

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD AUGUST 23, 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 Don Keirn, Fritz Haemmerle, and Martha Burke. Staff present included City Administrator Heather Dawson, and City Clerk Mary Cone. Carol Brown was not in attendance this meeting.

**Motion to accept amended agenda (late addition item CA 386) was made by Burke, seconded by Keirn, motion passed unanimously.**

**Open Session:**

Bob MacLeod 403 E. Myrtle spoke to council to let them know about the Grand Opening of the Smithsonian Exhibit “Journey Stories” on Friday September 3<sup>rd</sup> at 6:00 pm.

**Rodeo grounds update:**

[5:31:22 PM](#) Nick Latham from RLB spoke to council. Since council’s August 9<sup>th</sup> meeting update, the water & sewer line has been installed and is being tested. On CA tonight is a request to pay Idaho Power for the underground electrical work they have completed, last week Latham had a meeting with Kreizenbeck to discuss the Hailey Ice facility schedule. Also last week RLB met with Hailey Ice (Laski, Dawson, Williamson). On Aug 19<sup>th</sup> they received comments from the 3<sup>rd</sup> party review for the Hailey Ice design added Latham.

Focus is now on the Rodeo Grounds so that they can submit drawings for 3<sup>rd</sup> Party review. Anticipate issuing bid packages right after Labor Day

**CONSENT AGENDA:**

CA 354	Motion to approve contract with Ole Dan Tucker Fence Co. to remove and install fencing at the Rodeo Park and authorize mayor to sign - Contract amount is \$7,640 and subject to approve by City Attorney.....	1
CA 355	Motion to ratify mayor’s signature on Idaho Power Service Agreement for installation of underground electrical lines at the Rodeo Grounds - \$36,272 .....	9
CA 356	Motion to approve Certificates of Deposit at Local Banks for Hailey Rodeo Park Bond Proceeds.....	17
CA 357	Motion to approve lowest responsive bid of \$17,530.75 and \$18,178.13 for installations at Curtis and Deerfield Parks to furnish and install Surface Water Irrigation Systems and to authorize the mayor to execute the contract with Webb Landscaping for completion of work as bid.....	19
CA 358	Motion to approve revised contract between Hailey and Roberts Electric and authorize the Mayor to sign, redefining warranty period from two years to one year and the final completion date of project from 11/30/10 to 4/30/12 .....	25
CA 359	Motion to approve and authorize the Mayor to sign FAA grant offer AIP 3-16-0016-036.....	33
CA 360	Motion to approve and authorize the Mayor to sign FAA grant offer AIP 3-16-0016-035.....	43
CA 361	Motion to approve Alcohol Beverage License application for 4 Peaks Restaurants, LLC.....	53
CA 362	Motion to approve Alcohol Beverage License renewals for Hailey businesses .....	55

CA 363	Motion to ratify grant request to Wattis Dumke Foundation, and authorization to accept \$4,500 and abide by grant agreement.....	65
CA 364	Motion to ratify grant application to National Network of Libraries of Medicine by Hailey Library for Community Preparedness grant - \$5,000 .....	71
CA 365	Motion to ratify grant application for the TIGER II Grant Program (Woodside Blvd. Complete Streets Initiative).....	77
CA 366	Motion to approve proposal from Madeline Buckendorf consultant to research and write a historical report for the remaining budgeted \$1,500 for HHPC CLG FY 2009/2010 grant.....	105
CA 367	Motion to approve general release for property damage at 820 Deerfield Dr, and to authorize mayor to sign and release funds up to \$415.26 .....	109
CA 368	Motion to authorize mayor to sign application for new LGIP Bond Account, to hold taxes levied for g/o bond...	113
CA 369	Motion to approve special event Roadrunner 5K to be held on September 18, 2010.....	115
CA 370	Motion to approve minutes of August 9, 2010 and to suspend reading of them .....	125
CA 371	Motion to approve claims for expenses incurred during the month of July 2010.....	131
CA 372	Motion to approve Treasurer’s Quarterly Report for period ending June 30, 2010 and investment report a/o 7/31/10.....	153
**CA 386	<i>Motion to approve special event One Last Summer Night in Hailey on 8/30/10</i>	

