

**MINUTES OF THE  
HAILEY CITY COUNCIL MEETING  
Monday APRIL 15, 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, Roger Parker

*\*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 –**

5:31:13 PM Mayor Haemmerle called the meeting to order.

**Open Session for Public Concerns**

5:31:33 PM Bob Wiederrick, 1120 Quigley Road, advised he has raised nearly \$1,400.00 so far to benefit public art in Hailey. He noted he is now expanding his efforts to include “e-recycling” of certain electronics and provided some specific details on what he can accept at 4051 Glenbrook Drive where his shop is located. He asked that the City please encourage participation in the Our Town newsletter.

**CONSENT AGENDA:**

*\*CA 120(A) Motion to approve Pay Request #8 to Knife River for Change Order #30 for \$5,659.09*

*CA 120 Motion to approve Change Order #31 for Woodside Boulevard Project, in the amount of \$3837.48 for delays to the project attributable to the water utilities.*

*CA 121 Motion to approve Resolution 2013-25 authorizing SPW Water Engineering scope of work for Big Wood River Valley Modeling Committee to average an annual cost of \$15,000.*

*CA 122 Motion to approve Resolution 2013-26 authorizing a Memorandum of Understanding with Wood River Land Trust for care and reservations of the Gazebo near Bow Bridge at Lions Park.*

*CA 123 Motion to approve Resolution 2013-27 authorizing a Memorandum of Understanding with Lily & Fern for care of Jimmy’s Garden under the Adopt A Park program.*

*CA 124 Motion to approve Resolution 2013-28 authorizing a Memorandum of Understanding with Katherine Nobel and Associates for care of JC Fox Demonstration Park under the Adopt A Park program.*

*CA 125 Motion to approve Resolution 2013-29 authorizing a Memorandum of Understanding with Evergreen Landscaping for care of Mc Kercher Park under the Adopt A Park program.*

*CA 126 Motion to approve Resolution 2013-30 authorizing a Memorandum of Understanding with Clearwater Landscaping for care of Keefer Park sports fields under the Adopt A Park program.*

*CA 127 Motion to approve Resolution 2013-31 authorizing a Memorandum of Understanding with Swenke Landscaping for care of Skate Park under the Adopt A Park program.*

*CA 128 Motion to approve Resolution 2013-32 authorizing a Memorandum of Understanding with CU Next Storm Landscaping for care of Foxmoor Park under the Adopt A Park program.*

*CA 129 Motion to approve Resolution 2013-33 authorizing a Memorandum of Understanding with Webb Landscaping for care of Hop Porter Park under the Adopt A Park program.*

~~CA 130 Motion to approve Resolution 2013-34 declaring street equipment, including a 1987 Champion 740A Grader and a Volvo L35 Mini Loader as surplus property for trade in on a new equipment lease, at trade in value of \$70,000 and \$30,000, respectively.~~

~~CA 131 Motion to approve Resolution 2013-35 authorizing the city to enter into an equipment lease agreement with Central Equipment Company for a 5-year lease of 2 new loaders.~~

CA 132 Motion to approve minutes of April 1, 2013 and to suspend reading of them.

CA 133 Motion to approve claims for expenses incurred during the month of March, 2013, and claims for expenses due by contract in April, 2013.

CA 134 Motion to approve Treasurer's reports from March 2013.

[5:33:12 PM](#) **Martha Burke moved to amend the agenda to add CA 120(A), SR 144 and SR 147. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

[5:34:00 PM](#) Ned Williamson pulled CA 120 and CA 122. Heather Dawson pulled CA 120(A), CA 126, and CA 124, for minor amendments to agreements. Ms. Dawson also pulled CA 130 and CA 131 for hearing at the next Council meeting. Mayor Haemmerle also pulled CA 121 and CA 122 through CA 129 in order to specifically thank the entities who are donating maintenance services to City parks. [5:35:36 PM](#) The Mayor specifically named Wood River Land Trust, Lily & Fern, Kathy Noble and Associates, Evergreen Landscaping, Clearwater Landscaping, Swenke Landscaping, C-U Next Storm, and Webb Landscaping. Ms. Dawson requested that the title of the park in CA 124 be corrected to read "EW Fox."

