

**MINUTES OF THE SPECIAL MEETING OF THE
HAILEY CITY COUNCIL
HELD THURSDAY, OCTOBER 19, 2006
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:38 p.m. by Mayor Susan McBryant. Present were Council members Rick Davis, Don Keirn, Martha Burke and Carol Brown (Brown arrived late and left early). Staff present included City Attorney Ned Williamson (Williamson arrived late), City Administrator Jim Spinelli, and City Clerk Heather Dawson. LeAnn Gelskey took minutes.

OPEN SESSION FOR PUBLIC CONCERNS

There was no public comments.

CONSENT AGENDA

Davis pulled CA 369 from the consent agenda. Keirn moved and Burke seconded to approve the remainder of the consent agenda as presented; the motion carried unanimously.

- CA 368 Motion to approve Findings of Fact, Conclusions of Law and Decision for Beachwood Builders Old Town Bungalow's final plat
- ~~CA 369 Motion to approve minutes of the October 9, 2006 City council meeting and to suspend reading of them~~
- CA 370 Motion to authorize \$2500 of local option tax revenue be spent by the Library during FY 2006/2007 above what is was appropriated for that department
- CA 371 Motion to approve payment of claims for September issued on October 13, 2006
- CA 372 Motion to approve Treasurer's Report for the month of September, 2006
- CA 373 Motion to approve Library upholstered chairs replacement
- CA 374 Motion to approve Piggy-Back Purchase of Jet-Vac Truck for Wastewater Dept

CA 368 Minutes of October 9, 2006

Davis recused himself from approval of the minutes. Burke moved and Keirn seconded that the minutes be approved as presented.

OB 375 Appointment - Arts Commissioners

Patty Lewis was appointed to the arts commission. Davis moved and Burke seconded. The motion carried unanimously.

OB 376 Appointment – Library Board Member

Vicki Shapiro was appointed to the Library Board. Davis moved and Keirn seconded. The motion carried unanimously.

NB 377 Discussion regarding sewer services agreement

The Mayor recused herself from a discussion regarding the sewer services agreement between Peregrine and the City due to some concern that there may be a conflict of interest. Davis took over the meeting. He expressed that this was not a public hearing and pointed out that there was no legal

counsel present and the Peregrine Agreement was still under litigation. He also stated that there would be no questions or comments from the public. He asked for volunteers from the council to work on this matter. Burke and Keirn step forward to make notes and bring information back to the council as a whole.

Harry Rinker explained that 380 units were originally proposed at the Peregrine Ranch and this was presented to Ray Hyde and other department staff. The Valley Club was the selected bidder for the purchase of the parcel by Peregrine. This reduced the number of lots from 380 to 67 units. After allowing twenty percent for affordable housing this brought the total to 81 lots. Rinker expressed that there would be many advantages to the City. If the City is not interested in his plan then an alternative plan would be to install a private sewer system or join Valley Club for a joined septic system. Rinker's intentions are to join with the City. Rinker stated there would be a \$14,000 fee for hookup per lot. He also offered to donate a site for a new fire station. Rinker currently holds a water right within the property and he stated that it could be transferred to the City. He requested to meet with an appointed committee, city engineer, attorney and Council to revise the plan. Valley Club could tunnel under Buttercup Road and end at Peregrine. Rinker would like for this project to be an icon as a tourist destination since a 36 hole golf course is also planned. This would be the only one within the state. It was decided that this will be discussed at a later time.

PROCLAMATION: October as Arts and Humanities Month

The Mayor read a proclamation to declare October as Arts and Humanities month within the City and the Arts Commission was also recognized,

PRESENTATION: Youth Assets Building Presentation – Frances Nagasima

Alex Mallea and Chauncey McGraw assisted Frances Nagashima with the YAK presentation. They began their presentation by explaining the assets survey. Nagashima bases her programming on this information since it is tangible data. The results of this data are both external and internal in nature. Everyone in the community is encouraged to be involved in this program. Positive activities are planned to help discourage negative activities. Mallea is president of the community service program within YAK. An AmeriCorp member and Nagashima act as the counselors. The group meets weekly. YAK will collect canned goods for the hunger coalition on Halloween. McGraw spoke about the Memory Walk for the Alzheimer's Foundation. YAK will also assist with Girls on the Run and an ERC stenciling project. They asked for an initiative to support YAK and for the Council and adults be positive role models to the youth of our valley. It is estimated that YAK contributed 4700 hours of community service during the last school year. The Mayor appreciated the presentation and this program. Nagashima encouraged everyone to check the website for upcoming events. Heather Dawson told the Council about a \$3,000 grant the library had received for improvements to the Young Adult section, saying the library would like to utilize this group for suggestions with that project

