

**MINUTES OF THE SPECIAL MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, DECEMBER 8, 2008  
IN THE HAILEY TOWN CENTER MEETING ROOM**

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

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

Mayor Davis opened the meeting by asking for a motion to go into Executive Session.

**Haemmerle makes a motion to go into Executive Session at 5:56 P.M. citing Pending and Imminently Likely Litigation IC 67-2345.f/j, seconded by Keirn; motion passed unanimously by roll call vote.**

Staff came out of executive session at 5:56 P.M. Mayor Davis opened the floor to public concerns and comments.

**OPEN SESSION:**

Tim Eagan of 1331 Northridge spoke to council regarding the Meriwether Building asking for the parking to be changed to 2 hour parking around the building. Mayor Davis asked staff, Tom Hellen and Jeff Gunter to speak with Eagan and develop a proposed plan for 2 hour parking making sure that it includes the entire area and not just the Meriwether Building. Hellen and Gunter will present any proposed plan to council.

**CONSENT AGENDA:**

CA 438	Motion to approve contract with Rich Caplan and Associates to conduct the Quigley Canyon Annexation Fiscal Cost Benefit Analysis .....	1
CA 439	Motion to approve and authorize the Mayor to sign Equipment and Operator rental agreements for snow removal.....	7
CA 440	Motion to approve taxi license renewals for 2009, Wood River Taxi, and Sun Valley Chauffeur / A-Cab .....	21
CA 441	Motion to approve Cutter’s partial lien release.....	27
CA 442	Motion to approve and authorize Mayor to sign contract with Blue Cross of Idaho for 2009 medical insurance .....	31
CA 443	Motion to approve and authorize Mayor to sign contract with Employer Card Services .....	41
CA 444	<del>Motion to approve and authorize Mayor to sign contract with Vision Service Plan for 2009 vision insurance .....</del>	<del>55</del>
CA 445	<del>Motion to approve City Council meeting minutes of November 19 and November 24, 2008, and to suspend reading of them .....</del>	<del>59</del>
CA 446	Motion to approve claims for expenses incurred during the month of November 2008.....	71
CA 447	<del>Motion to approve Treasurer’s Cash Report and LOT Report for month of November, 2008.....</del>	<del>91</del>

Dawson pulled Consent Agenda item 447  
Brown and Burke pulled Consent Agenda item 445  
Haemmerle pulled Consent Agenda item 444

*CA 444 Motion to approve and authorize Mayor to sign contract with Vision Service Plan for 2009 vision insurance*

Haemmerle asked for clarification regarding the vision plan. Haemmerle wanted to know if vision plan coverage was part of the last discussion regarding benefits. Dawson confirmed that yes, it was part of the discussion and this is the contract for that plan.

**Haemmerle makes a motion to approve CA444, seconded by Burke, motion passed unanimously.**

*CA 445 Motion to approve City Council meeting minutes of November 19 and November 24, 2008, and to suspend reading of them*

Brown regarding the November 19<sup>th</sup> minutes, page 60 of packet, under New Business, Len Harlig the Public Information Officer. Burke confirmed that this is Harlig's title as well as a FAA board member. Brown page 63, November 24<sup>th</sup>, last sentence; Hailey used 60% more energy than the national average. Correction is that Blaine County used 60% more energy than the national average. Finally, page 69, under Staff Reports, paragraph beginning with "Brown asked", sentence should read; Dawson understands that County Commissioner Angenie McCleary has been meeting in a very small committee that includes Jason Miller from Mountain Rides.

Mayor Davis has a change for page 60 of November 19<sup>th</sup>, minutes, second paragraph from the bottom. Remove the second word construction in the sentence.

Burke regarding November 19<sup>th</sup>, meeting minutes, her name is not listed as an attendee to the meeting, but she was present.

**Burke makes a motion to approve the minutes as amended, seconded by Haemmerle, motion passes unanimously.**

*CA 447 Motion to approve Treasurer's Cash Report and LOT Report for month of November, 2008*

Dawson referred to page 72 on the Treasurer's report, regarding the check to Blaine County Dispatch. Dawson does not recall asking for Chief Gunter to report on the level of service received for that month. Dawson asked council to approve contingent on Gunter's report. Mayor Davis remembers talking with Chief Gunter about the service level in a past council meeting, stating that the service has been satisfactory. Brown and Keirn are okay with approving this with no contingency because they believe we would know if the service level had been diminished in any way.

