

**MINUTES OF THE  
HAILEY CITY COUNCIL MEETING  
Monday, April 25, 2011 \* Hailey City Hall Meeting Room**

**Present:** Carol Brown, Don Keirn, Rick Davis, Fritz Haemmerle, Martha Burke  
**Staff:** Heather Dawson, Beth Robrahn, Becky Stokes, Ned Williamson, Tom Hellen, Jeff Gunter

**5:30 p.m. CALL TO ORDER -**

[5:30:58 PM](#) Mayor Davis called the meeting to order.

**Open Session for Public Concerns:**

[5:33:37 PM](#) None offered.

**Airport Issues:**

[5:33:46 PM](#) Susan McBryant reported on the recent workshop held to analyze costs of moving the airport. She noted that this workshop was intended to provide recommendations to the consultants, not to reach any conclusions. Council members discussed concerns about possible fundraising methods and communications between the City and Blaine County. Mayor Davis expressed his desire for a clear directive from the FAA. [5:44:40 PM](#)

**Woodside Boulevard TIGER II Project Update:**

[5:45:02 PM](#) Tom Hellen on contacting residents of homeowners to open doors to communication (two days of workshops/public hearings), meeting monthly w/FHA to make sure all details are in place. Explanation of why speed was picked up, but reassurance to public that flexibility and good listening is key. [5:47:46 PM](#) CB on what exactly went out—that brochure is on website, press can find it there too. [5:48:28 PM](#)

**CONSENT AGENDA:**

- CA167 *Motion to approve selection of artists for Bicycle Racks as an art component of the Woodside Boulevard Project and approval of the Artist's contracts.*
- CA168 *Motion to approve revised scope of work and budget for Hailey Historic Properties Brochure project funded through CLG State Historical Preservation Grant.*
- CA169 *Motion to ratify acceptance of donated items from Power Engineers, including desks and file cabinets and racks.*
- CA170 *Motion to approve Lanzarone-Engkraf Wedding Special Event – Heagle Park – September 24, 2011.*
- CA171 *Motion to approve Girls on the Run 5k – Special Event – Heagle Park May 21, 2011.*
- CA172 *Motion to approve 2011 Northern Rockies Folk Festival – Special Event – Hop Porter August 5 & 6, 3011.*
- CA173 *Motion to approve 2011 Summerfest Carnival – Special Event – 1<sup>st</sup> to Main on Bullion June 4, 2011.*
- CA174 *Motion to approve Hailey's Main Street Antique Show – Special Event – 730 Main – July 1-3, 2011.*

- CA175 Motion to approve Hailey's Main Street Antique Show - Special Event – 730 Main – Sept 2-4, 2011.
- CA176 Motion to approve SunValley Center for the Arts – Concert – Special Event - Hop Porter June 16, 2011.
- CA177 Motion to approve 4<sup>th</sup> of July Special Event – Main Street.
- CA178 Motion to approve Findings of Fact and Conclusions of Law for Sweetwater LLC's final plat of Sweetwater PUD Townhouses, Block 4, Sublots 46-53.
- CA179 Motion to approve Findings of Fact and Conclusions of Law for Sweetwater LLC's final plat of Sweetwater PUD Townhouses, Sublots 36-45 & 54-57.
- CA180 Motion to approve Summary of Ordinance 1081, setting legal parameters of Hailey's Urban Renewal Agency.
- ~~CA181 Motion to approve minutes of February 14, 2011 Hailey City Council meeting and to suspend reading of them.~~
- CA182 Motion to approve minutes of March 14, 2011 Hailey City Council meeting and to suspend reading of them.
- CA183 Motion to approve minutes of March 28, 2011 Hailey City Council meeting and to suspend reading of them.
- CA184 Motion to approve minutes of April 4, 2011 Special Hailey City Council meeting and to suspend reading of them.
- CA185 Motion to approve claims for expenses incurred during the month of March, 2011, and claims for expenses due by contract in April, 2011.
- ~~CA186 Motion to approve Treasurer's Monthly reports for March 2011.~~