MAYOR'S REMARKS

The Mayor spoke about Proposition 2. She stated that it is funded by an individual from New York State who paid \$330,000 to canvas the state. She feels that this is not a local issue. She also stated that the current procedure requires due process and now citizens have input. If Proposition 2 passes, the Mayor feels it won't work that way and that any changes can be challenged and the government would have to pay for perceived loss. The government would lose the ability to zone. She opposes

this proposition. It would significantly change the way the city would be able to handle property issues. She also expressed that she does not appreciate that some people look at issues for monetary gain and feels that this challenges her integrity.

PH 378 Final Plat of Mark Dawson's Hailey Business Park South Condos

Jeff Lewis from Galena Engineering made the presentation of the final plat. Dick Myers was also present. The project had previously been approved and built. They are under the impression that it has passed all inspections. The project is a fifteen unit light industrial. The access is off of Broadford Road. There will be a double gate and signs marked for emergency services. Diane Shay, City Planner confirmed that there has been approval. Brown asked about enforcement and restricted issues. It was stated that emergency access was not for residents and that the City could enforce this.

Mayor McBryant opened the public hearing. Heather Dawson, City Clerk stated that she had received a few letters from neighbors to the project in late September and early October.

Robert Lowe (1111 Broadford Road) lives across from the entrance. He is concerned about the anticipated traffic within this area. He thought the project had been approved for 28 cars but he counted room for 60 cars. He also inquired about snow removal. Lewis explained that some areas would be used for containment and the rest would be carted off site. This was shown on the plat. Public hearing on this subject was closed at this point.

Davis advised that the client understand the parking issues. **Burke motioned to approve final plat with conditions stated in the staff report.** Keirn seconded and the motion carried unanimously.

PH 379 Hailey Historic Preservation Commission recommending to adopt a Demolition Ordinance and to incorporate guidelines for historic buildings in the Townsite Overlay District

Rob Lonning and Denise Jackson Ford from the Historic Commission presented to the council their work of the past several months. They reviewed how the commission came about, goals, and accomplishments. They have been working hard on the demolition ordinance. They researched the historic districts within Idaho including Pocatello and Boise specifically. They have also been involved with the Townsite Overlay and have mirrored this project. Three ordinances were drafted for public review. Public participation was a major part of this process. Jackson Ford recognized some participants at the meeting that have been present for the whole process to date. Those present at the previous commission meetings were extremely opposed to the ordinances. Preservation options were reviewed. The committee felt that the citizens were not ready for a historic district. At this point, the committee will follow through on the proposed demolition ordinance. They would like more public dialogue, slow down demolition, salvage materials, and have time to archive. The committee view themselves as a recommending body in support of the townsite overlay. Historic property designation was reviewed by the committee. The process for entering a property in the National Register was explained. There are possibly thirty existing structures that could be included in the National Register. A few of these structures were shown and the history of each was discussed. The HHPC recommends the creation of historic guidelines for design review, demolition ordinance and a historic property designation program established. The language of the ordinances

is a concern and needs to be addressed. Laura Hall, Teddy Daly, Denise Jackson, Rob Lonning and other members were recognized for their efforts by Davis. The Mayor appreciated the presentation.

Ned Williamson reviewed the packet with the council. He reviewed the definitions of the terminology that was selected. He explained that the definition of a historic structure was one that was originally constructed prior to 1941 regardless of whether it was constructed in or out of the district. Williamson explained that State law states that a structure can only be looked at outside. The inside is irrelevant. Williamson previewed upcoming issues concerning terminology and the townsite overlay and design review. Previously, the building official spoke with Williamson concerning this and Williamson explained current municipality ordinances. As of now, State statute allows the Historic Committee to acquire structures. He expressed that Hailey could meet the definition of this. One of four criteria must be met and the building be included in the National Registry. One extremely important point that Williamson made was that the owner can ask for an exemption to the current building code. Williamson used a Boise ordinance as an example. Mike Chapman had told Williamson that he does not like the exemption for fire code. Linda Haavik spoke about demolition and revegetation issues. This applies to all demolitions and not just historic structures. It was stated the Commission cannot acquire but the City can and then hold the ownership of a structure. This could be either by donation or purchase. Brown asked about the clean up ordinance and SHIPO. Denise Jackson responded to her concerns. The Mayor asked for a public hearing concerning demolition and clean up.