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

**PROCLAMATIONS AND PRESENTATIONS:**

*PP 373 IDWR Rohe decision presentation*

[5:34:56 PM](#) Fritz Haemmerle 112 4<sup>th</sup> Ave North is speaking to council as a citizen not a council member. In summary, Rohe sought to obtain an 1883 Hiawatha Canal water right upstream to Gimlet. This transfer was approved by IDWR with a condition that the water right was subordinated to two minimum stream flow rights (189 cfs) adopted by the state in the 1980’s. Haemmerle noted that the state had not required subordination for other upstream transfers in the last 28 years. Haemmerle believes the subordination condition will effectively prevent the city from gaining future mitigation rights. Haemmerle believes obtaining future water rights is even more important under conjunctive management. Haemmerle stated that for subordinated rights, the rights may be cut off in July, maybe June in dry years and if you don’t have decent mitigation rights, then one can only use potable water in their house. Haemmerle feels Bellevue City made a decision that he feels is not right for the city. Haemmerle feels that the council needs to make a decision and to take the appropriate action.

[5:41:13 PM](#) Burke asks – if this council supports the Rohe decision what happens then? Haemmerle responds that the city would file a motion to intervene before October 1<sup>st</sup>. Haemmerle feels that Ketchum and Sun Valley will be impacted as much or worse than Hailey.

[5:44:01 PM](#) Mayor Davis asked what Ned Williamson’s viewpoint is. Haemmerle indicated that Williamson has spoken with Dawson. Dawson spoke with Tom Blanchard regarding Bellevue’s stance.

Haemmerle wants council to consider this now.

Dawson will check with Blanchard to find out if he can visit the first meeting in September to present his side (City of Bellevue) to council.

Mayor Davis then moved to appointments and awards.

### **APPOINTMENTS AND AWARDS:**

AA 376 *URA Appointments (two new members to bring URA board up to 5 members - Mary Sfingi and Larry Schwartz)*

[5:47:57 PM](#) two appointments

**Motion to approve Mary Sfingi and Larry Schwartz to serve on URA board, seconded by Burke, motion passed unanimously.**

Now back to proclamations.

### **PROCLAMATIONS AND PRESENTATIONS:**

PP 375 *Proclamation declaring September as National Senior Center Month*

[5:50:23 PM](#) **motion to approve proclamation by Burke, seconded by Haemmerle, motion passed unanimously.**

Mayor Davis read the proclamation declaring September as National Senior Center Month.

PP 374 *Proclamation recognizing September 16, 2010 as the Bicentennial of Mexico's Independence*

Mayor Davis read the Proclamation recognizing [5:53:07 PM](#) September 16, 2010 as the Bicentennial of Mexico's Independence.

Mayor Davis introduced two representatives from the Boise Mexican Consulate, Sebastian Duque and Rodrigo Garibay.

### **PUBLIC HEARINGS:**

PH 377 *Request by FaPo Holdings LLC for extension of Preliminary Plat approval, Village at Hailey Town Center Condominiums and Lot 20A, Block 20, Hailey Townsite*

[5:56:33 PM](#) Beth Robrahn gave an overview for this application including the reason for the extension request. Robrahn gave the timeframe on the deadlines – May of 2009 for the lot line extension and November 2009 for the plat.

Tony [6:00:12 PM](#) Evans with Idaho Mountain Express asked if the developer should have been paying fees? Has the developer missed paying any fees? Robrahn replied, no.

Peter [6:00:41 PM](#) Lobb of 403 E. Carbonate – a couple of things could have happened with this application, either the developer forgot about the project or the person in charge of the project dropped the ball. It seems silly to allow for extensions that have expired. We need some enforcement to abide by the rules.

[6:01:57 PM](#) Keirn would like more rationale behind the reason the applicant has asked for the extension.

Haemmerle believes the ordinance should state that the request for extension must be made prior to the original expiration.