Fritz Haemmerle asked to pull CA 186. Martha Burke asked to pull CA 181 so she may abstain. **Martha Burke moved to approve the Consent Agenda minus CA 186. Fritz Haemmerle seconded and the motion passed unanimously.**

**Carol Brown moved to approve CA 181. Martha Burke abstained. The motion passed unanimously.**

[5:50:07 PM](#) Fritz Haemmerle requested clarification on budget numbers included in CA 186. Becky Stokes provided the information. Mr. Haemmerle asked if it was correct to say the figures were on target. Ms. Stokes assured him they were. **Fritz Haemmerle then moved to approve CA 186. Martha Burke seconded and the motion carried unanimously.**

Ned Williamson pointed out the need for a motion to amend the meeting agenda. **Carol Brown moved to add NB 198b to the agenda. Don Keirn seconded, and the motion passed unanimously.**

#### **MAYOR'S REMARKS:**

[5:52:42 PM](#) Mayor Davis thanked the public for their attendance at tonight's meeting.

#### **PROCLAMATIONS & PRESENTATIONS:**

PP187 Presentation by Auditor Dennis Brown of City Financial Statements for year ending September 30, 2010.

[5:52:59 PM](#) Dennis Brown explained the financial statements, and commended the City on doing a "great job in this economy." [5:55:19 PM](#) Heather Dawson asked for Council's

acceptance of the statement if they so agreed. Discussion ensued on whether the City should have a CPA on staff, the possibilities of sharing a CPA resource with other municipalities, and whether local firms might bid on that position. Dennis Brown pointed out that this option depended on the City's budget since this documentation is very time-consuming. [6:01:04 PM](#) **Martha Burke moved to accept the statement. Fritz Haemmerle seconded, and the motion passed unanimously.**

*PP188 Arbor Day Proclamation.*

[6:01:57 PM](#) Mayor Davis proclaimed May 7, 2011 as Arbor Day in Hailey and urged citizens to plant and care for trees.

### **APPOINTMENTS & AWARDS**

None.

### **PUBLIC HEARINGS:**

*PH189 ..... Consideration of Amendment (Third Amendment) to Cutter's Annexation Agreement, as revised following April 11, 2011 city council motion.*

[6:04:51 PM](#) Ned Williamson provided history and background of this issue, and explained that tonight's discussion was centered mainly on differences of opinion regarding the "no-flip" provision of the City's agreement with Old Cutters. [6:14:03 PM](#) Mayor Davis gave the floor to John Campbell of Old Cutters to present his position. Mr. Campbell apologized for taking so much of the Council's and the public's time with this issue. He emphasized the points made in an earlier email to Council members, a copy of which was included in the Council's meeting packet for tonight. [6:20:11 PM](#)

[6:20:17 PM](#) Mayor Davis opened the meeting to public comment.

[6:20:46 PM](#) Bill Hughes, 241 Eureka, expressed discontent with possible financial compromise to the citizens of Hailey.

[6:23:28 PM](#) Andrew Harding, 460 Mother Lode Loop, stated he is not in favor of negotiations for the success of Old Cutters, citing the City's responsibility to all of its citizens.

[6:23:56 PM](#) Cindy Moore, 1250 Woodside Boulevard, expressed outrage at this agreement.

[6:24:33 PM](#) John Marvel, 316 E. Bullion, asked the Council to reconsider its April 11, 2011 vote, and to let Old Cutters "carry its own load."

[6:27:06 PM](#) Geoffrey Moore, 1250 Woodside, voiced his opposition to negotiating with Mr. Campbell.

[6:28:10 PM](#) Kristin Ritzau, 361 River Trail, expressed disbelief "that the city would discount their position so heavily." She encouraged the Council to protect the City's first position on this matter.

