

**MINUTES OF THE
HAILEY CITY COUNCIL MEETING
Monday February 4, 2013 * Hailey City Hall Meeting Room**

Present: Carol Brown, Don Keirn, Fritz Haemmerle, Pat Cooley, Martha Burke

Staff: Jeff Gunter, Heather Dawson, Ned Williamson, Micah Austin, Tom Hellen, Mariel Platt

**Indicates a late addition item, council must make a motion at beginning of meeting to accept amended agenda.*

5:30 p.m. CALL TO ORDER –

[5:30:18 PM](#) Mayor Haemmerle called the meeting to order.

[5:30:30 PM](#) **Martha Burke moved to add late addition items to the agenda. Carol Brown seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

Open Session for Public Concerns

[5:31:13 PM](#) Mayor Haemmerle opened this portion of the meeting to public comment, advising that he would allow a total of 15 minutes for comments on the Old Cutters matter.

[5:31:25 PM](#) John Campbell, 106 Canvas Back, expressed his disappointment that the City “filed an appeal [to the suit] without public input.” He further informed that he brought a petition with 170 signatures to this meeting and that the signators encouraged a public forum and a withdrawal of the City’s appeal.

[5:35:58 PM](#) Stephanie Reed, 105 S. Hiawatha Drive, noted she is a real estate agent and opined that the market is weak, but rising in the last three months. She further explained that “there are eight active listings pending right now in the \$250,000-\$500,000 market. Ms. Reed noted “this is exactly what Cutters supplies the city,” and encouraged withdrawal of the appeal.

[5:37:32 PM](#) Bruce Malone, 641 Buckhorn Drive, asked for the City’s rationale in pursuing the matter. Mayor Haemmerle explained this meeting was not the time for debate, but encouraged the City staff to discuss the matter with Mr. Malone during business hours.

[5:38:18 PM](#) Larissa Roberts, Wood River High School student, spoke as a member of the WRHS rodeo team and asked for the former marquis sign to be replaced in front of the rodeo grounds. She previously organized a breast cancer research fundraiser and believed the event would have had more attendance if the sign had been present. She further hoped the sign would be replaced in time to inform the public of the upcoming May 3-4, 2013 high school rodeo event to be held at the new Hailey rodeo grounds; the first time in 16 years the competition will be held in Hailey.

[5:39:33 PM](#) Russ Sample, 1540 Heroic Drive, opined he did not see anything in Judge Pappas’ decision to indicate any reason for an appeal in the Old Cutters matter.

[5:41:25 PM](#) Kim Howard, 420 San Badger Drive, encouraged withdrawal of the City’s appeal in the Cutters matter, and expressed hope for continued events, neighbors walking dogs, and success of the community.

[5:42:18 PM](#) Charlene Malone, 641 Buckhorn Drive, noted the “great cost of litigation and loss of community trust,” in the Cutters matter and asked for the City’s plan for the Cutters area should the City win the suit.

[5:43:21 PM](#) Pat Buchanan, 520 Arena, asked to see more public forum in the Cutters matter and asked how the community might move toward vitality in this economy in vitality without “a big stalemate.”

[5:44:10 PM](#) Mayor Haemmerle closed the public comment section of this meeting. He noted that the City worked hard to reach an agreement with Mr. Campbell, and that “many people present tonight were also present during those earlier meetings.” He reminded that overwhelming public sentiment at the time was to pursue the money Mr. Campbell owed. The Mayor further opined that if developers were allowed to renege on contractual fees by asking the Court to rewrite the contract when development is not successful, it would be “chilling to consider ever allowing another annexation.” He further opined that it is important to allow Idaho judges to rule on the matter, rather than a US Bankruptcy judge alone.

[5:48:34 PM](#) John Campbell interrupted the Mayor, but Mayor Haemmerle quieted him reminding that Mr. Campbell has had three meetings to speak his mind on the subject even before tonight.

[5:49:44 PM](#) Carol Brown asked if perhaps other citizens would like an opportunity to speak on other matters at this meeting. Mayor Haemmerle noted the high school rodeo event application was just received, and added that a sign was intended to be installed at the Werthheimer Park location.