[6:03:44 PM](#) Burke agrees with Peter Lobb and feels it is a gross oversight or just an economic decision. As Robrahn explained there is nothing in our ordinance to stand in the way of the extension. Burke would like us to send a letter to accompany this extension.

Keirn would like to continue this to find out more of an explanation from the applicant.

Burke is happy to move forward with the extension.

**Burke moves to approve the extension (2 year), seconded by Keirn, motion passed with Haemmerle opposing.**

*PH 378 Resolution 2010-14 adopting a Downtown Strategy*

[6:08:39 PM](#) Robrahn explained the history of the Downtown Strategy. This resolution is a formal way of adopting the Downtown Strategy. Robrahn indicated that she will remove the word “preliminary” in the resolution before having the mayor sign it.

Keirn feels that the infrastructure section points to the need of a General Obligation bond at some point in the future.

[6:10:48 PM](#) Tony Evans with the Idaho Mountain Express heard some ITD folks speak in Sun Valley recently. Devon Rigby indicated that Hailey would need to jump through lots of hoops to change Main Street traffic flow. Evans wanted to share these comments with council.

[6:11:58 PM](#) Burke is happy to adopt this strategy.

**[6:13:03 PM](#) Burke moves to approve 2010-14 Resolution, seconded by Haemmerle, motion passed unanimously.**

*PH 379 Public Hearing on Resolution 2010-15 establishing 2010- 2011 Water and Wastewater Fees*

Tom Hellen lowered base rate for water, but had to increase wastewater rate per 1,000 gallon. Last year water usage rates above 60,000 gallons were increased. Connection fees have been slightly increased. Hellen asked if council had questions.

[6:16:46 PM](#) Haemmerle asked why the need to increase rates. Hellen replied to balance the budget.

[6:18:24 PM](#) Dawson explains with more detail why the reason for the rate changes including that the wastewater budget drops .6%, or \$6,000.

[6:22:47 PM](#) Peter Lobb 403 E. Carbonate asked the purpose on raising the rates. Lobb feels the tiered system is not the best approach. Lobb likes the idea of a flat rate but doesn't think it should be cheap for people to use. Lobb feels the approach needs to be fair.

[6:25:43 PM](#) Burke is okay with moving forward. Burke understands the argument presented by Lobb but feels that social behaviors are not able to be recognized or else we would have come up with a different solution. Burke supports the presented numbers and the current philosophy.

[6:27:38 PM](#) Haemmerle feels that we should discourage high usage of water and he feels that the system is working.

[6:29:35 PM](#) **Motion to adopt 2010-15 Resolution was made by Burke, seconded by Haemmerle, motion passed unanimously.**

*PH 380 Public Hearing on \$13,613,736 FY 2011 proposed budget with action items: adoption and first reading of annual appropriation ordinance and approval of L2 Form – certification of tax levy to Blaine County Board of County Commissioners*

[6:30:33 PM](#) Becky Stokes, Treasurer indicated that the budget has not changed since the last time council were presented it.

[6:31:53 PM](#) **Motion to approve budget as presented made by Keirn, seconded by Burke, motion passed unanimously.**

[6:32:20 PM](#) **Motion to approve Ordinance No. 1069 made by Keirn, seconded by Haemmerle, motion passed unanimously.**

**Mayor Davis conducted the 1<sup>st</sup> Reading of Ordinance No. 1069 by title only.**

[6:33:34 PM](#) **Motion to approve L2 form and authorize the mayor to sign made by Keirn, seconded by Burke, motion passed unanimously.**

*PH 381 A City Initiated text amendment to Chapter 15.08, Building Code of Hailey Municipal Code, adopting the 2009 International Energy Conservation Code (IECC) as amended and the Build Better Program (Continued to September 27th)*

This item was continued to September 27<sup>th</sup> meeting.

**NEW BUSINESS:**

HAILEY CITY COUNCIL MINUTES  
August 23, 2010

*NB 382 Discussion regarding forced annexation and subsequent connection to water and sewer services from Wood River High School annexation in June 2001*

[6:35:48 PM](#) Hellen wrote the memo to council which was in council's packet. This property was given 10 years to hook-up to city service. 3 properties were subsequently hooked up to water – not sure when this is the 4<sup>th</sup> property needing connection. No one has attached to sewer yet. No records of who paid the fees.