[6:29:35 PM](#) Doug Werth, 911 Buckskin, pointed out his concerns about financial impact to the City in the future, and recommended not negotiating with Mr. Campbell.

[6:30:36 PM](#) Erin Buell, 540 Doc's Hickory, noted that this is not an easy decision, but that the Council voted earlier to work out a deal with Old Cutters and expressed hope that a compromise might still be reached.

[6:31:19 PM](#) Peter Lobb, 401 E. Carbonate, encouraged the City to stand firm on the "no-flip" position.

[6:32:39 PM](#) Kim Howard, 420 San Badger Road, expressed trust in John Campbell and hopes the City will agree with Mr. Campbell that both parties should be able to sell their parcels at any

time. She hoped both sides could reach a reasonable agreement in light of challenging economic times.

[6:34:19 PM](#) Steve Johnston, 540 Little Lena Drive, noted that the first public hearing on this issue showed “overwhelming support of Cutters,” and he felt the “flip” or “no-flip” element should be equal for both parties.

[6:36:39 PM](#) With no further public comment offered, Mayor Davis offered Mr. Campbell time for rebuttal. Mr. Campbell again voiced his position on the “no-flip” matter, and his offense at some of the comment made in the public hearing which he believed was ill informed. He reiterated his opinion that litigation remained a viable option for him. [6:42:56 PM](#)

[6:43:00 PM](#) Heather Dawson read for the record written communications on this matter from: Bruce Smith, Kim Howard, Susan McBryant, Keith Sivertson, Erin Buell, Jon Marvel, and Kathy Grotto in her position as Executive Administrator of Blaine County Housing Authority.

[6:43:57 PM](#) Mayor Davis brought the meeting back to the Council.

[6:44:10 PM](#) Fritz Haemmerle noted that the current economy presents extraordinary circumstances under which this matter must be considered. He pointed out the exchange he and Mr. Campbell had at the April 11, 2011 Council meeting and public hearing, and that he was clear in his intent about not allowing Mr. Campbell to “flip” his Cutters property.

[6:48:17 PM](#) Martha Burke noted that her view has not changed. She stood firm in her opinion that the Council must act in the best fiscal interest of citizens, that the City should protect its financial position, and her belief that the City’s position is legally defensible.

[6:50:55 PM](#) Carol Brown thanked the public for their opinions, noted her opinion that Mr. Haemmerle was clear when he insisted on a “no-flip” clause, and stressed that she would remain firm on her original vote.

[6:52:12 PM](#) DK feels he and FH are on the same page...DK liked the idea of keeping the original developer in...stands on the no-flip issue.

[6:52:56 PM](#) Mayor Davis clarified the procedure required of the Council in this process. **Don Keirn moved to reconsider the decision made at the last meeting based on the difference of opinions on “flipping.” Fritz Haemmerle seconded.** Carol Brown asked for confirmation that this motion was “to reconsider our previous amendment.” Fritz Haemmerle voiced his certainty that the city will face expensive litigation, but that he believed he had negotiated as far as he could responsibly. Ned Williamson offered further explanation of possible consequences from this decision. [6:56:25 PM](#) Mayor Davis explained to the public his vote on this matter at the April 11, 2011 meeting. [6:56:57 PM](#) **Mayor Davis called for the question, and the motion passed unanimously.**

[6:57:22 PM](#) Ned Williamson explained to the Council that it does not have to take any further action, that Mr. Campbell has said he will sign Deed in Lieu if the Council takes no action, or the Council could move to deny Mr. Campbell’s request from April 11, 2011.

[6:58:53 PM](#) After Council discussion regarding possible options, [6:59:12 PM](#) **Carol Brown moved to deny, Martha Burke seconded, and the motion passed unanimously.**

[7:00:19 PM](#) Mayor Davis called a 5-minute recess.

[7:05:08 PM](#) Mr. Davis called the meeting back to order.