[5:37:42 PM](#) **Carol Brown moved to approve CA 122 through CA 129 with much gratitude to the volunteer entities. Don Keirn seconded. Roll Call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

[5:38:10 PM](#) Mayor Haemmerle addressed CA 121 by noting there would be collective costs and cooperation from all cities. **Carol Brown moved to approve Resolution 2013-25 as noted in CA 121. Don Keirn seconded. Roll Call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

[5:39:21 PM](#) Heather Dawson noted that CA 120(A) is pay request #8, it was added to the agenda late today and was associated with Change Order #30 which council approved in their last meeting. **Martha Burked moved to approve CA 120(A). Carol Brown seconded. Roll Call vote: Brown, yes; Keirn, yes; Cooley, abstain; Burke, yes.**

[5:40:34 PM](#) Ned Williamson further explained that he believed the amount due to Knife River in CA 120 should be paid, but he will send a letter to them explaining the City's position. **Martha Burked moved to approve CA 120. Carol Brown seconded. Roll Call vote: Brown, yes; Keirn, yes; Cooley, abstain; Burke, yes.**

[5:41:49 PM](#) **Carol Brown moved to approve CA 132 through CA 134. Don Keirn seconded. Roll Call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

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

MR 000

[5:42:15 PM](#) None.

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

PP 135 Hailey Parks Foundation Presentation of fund status report no documents.

[5:42:22 PM](#) Steve Keefer, President of Hailey Parks Foundation, provided a written report to the Council, and explained funds raised, endowment monies, and recent projects.

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*PP 136 Proclamation for Alcohol Awareness Month – April 2013.*

[5:46:56 PM](#) Wood River High School students Alondra and Isell, members of Idaho Drug Free Youth, were present to address the Council and to read the Proclamation. The students also advised of the upcoming reality party and panel discussion on April 19, 2013. They also informed the Council there would be a presentation on April 26 at the high school to assist students in knowing what to do if found in unsafe circumstances around alcohol. [5:49:23 PM](#) Becky Duncan, advisor for IDAFY, provided details about the reality party, and assured that details could be found on the school's website. Mayor Haemmerle read the final paragraph of the Proclamation, agreed to sign it, and thanked the students for speaking on this matter.

*PP 137 Proclamation of April as Fair Housing Month in Hailey.*

[5:54:00 PM](#) Heather Dawson noted this was part of the requirements of the HUD grant for the River Street Apartments. Mayor Haemmerle read the Proclamation.

*PP 138 Blaine County Recreation District presentation on Wood River Bike Trail levy proposal and then a following presentation by Kathryn Goldman (or Campaign member) for 10 mins.*

[5:56:33 PM](#) Jim Keating, Executive Director of BCRD, presented the needs for rehabilitation of the trail surface, and the May 21, 2013 special election called by the recreation district. He further explained the trail's usage and importance to the entire valley, and the projected timeframe for trail work to be accomplished. [6:09:28 PM](#) Council discussion included how rerouting of trail traffic would work (Eric Rector, BCRD, explained), how long closures will take (a month or so each section), coordination with the Idaho Department of Transportation, and the possibility of working with Mountain Rides for transportation assistance on some sections of the trail. Mayor Haemmerle opined, "This is one of the best assets of this valley—maybe one of the best trails I've ever seen in my life." The Mayor then encouraged support. Carol Brown reminded that this is part of the Safe Routes to School effort, and that her elderly parent also uses the trail to get around in her wheelchair. Council consensus was highly favorable.

[6:15:13 PM](#) Dick Fosbury, member of Champions of the Wood River Trail, thanked the Council for their support, and emphasized the importance of caring for infrastructure such as the trail.

**[6:19:15 PM](#) Boy Scout Troop was present to observe the Council meeting. Council and Mayor welcomed them and encouraged them to sit up front.**

#### **APPOINTMENTS & AWARDS**

None.

#### **PUBLIC HEARING:**

*PH 139 Public Hearing on Water and Wastewater Issues:*

**Water:** Discussion of how the Idaho Department of Water Resources' implementation of surface and groundwater conjunctive management could affect the irrigation of parks, trees, and lawns in Hailey, with consideration of increased fees for planning to avoid future ill-effects of conjunctive management.