Cindy Moore (406 South First) stated that she received nothing about all of this until she received the first notice of the meeting of the Historic Commission. There was not a lot of public input at that meeting. She is opposed to all of this. She has not received copies of what the council is receiving and she felt betrayed by the city and the council. She referred to the minutes from previous meetings and felt that the public should be more involved. She is concerned that it is moving too fast without a lot of public input.

Larry Butler (403 E. Silver) felt that there needs to be incentives for preservation of historic structures. He did his own survey of his neighborhood and wondered how many would be affected by these changes. He expressed the same concerns as previously stated at other meetings. He spoke of old newspapers used as insulation within his home and he has tried to preserve them. He also referred to the cost of remodeling the old structures and would like to be able to subdivide to be able to recover some costs. He acknowledged Cindy Moore and her comment about how fast things are moving. He encouraged the council to provide incentives and slow the process down.

Geoffrey Moore (406 S. First) stated that something was needed to encourage citizens to not demolish old structures but preserve them. He is also concerned about the cost to preserve these buildings. He would like incentives as well. He questioned whether there are grants or tax incentives to help offset these costs. He is concerned about neighbors and what they will do. He also encouraged the council to slow down and look to a moratorium instead of an ordinance.

Jim Kuehn (402 Second) is concerned about a "blanket" historical district instead of an individual basis. He objected to East Hailey being compared to historic districts of Pocatello and Boise. He talked about the miners and their "shacks". He also addressed restrictions and costs. He spoke of established citizens versus people trying to move into Old Hailey. He acknowledged Telluride,

Colorado and their overlay and preservation efforts. It is filled with second homeowners. He has enjoyed preserving old structures in Hailey. He stated that old remodels require a significant amount of money and a homeowner may not have that kind of money. He also stated many of the same points from the previous public hearings. He is concerned that structures that are now conforming may become nonconforming if some of this is passed. He would like for this to be voluntary and not a mandate.

Peter Lobb (403 E. Carbonate) has been aware of these issues for some time. He is for the preservation of Old Hailey. He disagrees with Mr. Kuehn on his thoughts of expansion in East/Old Hailey. He liked the work of the commission. He acknowledged that this is a compromise encouraged the council to pass this.

Denise Jackson clarified that the Historic Committee can only recommend ordinances, not create them.

Teddy Daly stated that the commission is not a regulatory or policing entity. The commission would just like to offer help to those homeowners who would like their input.

Jim Kuehn pointed out that a buildable lot now costs as much as \$300,000. He expressed that the cost is prohibitive and that resale issues need to be addressed. He is concerned that the codes are too restrictive and are not good for the sale of a property.

The Mayor closed public comment and thanked those involved in the project. She thought that this topic has been driven by the lot size, people who have built homes that don't fit the neighborhood, and trees being cut down. She again stated that not everything that is old is of historic value. The Mayor advised the council of the issues. Davis apologized to the Moores and acknowledged their concerns. He would like to see a 3 month delay for research. He does not feel that the design review is too harsh. Keirn referred to a letter that Eric Vick had submitted. In the letter Mr. Vick questioned the definition of a historic structure and stated that he does not like to be the driving force of a project. If a home is deemed nonhistoric then he felt that it should be able to be demolished through a quicker process. Keirn also is concerned about potential costs to homeowners with the design review. Burke referred to the Moores and their comments about cost and how it will affect each individual. She is also in favor of a quick process of demolition for structures that do not qualify as historic. She is in favor of incentives would like to move ahead on the demolition ordinance. Brown is also in favor of the demolition ordinance. She commented that the council has to trust the planning staff and she agrees with Chapman on his concerns. Brown would like to see research and documentation concerning these recommendations. Keirn asked Williamson to define "organization" and there was discussion on this term. Davis also contributed to this and suggested some ideas on wording. The Mayor would like for the Historic Commission to pursue a list of historical structures so there would be a basis. She also acknowledged the previous points made by council. Davis asked Williamson to advise council on how to proceed. Williamson addressed this and also explained that 120 day period may be reduced by building inspector based on certain criteria. There was much discussion from council towards Williamson. They question whether the building inspector or the Historic Commission would make the determinations. The Mayor wants to review the language at a later time. The council discussed action. **Davis moved to proceed with the first reading of an ordinance with the addition of designation of historic properties and**