*PH190 Consideration of Amended and Restated Joint Powers Agreement for governance of Friedman Memorial Airport.*

[5:33:21 PM](#) After Council discussion regarding the number of citizens present for public hearing matters, the amount of time necessary to fully hear the comments, and Council member availability for upcoming meeting dates, **Martha Burke moved to table PH190 until the May 11 meeting. Carol Brown seconded.** Fritz Haemmerle noted he would be unable to attend that meeting. Ned Williamson recommends tabling PH190 until a date to be announced. **Fritz Haemmerle so moved. Carol Brown seconded. Martha Burke withdrew her first motion. The second motion passed unanimously.**

*PH191 Latham Williams request for amendment to phasing agreement for Big Wood 6 Cinemas.*

[7:05:20 PM](#) Beth Robrahn provided background to this request noting that ultimately the project will add two new theatres and additional landscaping to this project. Latham Williams, 57 Lane Ranch, expressed his hope that the Council will grant him a five-year extension so he can start the project expansion under more favorable economic conditions.

[7:06:58 PM](#) Mayor Davis opened the meeting to public comment.

[7:07:12 PM](#) With no comment offered, Mr. Davis brought the meeting back to the Council. Carol Brown suggested that the Council grant a two-year extension as they have done in the past. **Fritz Haemmerle moved to grant a two-year extension. Carol Brown seconded. Martha Burke clarified that the extension could be revisited in two-years should another extension be requested. The motion passed unanimously.**

*PH192 Wood River High School Environmental Club's application for city legislation to ban plastic bag use by retailers within the City of Hailey.*

[7:08:58 PM](#) Mayor Davis noted his agreement with Fritz Haemmerle's idea to invite the Environmental Club back to make their presentation again in a public hearing so that everyone can be heard. Rachel Blum, Chase England, Lucy Paisley and Maggie Williams delivered their Power Point presentation. [7:09:52 PM](#)

[7:21:28 PM](#) Mayor Davis opened the meeting to public comment.

[7:21:39 PM](#) Chip Atkinson, 209 Timberline Road, noted his family's markets' cooperation with the City on the EPA grant application for the Just Bag It program, but that the markets were not in favor of a total ban on plastic bags due to possible customer inconvenience and frustration. Mr. Atkinson commended the Environmental Club's work and encouraged education as the best tool for promoting reusable bag use, rather than an outright ban.

[7:27:15 PM](#) Alice Bynum 2807 Woodbrook Drive, applauded the students' efforts, but also hesitated in supporting a ban. She favored significantly elevated education as a way to reach the same goal.

[7:29:08 PM](#) Scott Runkel, 1610 Northridge Dr., suggested the use of alternative plastic (like tapioca root bags). He also supported a fee for shoppers choosing to use plastic bags.

[7:31:49 PM](#) Pamela Plowman Weston, expressed her full support of the students work and noted her desire that Hailey might become a plastic-free community.

[7:33:02 PM](#) Carol and Robbie Freund, owners of The Creative Edge on Main Street, voiced their in total support.

[7:33:43 PM](#) Bill Kyle, owner of McDonald's, 720 N. Main, was not in support of the proposal as presented, but applauded the students' approach to the problem. He requested that the students approach more restaurants for their perspective as well as the retailers in town.

[7:37:47 PM](#) Erika Greenberg, WRHS teacher and leader of the Environmental Club, clarified that McDonald's small paper bags would not be taxed through this proposed ordinance.

[7:40:11 PM](#) Nancy Holcomb, Indian Creek, supported the ban, and noted her belief that consumers should take responsibility for better habits and a paradigm shift.

[7:41:42 PM](#) Jack Greenberg, owner of Shorty's Diner, encouraged educating citizens on the structure of this ordinance in order to find a way to make the proposal work.

[7:45:40 PM](#) Brent Nelson, 1310 Woodside and owner of Snow Bunny restaurant, was not in support due to extra cost to businesses and added pressure in an already tough economic climate.

[7:49:14 PM](#) Peter Lobb, 403 E. Carbonate, was in support, noting that the change may be painful at first, but voiced his opinion that "we have to do this."