**Wastewater:** Discussion of needed improvements to Hailey's treatment facilities for sludge (biosolids) treatment, including removal of 37 year-old dome and installation of correct facility

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*for holding tanks, with consideration of increased fees for engineering more precise project costs.*

[6:19:39 PM](#) Mayor Haemmerle emphasized this matter as vitally important to infrastructure, and of great impacts if or when it fails. Poster-sized photographs of the wastewater treatment facility were posted to show the condition of the plant. The Mayor introduced Mike Creamer, attorney with Givens Pursley of Boise, who spoke on the basics of water law in Idaho and conjunctive management issues. [6:21:30 PM](#) Mr. Creamer explained the different types of water rights, the procedure of the Department of Water Resources, the background of the Snake River Basin Adjudication, the structure of water districts, and his estimate that conjunctive management will arrive in the Wood River Valley within the next five to seven years. [6:42:03 PM](#) Mayor Haemmerle asked for clarification on priority dates for cities and those for private land owners. Mr. Creamer explained further, noting that Hailey has 1907 ground water rights. [6:43:51 PM](#) Roxanne Brown, SPF Water Engineering, presented the City's water rights portfolio. [6:51:25 PM](#) Christian Petrich, SPF Water, spoke on what conjunctive administration means to the City, annual water use and seasonality, irrigation use, and domestic use. [6:56:35 PM](#) Mike Creamer weighed in on consumptive use, current curtailment of surface water, options to mitigate groundwater use, and the importance of the groundwater flow model. [7:06:06 PM](#) Council discussion included importance of the groundwater flow model, and input from interested parties.

[7:07:32 PM](#) Mayor Haemmerle opened the meeting to public comment on water issues only: Brad Bjerke, HDR Engineering, asked how water reuse fits in with conjunctive administration. The Mayor advised that SPF will look at the entire quiver of rights to see which ones to use, where and when. He further explained there was not a complete answer available currently.

[7:09:08 PM](#) Julie Carney, 313 E. Myrtle, asked if erratic water seasons be taken into account. She further inquired how second homeowner uses would be handled. Mayor Haemmerle explained the data currently available and advised that the groundwater flow model would not take into account the use patterns of second homeowners. [7:10:25 PM](#) Christian Petrich added information on how the model applies to Ms. Carney's question. [7:12:37 PM](#) Mike Creamer, Christian Petrich, and Carol Brown commented on the accuracy of reports and models. Roger Parker, Hailey Wastewater Superintendent, asked if irrigation is considered a return of water to the ground. [7:15:04 PM](#) Christian Petrich responded.

[7:15:51 PM](#) With no further comment offered, the Mayor brought the meeting back to Council, and explained the current fee structure and representation on the groundwater committee.

[7:16:32 PM](#) Mayor Haemmerle called for a short recess.

[7:24:22 PM](#) Following the recess, the Mayor turned the meeting to the wastewater portion of PH 139. He explained the role of HDR Engineering, and introduced Mike Zeltner and Brad Bjerke of HDR. They explained the reasons behind the proposed improvements, the state of the existing stabilization tank, the 2010 Facility Plan, HDR's preliminary engineering report, next steps including pilot testing, a proposed Citizens' Advisory Committee, their 60 percent design process for gaining improved cost opinions, the City's ability to influence design on the project, and the final design and bid period services. A cost summary was also provided. [7:36:50 PM](#) Mayor Haemmerle asked for a clarification of costs. Tom Hellen added his explanation. Ned Williamson asked if HDR has previously used a pilot testing process before. Mr. Zeltner assured they had and offered the example of the City of Coeur d'Alene. Mr. Williamson asked how bid law relates to this process. [7:38:50 PM](#) Mr. Zeltner opined that bid law allows for pilot testing. Discussion continued on the matter, including comments from Tom Hellen and Don Keirn.

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Heather Dawson asked for clarification on the math included in Mr. Zeltner's presentation. Mr. Zeltner acknowledge a correction, and discussion turned to NDS requirements.

[7:44:23 PM](#) Mayor Haemmerle opened the matter to public comment.

Hailey resident Johanna Sample asked if the City currently met EPA requirements. Tom Hellen explained. Ms. Sample then asked if this was the only reason for improvements to the facility. Mayor Haemmerle outlined other reasons for the need. [7:46:28 PM](#) Roger Parker, Wastewater Superintendent, clarified the sludge treatment process, removal and phosphorus retention, to address Ms. Sample's questions.