**CITY COUNCIL MINUTES  
December 8, 2008**

**Brown moves to approve CA447 as reported in the packet, seconded by Keirn, motion passed unanimously.**

**Haemmerle makes a motion to approve all other consent agenda items minus CA444, CA445 and CA447, seconded by Burke, motion passes unanimously.**

**MAYOR'S REMARKS:**

Last Friday night was the Hometown Holiday Parade and lighting of the tree at McKercher Park, there was a large crowd and it was a warm night. Mayor Davis thanked the Hailey Police Department for handling the event.

Keirn received a phone call from Jim Spinelli; he was not able to attend tonight. However, Spinelli wanted Keirn to thank everyone involved with the event – It was fantastic.

Brown added that she was having dinner at a restaurant on Main Street and was able to watch the parade from there.

**PUBLIC HEARINGS:**

*PH 448 Preliminary Plat Extension – Wood River High School Campus PUD Subdivision*

Mike Chatterton with the Blaine County School District spoke to council. They have two minor items which must be completed continued Chatterton. The first is chip seal on Fox Acres Lane and an issue with the signage of the Fire Lane on Fox Acres. The school ran into an issue last fall with the price of oil and availability of asphalt to do the chip seal. The price of both made it prohibitive to move forward with the project. Chatterton added that they plan on working with Tom Hellen in the spring to have the city staff do the chip seal work and then reimburse the city for it.

Robrahn suggested that the extension be the standard one year to allow them time to complete these two items.

Paul Bernstein of 417 1<sup>st</sup> Ave North spoke to council about his house. In past years, this house has been several different businesses. Bernstein wanted to know if he could conduct a business from his home now, and have his property zoned as Transitional. Mayor Davis asked if he was commenting on the application at hand PH 448. Bernstein was not.

Council is fine with the extension.

**Brown moved to approve the one year extension (expiring now 12/10/09), seconded by Keirn, motion passed unanimously.**

*PH 449 A city initiated text amendment to Article 14.6 of Hailey Zoning Ordinance No.532. to add criteria for rezones to Business, Limited Business and Transitional Districts (continued from November 24, 2008)*

Robrahn explained that she spoke with Williamson after the packet material was complete. Robrahn has made some changes and handed out a revised proposed ordinance to council and then she read to council the changes in section 14.6.1 A and B. Robrahn wanted to further clarify these two sections.

Council appreciates the clarification in this area.

Peter Lobb of 403 East Carbonate spoke to council. Lobb assumes that there are more criteria that come into play, not just what is seen in this proposed ordinance.

Paul Bernstein of 417 1<sup>st</sup> Ave North spoke to council about his house again. Mayor Davis asked Bernstein to meet with Robrahn to discuss the process and potential for rezoning his home.

Brown is fine with this proposed ordinance as she knows there are additional criteria used to evaluate rezones.

Robrahn confirmed that there are additional criteria used to evaluate rezones.

Haemmerle stated that this is a great improvement over last week's proposed ordinance.

**Burke moves to approve Ordinance 1023 to add criteria for rezones to business, limited business and transitional districts, seconded by Haemmerle, motion passed unanimously.**

**Mayor Davis conducted the first reading of Ordinance 1023.**

*PH 450 A city initiated text amendment to Article 2, Definitions of Hailey Zoning Ordinance No. 532 to add definitions of Community Housing Unit, ENERGY STAR, Leadership in Energy and Environmental Design (LEED) Green Building Rating System, curb cut, and drive-through facilities. The Planning & Zoning Commission recommended approval of this amendment on November 3, 2008*

Robrahn opened by stating that this amendment is to align our code with the latest definitions being used recently.

Peter Candy of 118 Meadow Road, Coldsprings asked for someone to read the definition of curb cuts. Robrahn read the definition to council.

Brown believes that the definitions are straight forward.

**Keirn moved to approve Ordinance 1024 and conduct the first reading by title only; adding definitions of Community Housing Unit, Energy Star, Leadership in Energy and Environmental Design (LEED), Green Building Rating System, curb cut, and drive-through facilities, seconded by Brown, motion passed unanimously.**

**Mayor Davis conducted the 1<sup>st</sup> Reading of Ordinance 1024.**

*PH 451 A city initiated text amendment to add Article 9A, Drive-through Facilities to Article IX, Parking and Loading Spaces, to the Zoning Ordinance. The Planning & Zoning Commission recommended approval of this amendment on November 3, 2008*

Robrahn handed out to council an email she received from Paul Kenny on Saturday December 6, 2008 regarding this proposed text amendment.