[7:51:11 PM](#) Jane Drussel, owner of Jane's Artifacts, commended the students, noting the difficulties in "getting people to take responsibility and be active in the community." She noted that most of her customers choose not to take an offered bag at her store, and suggested that education might start with store owners. She was not in support of a fee collection system, however, noting difficult logistics in implementation and enforcement.

[7:53:09 PM](#) Lucy Paisley, 417 Third Ave South, voiced full support of education as a tool for change. She noted that the environmental impact of plastic bags cannot "wait for us to grow up and be the main consumers."

[7:55:32 PM](#) Kristen Poole, 1221 Buckskin, emphasized the importance of listening to the students' proposal noting that "this community has always been forward thinking; recycling is now second nature to us." She suggested considering a graduated approach to forewarn consumers that change is coming.

[7:57:00 PM](#) Geoffrey Moore, 1250 Woodside, suggested positive reinforcement rather than a ban or tax. He expressed his idea that perhaps a refund at the end of the year for not using plastic might be a better incentive.

[7:58:44 PM](#) Krista Gherke, 370 Little Indio, supported the proposal and noted her belief that this change should come from legislative level.

[7:59:24 PM](#) With no further comment offered, Mayor Davis closed the public portion of the meeting.

[7:59:47 PM](#) Council discussion addressed costs to businesses in implementing this change; more environmentally friendly plastics, the current re-use of plastic grocery bags for garbage collection, and why this proposal is only targeting Hailey rather than the whole county. [8:11:19 PM](#) Don Keirn noted that tourists may be slow to catch on and find themselves unprepared. He suggested that Hailey would not benefit by being singled out in this proposal. [8:13:20 PM](#) Mayor Davis noted the need for more investigation of this issue. Martha Burke encouraged the students to continue their research and bring the results back to the Council for consideration. She noted that this may be an advisory ballot question. [8:18:48 PM](#) Carol Brown and Don Keirn voiced approval for more research and a possible advisory vote. Fritz Haemmerle pointed out that the ordinance language must be clear before any advisory ballot question, and suggested that perhaps a resolution may be best. Ned Williamson volunteered to work with the students on language for their ordinance, advisory ballot question or resolution. It was requested that the record reflect written comments received from Nancy Holcomb of Indian Creek, William Hughes of Four Seasons Spa and Pool, and the Wendland family, owners of Uptown Mini Mart, Baskin Robbins, and Smoking Dog Cigar Company. [8:26:06 PM](#) With no further discussion, Mayor Davis called for a brief recess.

[8:32:32 PM](#) Mr. Davis called the meeting back to order.

PH193 *City initiated text amendment to Article 8.2.7 of Hailey Zoning Ordinance No. 532 to address the use of vinyl type material for signs. The Planning and Zoning Commission held a public hearing on September 20, 2010 and recommended approval (continued from April 11, 2011).*

[8:32:43 PM](#) Beth Robrahn gave overview of this agenda item and PH 194. She pointed out that these are suggested amendments to the ordinances, and asked the Council to consider whether vinyl signage gives the right impression of the City and its businesses. She encouraged discussion of the length of time a vinyl sign might be displayed. Council members asked for clarification of the term “vinyl” and its appearance.

PH194 *City initiated text amendment to Article 8.2.6 of Hailey Zoning Ordinance No. 532 to create an exception to allow for one (1) flashing open sign per business. Flashing signs are currently prohibited. The Planning and Zoning Commission held a public hearing on February 7, 2011 and recommended the exception not be adopted (continued from April 11, 2011).*

[8:36:47 PM](#) Beth Robrahn provided history of this proposed amendment, letters of violation, and business owners who contacted the City in favor of flashing signs. Planning & Zoning Commission history and opinion on this matter was also given.

[8:38:44 PM](#) Mayor Davis opened the meeting to public comment.

