investigated whether or not the business was licensed. Brown thanked Haemmerle for his comments. Keirn is okay with these changes as is Burke.

**Keirn moves to adopt Ordinance No. 1051 and authorize the Mayor to conduct the 1<sup>st</sup> Reading by title only, seconded by Burke, motion passed with Haemmerle voting in opposition.**

**Mayor Davis conducted the 1<sup>st</sup> Reading of Ordinance No. 1051 by title only.**

*PH 073 Motion to conduct the first reading of Ordinance amending Hailey's Zoning Ordinance, Ordinance No. 532, and the Official Zoning Map incorporated therein, by changing the zoning district designation of the Hailey Zoning Map, Lots 4-10, Block 69, Hailey Townsite from General Residential (GR) to Limited Business (LB)*

Robrahn spoke to council. This was approved by council last week. This is the ordinance to effect the zoning change from GR to LB.

**Burke moves to approve Ordinance No. 1052 and authorize the Mayor to conduct the 1<sup>st</sup> reading by title only, seconded by Haemmerle, motion passed unanimously.**

**Mayor Davis conducted the 1<sup>st</sup> Reading of Ordinance No. 1052 by title only.**

*PH 074 Consideration of ordinance extending garbage franchise with Clear Creek Disposal for an additional two years*

Williamson spoke to council and referred council to page 120 and 121 in tonight's packet. Because of the proposed changes to composting and some other issues regarding recycling staff feels it is best to not go out to RFP this year but just extend this franchise agreement which is due to expire April 10, 2010. The agreements in tonight's packet need to be amended to extend the new expiration date term for 2 more years (on page 121).

**Burke moves to extend the franchise agreement for two years, adopt Ordinance No. 1053, authorize the Mayor to conduct the 1<sup>st</sup> Reading by title only, seconded by Keirn, motion passed unanimously.**

**Mayor Davis conducted the 1<sup>st</sup> Reading of Ordinance No. 1053 by title only.**

Mayor Davis asked for a motion to go into Executive Session.

**EXECUTIVE SESSION:** Real Property Acquisition (IC 67-2345.c)

**Haemmerle makes motion to go into Executive Session for Real Property Acquisition (IC 67-2345.c) at 7:33 pm, seconded by Burke, motion passed with roll call vote. Brown, yes. Keirn, yes. Haemmerle, yes. Burke, yes.**

**Mayor and council returned from Executive Session at 7:40 pm.**

Mayor Davis then change the order of the agenda. Next item to discuss is NB 076.

**NEW BUSINESS:**

*NB 076 Discussion of MOU for Development of Replacement Airport and Redevelopment of Friedman Memorial Airport*

Williamson gave an overview of recent discussions. This document is a draft; attorney Peter Kirsch feels that it needs to be less specific. Kirsch feels this can be polished. Kirsch asks that council consider this a starting point. Haemmerle handed out his comments to council just prior to the meeting. Williamson asked council to let him know how they feel about this document.

Haemmerle gave his comments and concerns. Concerning Recitals paragraph #1, all decisions relating to Joint Powers Agreement (JPA) remain with the respective political subdivisions, County and City. And add a new paragraph: City intends to keep powers under JPA intact until such time as: (1) the current airport is no longer operational; and (2) the old airport site is ready for redevelopment. Issue of the grant assurances by the “so called” new transition authority; Hailey remains a partner and is liable for the assurances and at least an acknowledgement that Hailey is an “interested party” on the new airport. Haemmerle biggest concern is regarding Responsibilities of the Authority Section IV and Cooperation and Timing Section V subsection number 2. The authority will transition to a new board the lead party makes a decision if no response by parties in 15 days, then the decision is final. There should be no real decisions regarding operation of Friedman Airport under the JPA, Haemmerle feels this decision should not be changed. The airport is in our city, Hailey is responsible for it while it is here and there should be no transition of power while it remains. Hailey has a more heightened interest than other parties until such time as the airport is gone added Haemmerle.

Burke agrees with Haemmerle’s comments and feels that they can be incorporated without undermining the overall document. Keirn agrees with Haemmerle and Burke. Burke agrees with Haemmerle’s points. Williamson will draft the changes for council by the next meeting.

Robrahn spoke with council regarding the RFP process in hiring a consultant to help with the Master Plan of the Airport redesign. Robrahn would like to move forward with the RFP if council approves.

Keirn asked Robrahn to stress that we want maximum value and explain why in the RFP – so that the consultant will know that it is important to make the most money possible to help fund the new airport. Burke does not want to steer these consultants too specifically. Williamson feels that we should get an RFQ not RFP to determine qualifications. Robrahn suggests submitting an RFP; then narrowing down the list by qualifications.

Rick Baird the Friedman Memorial Airport Manager spoke to council. Baird feels that the FMAA (Blaine County), Friedman Trust, Hailey and the FAA are the 4 interested parties. Baird feels that everyone should talk especially if Hailey is going to ask for someone to help pay for this expense. Baird suggests that city staff should present this to the FMAA (meeting is next week Tuesday March 2<sup>nd</sup> at 5:30 pm Old Blaine County Courthouse) and have them clear it with the FAA. Burke will contact the new Chairman to see if Robrahn can be added to the agenda. Robrahn will attempt to get figures on costs before the FMAA meeting. Baird would like to be given instruction from both airport owners. Baird suggests getting on the agenda with Blaine County too. Williamson wants to finalize the MOU first and then discuss the redevelopment of the property.

*NB 075 Discussion of smoke free ordinance*

Mayor Davis brought this to council and wants to know what they think. There are a couple of hotels that have a few smoking rooms but most are non-smoking.

Brown's concern is that an outside organization is presenting a proposed ordinance for our city. Brown wants to know what our citizens feel about this ordinance. Keirn agrees with Brown. Haemmerle does not want to be more restrictive than the state. Burke does not want to adopt something based on an outside party, if the citizens want this then that is a different consideration.

**STAFF REPORTS:**

Tom Hellen let council know of a recent grant award the City won. And FEMA has released new flood maps, so we need to revisit the ordinance - which must be amended by Oct 2010.

Dawson announced to council that the Fire/EMS packets are due.

Police Chief Gunter let council know that lots of traffic violation tickets are being written. Year To Date - 270 written in January 2010 and 200 written in February so far. Gunter plans on giving council a quarterly report.

With no further business Mayor Davis concluded the meeting at 8:23 P.M..

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Rick Davis, Mayor

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Mary Cone, City Clerk