

**MINUTES OF THE  
HAILEY CITY COUNCIL MEETING  
Monday, May 20, 2013 \* Hailey City Hall Meeting Room**

**Present:** Carol Brown, Don Keirn, Fritz Haemmerle, Pat Cooley, Martha Burke  
**Staff:** Jeff Gunter, Ned Williamson, Micah Austin, Tom Hellen, Becky Stokes

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

**5:29:49 PM** Carol Brown moved to accept the amended agenda items. Martha Burke seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.

**5:30 p.m. CALL TO ORDER –**

**5:29:14 PM** Mayor Haemmerle called the meeting to order.

**Open Session for Public Concerns**

**5:29:31 PM** None.

**CONSENT AGENDA:**

CA 172 Motion to approve AIP 38 Grant Resolution 2013-44(A) for phasing and funding in the amount of \$710,000 of runway safety area improvements for CIII aircraft.

~~CA 173 Motion to approve Change Order #32 for Woodside Boulevard Project, in the amount of \$6,250.88 for delays to the project attributable to Intermountain Gas utilities.~~

CA 174 Motion to approve Change Order #1 for the Elm Street Safe Routes to School Sidewalk Improvements for an additional \$14,080.50 for total project cost of \$113,697.

~~\*CA 175 Motion to approve Resolution 2013-44(B), authorizing an amendment to the III-A agreement—Women’s Preventative Amendment.~~

CA 176 Motion to approve Findings of Fact for Wood River Middle School Annexation of Parcel 4 of a Replat of Maurer Subdivision.

**\*CA 177 Motion to approve Special Event The Mountain School – May Faire Community Event at Hop Porter Park Saturday June 1, 2013 from 10 am to 4 pm.**

CA 178 Resolution 2013- \_\_\_\_ in support of Blaine County Recreation District levy election (no document)

CA 179 Motion to approve minutes of May 6, 2013 and to suspend reading of them.

CA 180 Motion to approve claims for expenses incurred during the month of April, 2013, and claims for expenses due by contract in May, 2013.

**5:30:19 PM** Ned Williamson pulled CA 173 and CA 175.

**5:30:44 PM** Don Keirn moved to approve the Consent Agenda less CA 173 and CA 175. Carol Brown seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.

**5:31:04 PM** Ned Williamson addressed CA 173 by explaining this would be going to Knife River with a letter for reservations of rights. Mayor Haemmerle noted the project is still under budget.

**5:32:32 PM** Martha Burke moved to approve CA 173. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, abstained; Burke yes.

[5:32:56 PM](#) Ned Williamson addressed CA 175 by explaining that this amendment was a requirement of the Affordable Care Act and amends maternity benefits.

[5:34:06 PM](#) **Don Keirn moved to approve CA 175. Carol Brown seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

**Note for clarification:** Resolution number 2013-44 was referenced on this agenda for two items CA 172 and CA 175. For **CA 172** – AIP 38 Resolution number is **2013-44A** and for **CA 175**, III-A 1<sup>st</sup> Amendment is Resolution number **2013-44B**.

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

*MR 181 Thank you to Wood River High School students' for getting recycling cans at all Hailey Parks (no documents)*

[5:34:40 PM](#) Mayor Haemmerle introduced the WRHS WATER club and asked student Jimmy Holcomb to explain the club's good work. Mr. Holcomb noted their accomplishments this year, including new recycling bins in all Hailey parks and the funding raised for that. Mayor Haemmerle thanked the club members for reaching out into their world to make it a better place, and asked that they continue that ethic throughout their lives.

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

*PP 182 Hailey Chamber of Commerce – 2nd Quarter report.*

[5:38:57 PM](#) Geegee Lowe was presented an update including the Chamber's settling into the new Welcome Center building and the positive response to it from visitors. She noted the Chamber was beginning to staff the Center part-time, and advised on Chamber plans for Summerfest, 4<sup>th</sup> of July, and coordinated websites. Dale Ewerson advised that Micah Austin attended the Chamber's last meeting and Mr. Ewerson invited the Council to attend as well.

#### **PUBLIC HEARING:**

*PH 183 Public Hearing on proposed increase of Wastewater fees, and consideration of Resolution 2013-41, increasing wastewater fees (Continued from May 6, 2013 meeting).*

[5:44:41 PM](#) Tom Hellen reminded that this matter was continued in order to obtain more public comment. He further explained rate changes. Council discussion included fee structure, reasons for the bond rate increase and for raising fees to pay for HDR's additional engineering. Mayor Haemmerle also explained in detail the reasons for the fee increase and the HDR process for the public's understanding.

[5:49:06 PM](#) Mayor Haemmerle then opened the matter to public comment.