[8:38:52 PM](#) Jane Drussel, Jane’s Artifacts, 106 S. Main, gave her opinion that excitement is what causes people to stop at local businesses as they drive down Main Street, and that flashing signs add that excitement. She noted that there are only a few of these signs now in Hailey and that the signs are small. She encouraged the Council to not be overly restrictive.

[8:42:02 PM](#) Peter Lobb, 403 E. Carbonate, spoke against the proposed amendment noting aesthetics and his agreement with P&Z findings.

[8:43:56 PM](#) No other comment being offered, the meeting was returned to Council. Discussion agreed with aiding business owners whenever possible, but also concerns that too many of these signs would significantly impact the appearance of the City. Martha Burke noted the length of this meeting and expressed concern that this matter needed thorough consideration. She suggested the Council continue the matter to a date certain. [8:46:25 PM](#) Mayor Davis suggested continuing the matter to the first meeting in June. **Carol Brown moved to continue. Fritz Haemmerle seconded, and the motion passed unanimously.** [8:47:00 PM](#) Fritz Haemmerle noted that continued items were often at the end of the agenda and suggested that those items should move to the top of the agenda once they were continued. Mayor Davis thought the Council may need extra meetings to move through the agenda items. [8:47:48 PM](#) Beth Robrahn pointed out to Jane Drussel that the sign ordinance was overhauled last year and is fairly flexible. Ms. Robrahn suggested a workshop with Ms. Drussel and other business owners to address signage which may help market the City and its businesses.

PH195 *Ordinance Amending Municipal Code Chapter 12.12 – Parks and Public Pathways ((After closing discussion regarding the Public Hearing portion, please give direction to staff on a seasonal park use application for Lions Park).*

[8:49:21 PM](#) Heather Dawson highlighted noise limits, pathways, business license ordinance and how those elements tie together. She and Beth Robrahn noted the difference between *using* a city park and *reserving* one, and the related fee structure.

[8:58:10 PM](#) Mayor Davis opened the meeting to public comment. None was offered, so the meeting was brought back to the Council.

[8:59:10 PM](#) Mr. Davis asked if the Council had given the staff enough guidance, and expressed hope that the ordinance amendment would come back to the Council with suggested changes. Ned Williamson pointed out that perhaps a resolution might be the best approach.

**NEW BUSINESS:**

*NB196 Discussion of recommendations from Hailey Parks and Lands Board for events with less than 3000 participants at Hailey Multi-Use Event Arena.*

[9:03:27 PM](#) Council expressed hopes for continuing to another meeting. Heather Dawson noted that the Council's calendar is full until end of June with the exception of May 2. Council agrees to meet on May 2, 2011 to address matters not considered tonight.

[9:05:07 PM](#) Fritz Haemmerle moved to continue the balance of the agenda except for MB197. Martha Burke seconded, and the motion passed unanimously.

*NB197 Change orders and special pay requests and associated agreements for Rodeo Grounds.*

[9:06:06 PM](#) Tom Hellen and Michael Bulls of Ruscitto Latham Blanton provided updates on progress at the Rodeo Grounds. Discussion covered some scheduling delays, but continuing confidence about deadlines being met. Weather continues to be a factor. [9:13:20 PM](#) **Fritz Haemmerle moved to approve the mayor's signature of change orders. Carol Brown seconded and the motion passed unanimously.**

*NB198 Hailey Historic Preservation Commissions recommendation to use select archival material from Ketchum Community Library in OUR TOWN newsletter.*

*\*NB 198b Discussion of Blaine County Communication Center Dispatch matters – guidelines to city representative for April 28, 2011 Political Advisory Group (PAC) meeting*

[9:14:22 PM](#) Carol Brown asked for direction before attending this meeting. Don Keirn to attend the meeting as well. Council generally recommended support of the model the City has in place with \$143,000.00 budgeted.

[9:19:32 PM](#) **Mayor Davis adjourned the meeting.**

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Rick Davis, Mayor

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Mary Cone, City Clerk