Robrahn then explained to council why the amendment is being proposed. Over the past year there have been two Design Review applications which posed challenges to the Planning and Zoning Commission because we do not currently have standards to refer to regarding drive-through facilities. Robrahn has researched standards and submitted this document before council. There are four evaluation criteria; 1) amendment must be in accordance with the Comprehensive Plan, 2) essential public facilities and services must be available to support a full range of uses without creating excessive requirements at public cost for these facilities and services, 3) the uses are compatible with the surrounding area and 4) it will promote the public health, safety and general welfare.

Robrahn went on to comment on existing drive-through facilities; some of them create conflicts between car and pedestrian traffic. The intent is to address these conflicts by adopting standards.

Robrahn gave an overview of these standards, where they would be applicable in the city, definition of access / traffic flow of drive-through facilities and stacking lanes. Also stating that a conditional use permit would be another criteria for evaluating drive-through facilities.

Robrahn discussed the existing City and ITD standards regarding curb cuts – we do not allow any new curb cuts on Main Street in Hailey. And if property was redeveloped on Main Street if a curb cut existed, it would need to be removed added Hellen.

Mayor Davis opened up the session for public comments.

Peter Candy of 118 Meadow Road believes that curb cuts have a great deal of impact on economical value of building sites. Candy is currently looking at a design for 512 Main Street, next to Chapala's Restaurant; if they lose the curb cut, then they will also lose the project. Also, Candy is concerned with the ingress and egress in the alleyways, as this would make this potential project impossible to do. Lastly, Candy wants to know who would be responsible for paying for the relocation of power poles in the alleyways.

Chad Hamilton of 12 East Bullion spoke to council. Hamilton understands that there are already limitations for curb cuts on Main Street but this proposed ordinance does not address side street curb cuts – are they required? Hamilton wonders if we are creating a safer situation by eliminating drive-through facilities. He would prefer his wife and two children to have access to more drive-throughs rather than have them get out of the vehicle to approach a business. Hamilton believes that access via a side street would be beneficial. Hamilton asks if the Fire Department would have additional requirements.

Jay Cone of 651 El Dorado Lane addresses council. Cone points to item 9A3.2 b in the proposed amendment regarding alley access. Requiring ingress and egress via the alley would be difficult to design for any project. Cone is also concerned with the dimensional requirements in 9A.3.3 b and e, for number of lots and required number of spaces. This requirement is too restrictive and also creates pressure on the buildable space by requiring a minimum number of drive-through spaces.

Matt Engel of 1720 Northridge Drive spoke to council. Engel is concerned about the access via side streets. Engel believes that ingress and egress via the alley and the side street must be a possibility. Engel is very concerned with the restrictions with the conditional use permit in the central business core. Engel believes that the businesses should not have to build the drive-through structure and be required to pay an annual fee to the city every year – or tear it out.

Kelly Jackson on behalf of Citizens for Smart Growth spoke to council. Jackson believes that restricting more drive-through facilities on Main Street businesses would make it safer for pedestrians. Also, promoting walking through town will make Hailey a more vibrant community than it already is adds Jackson. Finally, this amendment will help Hailey achieve some of its environmental goals.

Karen Fisher of 21 East Maple Street Suite B spoke to council. Fisher has had a business in town for many years. Fisher asks that council turn this back to staff to rework because it is too restrictive as it is. This amendment would be in conflict with the Comprehensive Plan because some citizens would benefit greatly from more drive-through facilities. If you have more drive-through facilities then you don't need more parking spaces added Fisher.

Dean Rutherford of 110 Dogwood Road voiced his opposition to eliminating all curb cuts. Rutherford believes that curb cuts are essential to the success of businesses in the city and to eliminate them is a large concern to him.

Burke sees two main issues, curb cuts and promoting walkability. Some businesses with curb cuts (Paula's dress shop) was formerly a residence so this curb cut used to be a driveway and will not be used as a drive-through. Burke does not see why this curb cut would need to be removed if the property were ever sold and redeveloped. Burke also believes there is a fine line between economic vitality and promoting walkability in the city. As a recent grandmother taking two grand children around town, Burke stopped

frequenting businesses that did not have a drive-through for fear of getting out of the car with them.

Mayor Davis sees this proposed amendment as too restrictive for business vitality. Also, by protecting one group of people we are restricting another group.

Keirn, like Davis would like the Fire Department to weigh in on this propose amendment. Keirn believes that the conditional use permit for the drive-through is not necessary.

Brown reviewed this with safety in mind. Brown believes that the overall goal would be to have drive-through facilities on a property that can handle the space needed to be safe. Brown would like to know who would pay for utility pole relocations. Brown would like to see one-way traffic, in the alley and out on the side street. Brown believes these should be reviewed on a situation basis. Brown does not believe we should require the conditional use permit on such a capital improvement as a drive-through facility.