Julie Fox of 891 Foxmoor Dr. spoke to council. Fox believes her land was connected to water as a favor because her mother gave land to the city when she was a teenager. Fox should look at her mother's records to confirm what year this occurred.

Susanne Walsh of 311 Rodeo Drive in Blaine County spoke to [6:41:46 PM](#) council. There are 4 lots being discussed tonight. Walsh gives her thoughts on what occurred and she believes it happened in 2001.

Elaine Tingie of 871 Foxmoor – she says she did not know she needed to hook up to water if she had, she would have hooked up. Tingie does not own the property any longer, she is in the process of selling the house to new owners. Susanne Walsh indicated that the property will close in September 2010.

Mayor Davis recused himself from the conversation due to a conflict of interest.

[6:44:27 PM](#) If the sewer line is to be installed next June wouldn't there be an economy of scale? Hellen replied yes. A main line would need to be installed sooner to prepare for that extension and basic service lines added Hellen.

[6:47:02 PM](#) Haemmerle feels there are two issues. 3 people have been allowed to hook up to water without paying for it – as far as we can see. Haemmerle proposes that we do not charge for water hook up but do charge all 4 for hook up to sewer connections – that way they are all in the same boat. Haemmerle does not like to waive fees but this seems to be a fair suggestion.

Burke asks Dawson what she remembers. Dawson indicates that in 1991 there was not an enumerated tracking process at the time that Fox's water was hooked up.

[6:57:26 PM](#) Robrahn clarified that the City normally does not pay for a main line to be extended. Haemmerle feels the City should pay to extend the main line.

Dawson clarifies the ordinance “properties shall hook up if the property is within 300 feet of the main line.”

Ross Halperin prospective buyer 331 Apache doesn't understand the ordinance but wants to understand the situation. Halperin thinks Tingie should be required to pay what the others have paid.

[7:05:40 PM](#) Haemmerle summarizes – connection was a condition of annexation.

Hellen estimates a cost to the city of approximately \$15,000.

Robrahn references a letter sent to Fox – no other letter was found in the file to other property owners. Haemmerle suggests that it might be reasonable in this case to have the city bring the line to the property owners lot line and then have the property owners responsible for fees to extend from lot line to their house. Haemmerle wants to make sure it is clear that if the city pays for the extension of the line then to make sure the owners hook up to the sewer. Fox is willing to hook up. Robrahn can draft that agreement with these 4 owners.

Haemmerle with respect to water, if the 3 paid for water hook up the 4<sup>th</sup> would pay to hook up. If the sewer was extended to each property then the owners would be required to hook up to city sewer. Parity in the fees from 2004 added Burke.

Haemmerle asked how long it could take to hook up. Hellen stated that he could get the infrastructure in place by the end of September and then give these owners a year from September to hook up – until Sept. 2011.

**Motion to continue to August 30<sup>th</sup> meeting, seconded by Burke, motion passed unanimously.**

**STAFF REPORTS:**

[7:21:29 PM](#) Hellen looking to bring a presentation in front of council on September 13, 2010 on the REEZ project. The photovoltaic panels will begin installation at the wastewater treatment plant soon – by Roberts Electric. There are two requests for qualifications out, one for the River Street project, the other for Woodside Blvd. complete streets project (TIGER II grant). September 13<sup>th</sup> will be recommendations in front of council. Hellen has received the Rodeo Grounds schedule from Kreizenbeck.

[7:27:06 PM](#) Robrahn has scheduled complete streets presentation on September 13<sup>th</sup> with a new streets standards public hearing on October 11<sup>th</sup>.

[7:27:50 PM](#) Fire Consolidation study is in motion – Dawson let council know when each council member will be meeting with the consultant 8/31.

Mayor Davis and council came out of Executive Session and concluded the meeting at 7:30 P.M.

---

Rick Davis, Mayor

---

Mary Cone, City Clerk