Jerry Hayward, 921 Sunrise Drive, asked for clarification that the rate increase applies only to HDR and rates could be expected to go up again. He expressed his belief that costs will go above what Tom Hellen has outlined, and asked if it was possible to get the general cost by asking comparable cities. Mayor Haemmerle advised he would address questions from the public in this instance, and explained the goal of getting from HDR a more accurate picture of what costs will be in the end. Mr. Hayward emphasized his hope to achieve a close idea of costs without paying for additional engineering. He further reminded that "the recession is not over for most of us and this will affect many Hailey citizens." He urged caution.

[5:55:17 PM](#) Tom Hellen reminded that this fee increase will last until the end of September.

[5:55:47 PM](#) Peter Lobb, 4<sup>th</sup> and Carbonate, opined that HDR could not get a closer estimate, and remarked that if “we can get this down to a reasonable number, we might be able to get this on a November ballot and not pay engineering fees that the public may not pass.”

[5:57:38 PM](#) Mayor Haemmerle also voiced frustration with engineering fees for gathering cost information. Tom Hellen noted the City has talked with HDR at length about this and he is confident that HDR is doing their utmost to address these concerns. Mr. Lobb asked how any unspent bond monies would be handled. Carol Brown advised that the question could be addressed in the levy language. Mr. Lobb then suggested aiming for a \$5 million bond pass and then returning it after the election should the bond not pass. In that way, he opined, the City would not be wasting engineering fees.

[6:01:57 PM](#) Geoffrey Moore, 406 1<sup>st</sup> Avenue, wondered if November was a good target date for the vote. He noted that two seats on the Council would be up for re-election then and hoped the wastewater plant would not become a political issue.

Tom Swenson, 731 Bonanza Lane, asked for clarification about initial engineering fees and the total end cost. Mayor Haemmerle provided an explanation. [6:03:16 PM](#) Mr. Swenson inquired further about costs. Tom Hellen noted that this engineering process will result in final plans that can go out to bid. Mayor Haemmerle reminded citizens to tour the facility.

[6:04:50 PM](#) Tony Evans, Idaho Mountain Express, referred to the City of Bellevue’s recent experience and asked if Hailey planned to obtain a second opinion. Mr. Evans further inquired about capacity of the facility. Mayor Haemmerle explained this is an operational issue, not a capacity issue. He further highlighted transportation needs, safety concerns, and phosphorus standards as required by the EPA. Tom Hellen agreed with the Mayor and added that HDR is already very familiar with the facility and hiring a second opinion would require additional time and money. Mr. Evans asked what wastewater rates may be in five years. Mr. Hellen provided a preliminary workup to show his estimates. Martha Burke reminded that current high heating costs would be reduced in a new facility.

[6:17:13 PM](#) Steve Crosser, 431 Aspen Drive, asked if the engineering fee is a fixed number and if all residents are paying more each month no matter the level of use. The Mayor and Mr. Hellen explained the costs of getting to final plans, possible slight changes that may be necessary after that, and the fee structure.

[6:20:37 PM](#) Mark Able, 210 North 4<sup>th</sup>, asked how fees will be determined for residents who are only in town six months a year. Mr. Hellen explained that fees are based on winter usage and Mr. Able will still pay the base rate.

[6:21:38 PM](#) Geoffrey Moore, 406 1<sup>st</sup> Avenue North, asked if the City was assuming these are all single hook-ups, and noted that some are double.

[6:22:51 PM](#) Micah Austin added noted the City of Jerome just went through this process and had the same discussions with their engineering firm.

[6:23:58 PM](#) Council discussion included the Jerome example and their public education process worked, funding mechanisms, costs of engineering standards and practices, the importance of obtaining plans in advance of any bond, the importance of pilot testing, and recognition of the Catch 22 in this challenging economy.

[6:30:52 PM](#) **Martha Burke moved to approve Resolution 2013-41 approving rate adjustments for sewer user fees and sewer connection fees temporarily until the end of the fiscal year. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

*PH 184 Public Hearing on proposed increase of Water fees, and consideration of Resolution 2013-43, increasing wastewater fees (Continued from May 6, 2013 meeting).*

[6:32:52 PM](#) Mayor Haemmerle noted that Mariel Platt is out of town and has requested an opportunity to review this matter for possible energy efficiency aspects. He asked that the matter be continued to the next Council meeting for Ms. Platt's input.

[6:33:40 PM](#) **Carol Brown moved to continue PH 184 to the next regular City Council meeting. Martha Burke seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

*PH 185 Consideration of Resolution 2013-42, authorizing contract with HDR engineering for design and engineering of wastewater biosolids facilities (Continued from May 6, 2013).*

[6:34:04 PM](#) Mayor Haemmerle asked how quickly the City must enter into this contract. Tom Hellen encouraged signing the contract sooner rather than later due to weather, scheduling, and obtaining the cost estimate before any election.

[6:36:16 PM](#) Mayor Haemmerle opened the matter to public comment.