[5:50:42 PM](#) Goeffrey Moore, 406 First Avenue South, reminded that the incoming O’Reilly Auto Parts store near Werthheimer is “open to putting up the marquis sign on their property.”

CONSENT AGENDA:

~~CA 029 Motion to ratify ITD Large Project Design Award Application for Woodside Project.~~

~~CA 030 Motion to approve final lease with Hailey Chamber of Commerce, as adopted under Resolution 2012-90 on December 17, 2012, following revisions of the language.~~

CA 031 Motion to approve Resolution 2013-06 authorizing Scope of Work with SPF Engineering for irrigation of Heagle Park with surface water rights for a not to exceed amount of \$13,200.

CA 032 Motion to approve Resolution 2013- 07 declaring surplus property for disposal or sale.

CA 033 Motion to approve use of Welcome Center on by Foreign Exchange Students on February 9, 2012.

CA 034 Motion to approve minutes of January 7, 2013 and to suspend reading of them.

~~CA 035 Motion to approve minutes of January 17, 2013 and to suspend reading of them.~~

~~CA 036 Motion to approve minutes of January 28, 2013 and to suspend reading of them.~~

CA 037 Motion to approve claims for expenses incurred during the month of January, 2013, and claims for expenses due by contract in February, 2013.

CA 038 Motion to approve Treasurer’s reports for the month of January, 2013.

[5:51:53 PM](#) Heather Dawson pulled CA 030. Carol Brown and Martha Burke pulled CA 035 and CA 036 to abstain since they were not in attendance at those meetings. Pat Cooley pulled CA 029 for the same reason.

[5:52:28 PM](#) **Martha Burke moved to approve CA 031, CA 032, CA 033, CA 034, CA 037, and CA 038. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

[5:52:59 PM](#) **Martha Burke moved to approve CA 029, CA 035, and CA 036 indicating certain Council members were not present. Don Keirn seconded. Roll call vote: Brown, abstained; Keirn, yes; Cooley, yes; Burke, yes.**

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[5:53:43 PM](#) **Don Keirn moved to approve CA 029. Martha Burke seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, abstained; Burke, yes.**

[5:54:01 PM](#) Heather Dawson addressed CA 030 by explaining a few changes recently made on the lease with the Chamber of Commerce.

[5:55:07 PM](#) **Carol Brown moved to approve CA 030 with the changes noted by Ms. Dawson. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

MAYOR'S REMARKS:

MR 000

[5:55:48 PM](#) None.

PROCLAMATIONS & PRESENTATIONS:

PP 039 Hailey Chamber of Commerce Quarterly report (Oct-Dec 2012).

[5:55:53 PM](#) Linda Anderson, President of the Chamber, thanked the Council for their continued partnership and support. Geegee Lowe was also present for questions or comments.

APPOINTMENTS & AWARDS

AA 040 Reappointment of Owen Scanlon to Hailey Planning and Zoning Commissioner.

[5:57:40 PM](#) **Mayor Haemmerle recommended the reappointment of Mr. Scanlon to the Planning and Zoning Commission. Carol Brown nominated Mr. Scanlon. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

PUBLIC HEARING:

PH 053 Review of Friedman Memorial Airport Authority agenda Feb 12, 2013.

[5:59:09 PM](#) Susan McBryant, FMAA, noted the full packet for the meeting had not yet been created, but she wanted to bring to the Council's attention tonight the discussion regarding EIS termination and site selection. Council discussion included the FAA's reluctance to re-start the EIS process, the FAA's commitment to a replacement airport, whether the County is in agreement, and a proposal to move forward with ALP alternative #6 followed by site selection removing the head-to-head requirement. Martha Burke encouraged City representatives to review the talking points provided in prior Council packets as she believed that the option of a regional airport, that results in the closure of all other airports in the region, will not pass. Ms. Burke further encouraged asking the County to reiterate their position in that regard. Discussion continued on language and nuance, and how to be certain everyone is clear about meanings.

[6:11:06 PM](#) Mayor Haemmerle opened the matter to public comment. None was offered.