[7:49:14 PM](#) Peter Lobb, 4<sup>th</sup> and Carbonate, asked HDR representatives how the cost on this project compared to others of a similar nature. Mr. Zeltner responded that the averages of ranges were within a few percentage points.

[7:50:07 PM](#) Mariel Platt asked if energy use reduction was possible in the improvements and whether that would save money for the City in the future. Mr. Zeltner provided examples of how that could be possible, noting options for different pumps as an example. Carol Brown asked for further information on pumps, blowers, and heat needs. Roger Parker and Tom Hellen commented on heating costs. Ms. Platt then asked for a Return on Investment study.

[7:53:35 PM](#) With no further comment offered, Mayor Haemmerle closed the matter to public comment. He further encouraged residents and Council to take a full tour of the wastewater facility by calling Mr. Parker for an appointment.

[7:54:54 PM](#) Tom Hellen advised he prepared a comparison of water and sewer fees in comparable cities for Council's comparison, and noted that Hailey's fees are generally lower now. He reviewed ways in which the fee structure may be changed if necessary for the wastewater facility improvements. Discussion included how costs would change depending on the date of any bond election. [8:03:39 PM](#) Further Council discussion included annual costs for sludge handling, and liability in transporting sludge.

[8:04:58 PM](#) Mayor Haemmerle opened the matter to public comment. No comment was offered.

[8:05:08 PM](#) The Mayor asked staff to provide information on proposed increased fees to get the necessary engineering for a bond election, and for a thoughtful overall fee structure for Council's consideration. [8:07:38 PM](#)

*PH 140 Consideration of proposed ordinance amending Municipal Code Title 13, to place the responsibility for cost of thawing frozen water services on the property owners rather than the City of Hailey (continued from April 1, 2013).*

[8:08:08 PM](#) Ned Williamson updated the Council on language he changed at their suggestion during the last meeting. At the Mayor's inquiry, Tom Hellen advised that costs to the City for thawing frozen pipes last year totaled between \$5,500 and \$6,000.

[8:10:42 PM](#) Mayor Haemmerle opened the matter to public comment.

Chuck Williamson, 619 and 621 River Street, asked what is the basis for the City to charge a property owner for problems with the City's water main. Mayor Haemmerle explained to Mr. Williamson where responsibilities currently stand. Mr. Williamson further asked if a required water trickle (to prevent freezing) must go to the ground rather than to the sewer. He pointed out that trickling water can freeze across walkways and present a liability to property owners. Pat Cooley suggested preplanning and placement of hoses to a property corner early in the winter for that purpose. Mr. Williamson opined that the City's water lines were not installed at an appropriate depth for mitigating this problem. [8:14:21 PM](#) Mr. Cooley explained further about

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water main lines, their installation and the importance of educating the public. Mr. Williamson voiced his respectful disagreement and disappointment with the way his frozen lines were handled by the City last year. [8:19:18 PM](#) Mr. Williamson then asked if he is bound to use the City's capability to thaw a frozen meter, or if he can call in his own resource. Mr. Cooley assured Mr. Williamson he can hire his own resources at his expense. Tom Hellen advised that the City would like to be present if that is to happen.

[8:21:17 PM](#) Peter Lobb, 4<sup>th</sup> and Carbonate, noted that this Council has inherited this problem and must deal with it. He encouraged the City to take responsibility for correcting inadequate line or meter depth. He also opined that running water trickles was irresponsible in these times of water resource concerns. He asked the Council to avoid taking action before gathering more information.

[8:23:55 PM](#) Geoff Moore, 406 1<sup>st</sup> Avenue South, admonished Mr. Cooley for perceived disrespect to public comment. He asked about the process of taking a matter from the Consent Agenda through to an Ordinance and said he hoped to hear from other departments within the City. Mr. Moore further encouraged conservation and resource management. He also spoke in support of the City taking the expense of helping citizens with frozen pipes.