points 1-4 being added as a method of fast tracking with building inspector working with the Historic Commission. Keirn seconded. The motion carried unanimously and the Mayor noted the second reading would be heard at the meeting on the 23rd of October. **Davis moved to accept guidelines by the Historic Commission, incorporating them into the townsite overlay ordinance and Keirn seconded.** The motion carried unanimously. **Brown moved to read the first reading by title only** and Davis seconded. The motion carried unanimously.

PH 380 Proposed text amendment to Article 6A, Design Review, of the Hailey Zoning Ordinance, adding Design Review Guidelines for single family dwellings, accessory structures, and duplexes in the Townsite Overlay District

The Mayor stated that this matter, continued from September 25, 2006 had already been addressed including public hearing. The Mayor then asked for public comment. Geoffrey Moore asked if there will be more public comment and the Mayor stated no. Burke stated that she would accept it now with the revisions as discussed in the previous agenda item. **Davis moved to accept with inclusion of Historic Commissions guidelines and changes to lot lines, and to read the first reading by title only.** Burke seconded. The motions carried unanimously.

PH 381 Proposed amendments to the Fee Schedule, setting forth new fees for Design Review of single family dwellings, accessory structures, and duplexes in the Townsite Overlay District.

This matter was continued from September 25, 2006, at which time public hearing had been taken. Burke moved and Keirn seconded to read the first reading by title only. The motion carried unanimously.

WORKSHOP:

The Mayor asked about further action from Davis regarding Rinker and the presentation. The future agendas were discussed and how to proceed. At the next meeting, the Mayor will review old business, then staff reviews and then public hearings to begin at 5:30pm. It was decided that Williamson will present at the next meeting. The Mayor recommended that council ask staff questions prior to the meeting and then list key points. Williamson suggested that council review starred sections because they correspond with staff notes.

There was no airport update.

The Mayor expressed to the council that she appreciates their input.

Tom Hellen attended the KART meeting in place of Carol Brown. KART would like more participation from the Hailey City Council. They are looking for input and Mayor asked about funds. They are looking for money that has not been budgeted. There is no position on the board although someone has been attending the meetings. Burke would like someone on the board and budget for it in the future maybe with an in kind donation. The council wondered what role Hailey would play. It was decided that the Mayor would discuss this later with the council.

Tom Hellen had not had a meeting with the housing authority. Keirn commented on his involvement. Keirn did not attend the last meeting. They are looking for funds and would like to know why Hailey has not presented money. Burke asked if they are really needed in any of the process. Williamson acknowledged that they do provide a service to Hailey by screening but the Mayor disagreed. Keirn suggested that the city hire them as a contractor service to provide Hailey information only. The Mayor asked Keirn to come back to council with a suggestion. Burke would like to talk about transportation first. Bellevue and Carey have not made a recommendation. Jim Spinelli will contact all the mayors of all the cities to meet and discuss this.

The Mayor attended a meeting concerning a regional discussion for a new city sponsored by a developer. The Mayor felt that Hailey will have to take a leadership role to see any action. Burke expressed that time is too valuable to waste it running in circles. The Mayor showed a check from LOT for \$10,000 that will be presented to the chamber. The Mayor asked for a press release and would like pictures to be taken at the next meeting.

Jim Spinelli talked about the new director for the chamber. He recommended her for the position and is pleased that she will be the new director.

Heather Dawson asked if she could proceed with the allocations of the LOT money a presented in the her report. The council concurred.

The Mayor asked the council if they would like more discussion on the bond. Davis felt that it was not needed. Dawson offered to help Keirn put together an editorial for the paper concerning the upcoming bond. Dawson reminded the council about the upcoming open house and the Mayor asked the council to attend. The council will offer tours of the old station. The Mayor acknowledged the hard work of council and staff and dedication from all.

Davis appreciated the support of the council for the Historic Commission. He told the council that he has filled out an application for YAK to be presented with the Brightest Star Award.

EXECUTIVE SESSION There was no executive session.

The Mayor adjourned the meeting at 9:10p.m.

Susan McBryant, Mayor

Heather Dawson, City Clerk