PH 041 Municipal Code Title 15, Build Better Program, to consider an ordinance making the residential and commercial program, previously voluntary, mandatory for new construction. (Continued from 12/17/12 and 01/07/13.

[6:11:15 PM](#) Mariel Platt provided background and overview of the program and question at hand. She further explained added language regarding flexibility in remodels/additions, noting that Ned Williamson also proposed language to reach that goal. Mayor Haemmerle asked for clarification and perhaps tighter language in some areas. Mr. Williamson provided his reasoning behind the proposed language.

[6:15:38 PM](#) Mayor Haemmerle opened the matter to public comment.

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Tony Evans, Idaho Mountain Express, asked for clarification about how will ordinance be applied regarding flexibility versus specific language.

[6:16:35 PM](#) Rebecca Bundy, City of Ketchum, encouraged making the program mandatory as Ketchum has done successfully.

[6:17:26 PM](#) Peter Lobb, 4th and Carbonate, said he generally supported the mandatory program, but cautioned about increased costs, especially with enforcement. He further opined that doing “little things” to help the environment may fool everyone into believing this will make larger differences overall.

[6:19:48 PM](#) With no further comment offered, the Mayor closed the meeting to public comment. Council discussion included language, enforcement, possible interpretations by building inspectors, and the possibility of reviewing this program in one year. Martha Burke noted that Steve Guthrie contacted her in hopes this ordinance would not serve as a deterrent to building. Pat Cooley asked Rebecca Bundy to provide more detail on how Ketchum handles the flexibility issue. She provided an explanation stating “there is a positive paradigm shift in the process.” Discussion continued on remodel questions. Mariel Platt added some clarification [6:26:00 PM](#) noting that some fluidity in Codes already exist, and that this is nothing new in the industry.

[6:28:39 PM](#) Geoffrey Moore, Chair of Hailey P & Z, encouraged adding the 10% requirement to windows.

[6:30:09 PM](#) Council consensus was reached to move forward, noting the benefits to homeowners, and the importance of making sure building permit applicants are aware of the ordinance language.

[6:32:36 PM](#) **Carol Brown moved to approve the proposed amendments and to adopt Ordinance 1120, and to conduct the first reading by title only. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.** Mayor Haemmerle conducted the first reading.

PH 042 Discussions of options presented by HDR Engineering for Wastewater Treatment Plant biosolids project, involving removal of dome.

[6:34:12 PM](#) Tom Hellen notes this is a pre-lim discussion as not all data are in yet. Just to keep Council in the loop. Provided update and possible challenges. Discussion included whether Class B effluents would be used by City or sold for private use and the details of how/if that might be possible, where would any effluents be applied, would this defer current costs of fertilizers, regulations and how they are changing,

[6:40:08 PM](#) Mayor Haemmerle opened the matter to public comment. None was offered.

[6:40:29 PM](#) Consensus was reached to obtain a cost benefit analysis, and to look at Class A as a best outcome.

PH 043 Amendments to Municipal Code Title 13, Water and Wastewater Fees, which deletes any reference to the city's ability to impose a lien on property for delinquent water and wastewater fees.

[6:41:31 PM](#) Ned Williamson asked the Council’s review in an effort to bring the City code up to speed with state law.

[6:42:19 PM](#) Mayor Haemmerle opened the matter to public comment. None was offered.

[6:42:28 PM](#) **Martha Burke moved to approve Ordinance 1121, to conduct the first reading by title only, and to authorize the Mayor to sign. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

PH 044 Adoption of 2013 City Engineer Speed Limit Study.

[6:43:35 PM](#) Tom Hellen noted this study involved speed studies and measurements. He commented on 25 mph zones and the layout of streets, recommending that Woodside Boulevard, Countryside, and Aviation Drive should be at 25 mph. Jeff Gunter recommended that speed limits on McKercher Blvd. change from 25 mph to 20 mph. Discussion included the recommendations of staff, state code, safety factors, state jurisdiction on Main Street, the section of Main Street/Hwy 75 from Airport Way to Fox Acres Road, and concerns about how 3rd Avenue and 4th Avenue meet that speed zone on the highway intersection.

[6:51:59 PM](#) Mayor Haemmerle opened the meeting to public comment.