[8:29:52 PM](#) With no further comment offered, the Mayor brought the matter back to Council. Mayor Haemmerle also noted for the record that William Hughes sent an email to Pat Cooley and Micah Austin in criticism of this proposed Ordinance. Don Keirn voiced his firm opposition of the proposed ordinance. Carol Brown expressed appreciation for the "partnership the City has shown with citizens whose pipes froze," but she encouraged homeowners to be proactive. Martha Burke noted that she "was 100% in favor of this originally," but is not so clear after hearing discussion. She further encouraged strengthening an education component each winter so both sides might benefit. Mr. Cooley apologized for his animated demeanor, noting he meant no disrespect. He further reminded that the City will continue to fix frozen pipes except for what the property owner has control over. Discussion continued on the matter, including the public perception around the issue, and the timing of this question.

[8:42:53 PM](#) **Pat Cooley moved to approve Ordinance No. 1125 amending Municipal Code Title 13 to place the responsibility for cost of thawing frozen water services on the property owners rather than the City of Hailey. Carol Brown seconded "for purposes of discussion and vote." Roll call vote: Brown, no; Keirn, no; Cooley, yes; Burke, no. The motion failed.** [8:43:58 PM](#)

*PH 141 Consideration of Hailey Urban Renewal Agency's Eligibility Report with Resolution 2013-24.*

[8:44:34 PM](#) Micah Austin explained this is a necessary report to allow moving into the next stage of the process. He further pointed out that three parcels were added to the map, and he indicated their location.

**Carol Brown moved to approve Resolution 2013-24. Martha Burke seconded. Roll call vote: Brown, yes; Keirn, abstained; Cooley, yes; Burke, yes.**

*PH 142 Consideration of Final Plat (2 year) extension for Tanglewood Condominiums.*

[8:46:52 PM](#) Micah Austin explained that this applicant has now applied for an extension three times. He noted that the condos are now 40 years old and are a single taxable entity. This taxable entity structure presents a problem for the owner at this time, and she is available via telephone for questions from the Council. [8:49:15 PM](#) Discussion included how this might

affect other built-out developments, the owner's original intent, and the burden of dealing with this challenging economy.

[8:51:04 PM](#) Mayor Haemmerle opened the matter to public comment.

Geoffrey Moore, 406 1<sup>st</sup> Avenue South, said concisely, "I am against this."

[8:51:16 PM](#) With no further comment offered, the Mayor brought the meeting back to Council.

[8:52:11 PM](#) **Carol Brown moved to deny the extension of the Final Plat for the Tanglewood Condominiums. Don Keirn seconded. [8:52:38 PM](#) Micah Austin requested the Council give the property owner some time to comply. Carol Brown amended her motion to include notification to the owner and to allow 60 days to file the Final Plat or the extension is denied. Don Keirn seconded the amended motion. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

#### **NEW BUSINESS:**

None.

#### **OLD BUSINESS:**

*OB 143 2nd Reading Ordinance 1124 –Municipal Code Amendment to Sections 2.24 and 2.32 to implement an Arts and Historic Preservation Commissions merger.*

[8:54:22 PM](#) Mayor Haemmerle conducted the reading.

#### **WORKSHOP:**

Staff Reports Council Reports Mayor's Reports

*\*SR 144 Hailey Tree Committee member resignation letter.*

*SR 145 Announcement of Arbor Day Grant Award of \$300 to City of Hailey.*

*SR 146 Animal Shelter Quarterly report.*

*\*SR 147 Letter response from Senator Mike Crapo regarding the (\$1,500) Idaho Humanities Grant awarded to the City of Hailey for the Interpretive Center kiosk.*

[8:55:23 PM](#) Heather Dawson advised the City will receive \$2,500 on the State Historical Society grant.

[8:56:39 PM](#) Micah Austin note he and Don Keirn will travel to Boise State University for a discussion about an upcoming project. He further advised that an annexation request for the Wood River Middle School expansion will come before the Council at the May 6, 2013 meeting.

[8:57:35 PM](#) Don Keirn provided a copy of the FMAA's guiding principles for Council review.

[8:58:09 PM](#) Pat Cooley noted he attended the most recent Tree Committee meeting, and reported that they and the Parks and Lands Board are discussing coordination of efforts.

[8:58:53 PM](#) **Carol Brown moved to go into Executive Session for purposes of Pending & Imminently Likely Litigation (IC 67-2345(1)(f))and Real Property Acquisition (IC 67-2345(1)(c)). Martha Burke seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

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Fritz X. Haemmerle, Mayor

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Mary Cone, City Clerk