Burke asks what ITD requires to have a drive-through on Main Street.

Hellen responded that they require a permit and that no more permits will be issued for them on Main Street. Hellen believes that if a utility pole needs to be moved, Idaho Power is responsible for the cost of the relocation because they are in the city right-of-way.

Robrahn responded to these comments. The point is we need standards to have as guidelines. It is challenging to look at each of these applications on a case by case basis and not having guidelines to refer to. Robrahn has a good idea of what the council would like to see. She will go back and revise this and bring it back to council in the next meeting, 12/22/08.

**Brown moves to continue this item PH 451 to the next council meeting on December 22, 2008, seconded by Keirn, motion passed unanimously.**

*PH 452 A city initiated text amendment to Article 8.2, Signs of Hailey Zoning Ordinance No. 532 to establish hours during which portable signs can be displayed and allowing for the immediate removal by the City of signs that pose a public safety hazard. The Planning & Zoning Commission recommended approval of this amendment on November 3, 2008*

Robrahn gave council an overview for this proposed amendment. Last winter the snow removal staff had issues with portable signs being in the way when they were plowing the streets. This amendment would require businesses to remove portable signs from the sidewalk at the close of business daily. Also, the city would be allowed to remove any sign posing any safety hazard.

Hellen asks to add another sentence restricting the height to a maximum of 3 feet tall. Hellen would like to allow his staff the ability to remove any sign if in their way for example, at 2:00 A.M. in the morning.

Steve Cole with Idaho Transportation Department (ITD) is concerned with this restriction of portable signs as they use them for construction purposes on a temporary basis.

Robrahn replied to Cole that these standards do not apply to ITD.

**Brown moved to approve Ordinance 1025 amendment to the Hailey Sign Ordinance with addition of maximum height of 3 feet and conduct the first reading by title only; seconded by Keirn, motion passed unanimously.**

**Mayor Davis conducted the 1<sup>st</sup> Reading of Ordinance 1025.**

**OLD BUSINESS:**

*OB 453 Motion to conduct 2<sup>nd</sup> Reading of Ordinance 1020 A city initiated text amendment to Article 4.6 of Hailey Zoning Ordinance No.532. to clarify the purpose of the Transitional District, add multi-family residential as a permitted use and delete multi-family residential as a conditional use*

**OB453 – 2<sup>nd</sup> reading of Ordinance 1020. Mayor Davis read by title only.**

*OB 454 Motion to conduct 2<sup>nd</sup> Reading of Ordinance 1021 A city initiated text amendment application for amendment to Article 3.8.5 of Hailey Zoning Ordinance No. 532. to add community housing, Energy Star and LEED certified projects to the applications eligible for fast track status*

**OB454 – 2<sup>nd</sup> reading of Ordinance 1021. Mayor Davis read by title only.**

*OB 456 Motion to conduct 2<sup>nd</sup> Reading of Ordinance 1022 A city initiated text amendment to Article 4.11, of Hailey Subdivision Ordinance No. 821 to delete the conversion of rental units to condominiums or townhouses from subsection 4.11.2*

**OB456 – 2<sup>nd</sup> reading of Ordinance 1022. Mayor Davis read by title only.**

**NEW BUSINESS:**

*NB 457 Discussion of draft letter RE: Friedman Airport Site Master Plan (to be handed out at the meeting)*

Mayor Davis pulled this item in anticipation of a presentation by Sustain Blaine.

**WORKSHOP:**



**Staff Reports:**

Dawson updated council on the Old Cutter's Community Housing units; there are 5 units under construction and due to be finished in December 2008. Also, there are Quigley View Condominiums soon for sale, both income restricted and deed restricted units.

Keirn attended the Fly Sun Valley Alliance meeting this morning. The Boise bus service will begin December 19<sup>th</sup> from Boise airport (next to the Avis counter) and continue through March 31, 2009. Also, Avis will begin picking up and delivering at the Sun Valley resort. Keirn is not sure how this will impact the LOT. General Aviation landings are 50% down from 1 year ago as well as jet fuel purchases.

Mayor Davis spoke recently with Bill Simon and Tom Bowman after council's last meeting.

Burke hopes to see revitalization in Aviation with the prices of jet fuel dropping.

Mayor Davis speaks to the increase of patrons in the Library. Brown complemented the Library staff on being creative in finding ways to stay open longer for the public.

**With no more business the Mayor adjourned the meeting at 7:36 P.M.**

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Rick Davis, Mayor

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Mary Cone, City Clerk