Geoffrey Moore, 406 1st Avenue South, advised he practiced driving at 15 mph in the alleys today and felt that was too fast. He hoped to keep the limits in the alleys slower for public safety. He further noted that parking penalties are not clearly stated here. Jeff Gunter noted that HPD enforces state code there. Mr. Moore opined that the penalties are not high enough.

[6:54:56 PM](#) Peter Lobb, 4th and Carbonate, agreed with Mr. Moore and encouraged the protection of people and dogs in the alleys.

[6:56:05 PM](#) With no further comment offered, Mayor Haemmerle closed the matter to public comment.

[6:56:18 PM](#) Council consensus was to make 10 mph the limit for alleys, and note this was a good process for moving forward for Tom Hellen.

NEW BUSINESS:

NB 045 Discussion of proposed ordinance to amend rules governing use of the road and crosswalks for bicyclists.

[6:56:39 PM](#) Ned Williamson noted this was patterned after a Boise ordinance, and addressed dismounting violations could be changed from a misdemeanor to an infraction. He further brought up the current requirement of bicycle registration. Discussion included traffic rules for cyclists.

[7:01:35 PM](#) Peter Lobb, 4th and Carbonate, expressed hope that everyone would have to walk bikes across crosswalks, and noted safety risks where the bike path crosses 3rd and 4th Avenues.

[7:03:33 PM](#) Discussion continued on safety concerns, and having crosswalks painted at 3rd and 4th, infractions versus misdemeanors. Jeff Gunter supports the 3rd and 4th Avenues crosswalks and recommended all crossings over 5 lanes be clearly marked. Council consensus was further reached in favor of voluntary bicycle registration.

NB 046 Discussion of proposed merger of the Hailey Historic Preservation Commission and the Hailey Arts Commission.

[7:09:54 PM](#) Micah Austin noted there are not enough members on the Historic Preservation Commission currently, so he asked if the Arts Commission would take HHPC under its wing until membership on the HHPC might increase. The two current member of HHPC, Joan Davies and Frank Rowland, have voiced their support, as has the Hailey Arts Commission. In this way, the HHPC would remain in the City's code, but could come under the HAC umbrella when/if membership dwindles. Mayor Haemmerle noted the importance of state requirements for historic preservation. Council consensus was favorable.

NB 047 Welcome Center Interpretive Exhibits Status Report - opening planned for March 1, 2013.

[7:15:12 PM](#) Heather Dawson provided an overview, noting a ribbon cutting was scheduled for March 1st, and that sample signage was hanging on the wall in City Hall for this meeting. She further noted that City Clerk, Mary Cone, is coordinating much of this project.

STAFF REPORTS:[7:18:32 PM](#)

Staff Reports Council Reports Mayor's Reports

SR 048 Report from City Engineer: Evaluation of Broadford Road maintenance.

[7:18:37 PM](#) Tom Hellen commented on whether the portion of Broadford Road that has City land on both sides of the road should be annexed. He further noted the costs and plans involved. Discussion included the current condition of the road, safety for pedestrians and cyclists, and budget constraints.

SR 049 Letter to ITD in support of Idaho Pedestrian & Bicycle Alliance MAP-21 Funding.

SR 050 Library Director's report for December 2012 and 2012 annual Library report.

SR 051 Update from Asst. City Engineer on Woodside Irrigation Pump System.

[7:22:03 PM](#) Tom Hellen noted this item was just to keep Council advised.

SR 052 Animal Shelter of Wood River Valley quarterly report.

[7:22:28 PM](#) Carol Brown and Heather Dawson both spoke on the recent memorial service for WRHS graduate Joe Wiederrick, noting the service was a "real testament to this community's power of love," and the magnanimity and inspiration of the Wiederrick family.

EXECUTIVE SESSION Pending & Imminently Likely Litigation (IC 67-2345(1)(f) and *Land Acquisition IC 67-2345 (1) (c)*)

[7:23:42 PM](#) **Don Keirn moved to go into Executive Session pursuant to Pending & Imminently Likely Litigation (IC 67-2345(1)(f) and *Land Acquisition IC 67-2345 (1) (c)*; Martha Burke seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**