Peter Lobb, 4<sup>th</sup> and Carbonate, asked if the proposed paid citizens advisory committee was necessary or an effort to obtain advocates. Tom Hellen explained why the committee members would be paid. Discussion included the value of neighborhood meetings, education and leadership, and the importance of obtaining the right information. Mr. Lobb emphasized the "really sweet deal for HDR—they get paid more and the City takes the risk that the bond may not pass." He opined that the private sector would never agree to this and that it is unfortunate the public sector is required to do this by law. Mayor Haemmerle voiced his agreement.

[6:40:55 PM](#) Tom Swenson, 731 Bonanza, inquired further about funding and the specifics of the Council's vote at this meeting. Mayor Haemmerle and Council members explained in detail.

[6:44:20 PM](#) With no further comment offered, the Mayor closed the public hearing. Discussion included questions about contract language, prequalifying contractors, bid law, pilot testing cost estimates, and clarification of language under "Assumptions."

[6:48:48 PM](#) **Pat Cooley moved to approve Resolution 2013-42 authorizing the contract with HDR Engineering for design engineering of wastewater biosolids facilities. Martha Burke seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

*PH 186 Consideration of Title 15 - Building Code Amendments to limit the number of building permit extensions to a maximum of 4.*

[6:49:31 PM](#) Micah Austin explained details and noted how this applies to Building Code changes. He noted that he and Ned Williamson met with large developers to explain the reasons for this change and added that the state Department of Building Safety was in agreement.

[6:53:05 PM](#) Mayor Haemmerle opened the matter to public comment.

Geoffrey Moore, 406 1<sup>st</sup> Ave, noted there is no way to know the condition of an existing house in such a delay. He cited the example of Copper Ranch when construction on the project ceased. Mr. Austin explained that design review is only good for one year, so a project would have to come back to the City then.

[6:55:48 PM](#) No further public comment was offered. Council discussion included the length of time allowed for extensions and permits, inspection deadlines and activities.

[6:58:38 PM](#) **Martha Burke moved to adopt Ordinance 1125 and to have the first reading by title only. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.** Mayor Haemmerle conducted the reading.

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*PH 187 Consideration of Annexation Ordinance request by Blaine County School District of Parcel 4 of a Replat of Maurer Subdivision into City Limits.*

[6:59:51 PM](#) Mayor Haemmerle asked that the matter be continued.

**Carol Brown moved to continue PH 187 to the Council's June 3, 2013 meeting. Martha Burke seconded.** Micah Austin noted this was noticed as a public hearing and asked if anyone was present to speak on the matter.

[7:00:49 PM](#) Mayor Haemmerle asked for public comment. None was offered.

In a call for the question, the **roll call vote was Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

*PH 188 Consideration of the First Amendment to Phasing Agreement to Big Wood 6 Cinemas.*

[7:01:15 PM](#) Micah Austin explained that Big Wood 4 Cinemas asked to extend design review approval in order to proceed to six cinemas in a couple of years. He further noted that the recitals were updated, but pointed out that this is still the first amendment since the original one was not executed. Ned Williamson reminded the Council that in the past, the Council had agreed to extend this agreement for a few years if necessary. He further noted that the signing parties had changed somewhat. Discussion included standards of construction as they relate to extensions, the phasing agreement, building code, and design review.

[7:05:33 PM](#) Mayor Haemmerle opened the matter to public comment.

[7:05:53 PM](#) Tony Evans, Idaho Mountain Express, asked when the cinemas will grow from four to six. Owner, Latham Williams explained their plans and how they may work with the economy.

[7:06:46 PM](#) No further comment was offered. Council discussion included reasons the original first amendment was not signed. Mayor Haemmerle asked that the record reflect is request that the additional two cinemas be built within the next two years, and noted that design requirements need to change over time.

[7:08:31 PM](#) **Martha Burke moved to approve the amendment to the phasing agreement for Big Wood 6 Cinemas extending the design review approval of Phase II and the start of the construction of Phase II to May 1, 2016. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Cooley, yes; Burke, yes.**

#### **STAFF REPORTS:**

Council Reports Mayor's Reports

*SR 189 Letter from Indian Creek resident regarding the newly constructed Parshall Flume by his home.*

*SR 190 Staff Report regarding URA from Community Development Director (no documents)*

*SR 191 Special Events list.*

*\*SR 192 Library Director's Report for April 2013.*

[7:09:52 PM](#) Micah Austin provided a timeline for gateway district plans and financial feasibility study.

[7:14:19 PM](#) Tom Hellen attended a water conference in Boise and noted the focus is now on water reuse.

[7:15:33 PM](#) Jeff Gunter advised the Police Department had fared very well in their recent inspection.

[7:16:36 PM](#) Tom Swenson, 731 Bonanza Lane, asked the circumstances of SR 189. Mayor Haemmerle explained.

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[7:18:13 PM](#) Carol Brown advised she will participate in nature projects as presented by seniors at WRHS.

**EXECUTIVE SESSION**

[7:18:48 PM](#) Martha Burke moved to go into Executive Session for matters of Pending & Imminently Likely Litigation (IC 67-2345(1)(f)). Don Keirn 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