

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD SEPTEMBER 16, 2013
IN THE HAILEY CITY HALL MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:31 P.M. by Mayor Fritz Haemmerle. Present were Council members Carol Brown, Pat Cooley, and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson, Public Work Director/City Engineer Tom Hellen, Community Development Director Micah Austin, Sustainability Coordinator Mariel Platt and City Clerk Mary Cone.

Don Keirn not in attendance tonight.

[5:31:59 PM](#) Mayor Haemmerle opened the meeting.

OPEN SESSION:

[5:32:43 PM](#) Brett Stevenson with the Wood River Bike Coalition spoke to council. Our bike friendly status has been updated to Silver from 2008, thank you to City of Hailey, and Mariel Platt. The status and the new sign will be hung very soon in south Hailey. Hailey city has been very helpful, in obtaining this community wide designation. The Wood River Bike Coalition is working towards gold and platinum levels in the future.

[5:35:11 PM](#) Bill Josey 290 Cranbrook Road in Hailey comments to council that they would like to expand the annual Arbor Day Celebration to include a bike event.

CONSENT AGENDA:

CA 341	Motion to ratify Mayor’s signature on Community Rating System Annual Recertification (FEMA Flood Insurance rating), expiration September 30, 2013	1
CA 342	Motion to approve Resolution 2013-69, authorizing contract for services with Animal Shelter of the Wood River Valley for \$16,000	7
CA 343	Motion to approve Resolution 2013-70, authorizing contract for services with Blaine County Housing Authority for \$2,500 plus bookkeeping services	13
CA 344	Motion to approve Resolution 2013-71, authorizing contract for services with City of Bellevue for FY 2014 law enforcement contract in the amount of \$320,466	23
CA 345	Motion to approve Resolution 2013-65, authorizing a contract with SPF Water Engineering for a Water Master Plan at a not-to-exceed cost of \$140,000 (Continued from 8/26/13 meeting)	33
CA 346	Motion to authorize the Mayor to sign the IDWR Applications for Drilling Permit for the new wells at Lions and Heagle Parks	59
CA 347	Motion to approve Resolution 2013-72, authorizing 1 contract with Hiddleston Drilling & Pump Co. for well drilling at Heagle Park for \$80,003.56.....	67
CA 348	Motion to approve Resolution 2013-73, authorizing agreement with Idaho Power for providing power for the irrigation well at Heagle Park for \$33,262.00.....	79
CA 349	Motion to accept the lowest responsive bid from _____ for construction of irrigation pipeline from new well at Lions Park to irrigate both Hop Porter and Lions Parks, and to approve Resolution 2013 ____ authorizing agreement with _____ to construct irrigation pipeline from Lions Park Well to Hop Porter and Lions Parks at a cost of \$_____	89
CA 350	Motion to approve minutes of August 26, 2013 and to suspend reading of them	97

CA 351	Motion to approve claims for expenses incurred during the month of August, 2013, and claims for expenses due by contract in September, 2013.....	109
CA 352	Motion to approve Treasurer’s Reports for the month of August, 2013.....	145
CA 353	Motion to approve uncollected receivables and authorize write off of them	153

Tom Hellen pulled Consent Agenda item 349.

Burke moved to approve all consent agenda items minus CA 349, seconded by Cooley, motion passed with roll call vote. Brown, yes. Cooley, yes. Burke, yes.

[5:36:39 PM](#) Hellen explains that bids for irrigation were opened at 2 pm on Thursday – too late to put into the council packet. Hellen asks council for direction. We could wait and bid later, engineers estimate approx. \$78,000. Bid came in at \$91,755 only received the one bid.

Hellen added that there is no urgency at this time. Council wants to wait to bid this.

CA 349 – Brown moved to reject bid for improvements as it is over budget, seconded by Cooley. Passed with roll vote. Brown, yes. Cooley, yes. Burke, yes.

MAYOR’S REMARKS:

MR 354 Recognition of Beaver Creek Fire participants

[5:38:57 PM](#) Beaver Creek Fire accolades from Mayor Haemmerle - The City of Hailey as a team performed their jobs during a difficult time, worst fire he’s seen in 25 years.. Mayor Haemmerle has written a letter to all Hailey employees thanking them for their efforts. Tonight, Mayor Haemmerle recognized the Hailey Fire Department personnel for what they do for us. Mayor Haemmerle called out Vaughn Palmer for an account of the fire at Greenhorn Gulch (Bart Lassman, stated in one of the meetings, “what the City of Hailey truly heroic and beyond the call of duty”). Mayor Haemmerle asked Vaughn Palmer to explain his experience that day. The day started out in preparation, getting hose lines ready, most prep for fires end at this step. Palmer thought they would be called out that day due to the fire activity. They spent the day prepping houses, 3 pm first house on West Greenhorn Loop – structure protection; they were hit with a DC-10 retardant dump – a blessing, accounts Palmer. Palmer wondered on the next call, whether it was really a good idea to respond to this call, they put out a few spot fires on the way. Within a few minutes – a fire storm ensued. The wind shifted and came out of the West 40-50 miles per hour, put everyone to the test, he was proud of the group, they were able to save the house and get out of there. They refilled the tank and were called out to the next fire, house roof on fire, very hot, instructed to interior attack, got into their gear, then the decision was made, due to dangerous circumstances, to call off the firefighting effort - it doesn’t feel good. Then they got another call, two houses to the East, they set up for structure protection again and the type 1 helicopters were dropping on the fires and managed to slow it down, enough for all of us to take a breather. Their shift started at 6 am, and they were released at 10 pm. During their shift they responded to 4 fires. They (Hailey Fire Department personnel) were a part of a company, strike team, and many teams responded that day to the fire efforts. Audience applauded while standing.

[5:51:39 PM](#) Fire Chief Mike Chapman thanked all of city hall for participation at all levels. Haemmerle concurs with Chapman. Burke thanks all the HFD in the room and gives sincere gratitude. Haemmerle believes that we cannot thank these employees enough. More applause.

APPOINTMENTS AND AWARDS:

AA 355 Tree Committee Appointment of Carl Hjelm to replace Jeff Heineke

[5:54:32 PM](#) Carol Brown nominates Carl Hjelm to Tree Committee replacing Carl Hjelm (term ends December 2015), seconded by Burke, approved with roll call vote. Brown, yes. Cooley, yes. Burke, yes.

PROCLAMATIONS AND PRESENTATIONS:

PP 356 Tree Committee State of the Urban Forest Presentation

[5:55:53 PM](#) Tree Committee Chair Bill Josey hands out an outline to mayor and council. Josey presents to Mayor Haemmerle an award, Tree City USA member, for 5 years. Josey gave a general account of some accolades of the Tree Committee and then moved into the topic of tonight's discussion, State of the Urban Forest. Josey would like to have a tree inventory – to know where we are. They are doing the best they can to raise the funds to help raise the money to hire someone to do the inventory. We have invested in the software with Ketchum – but we do not have the personnel to do the leg work.

[6:02:44 PM](#) Haemmerle thanked Bill Josey for his work and the committees work and said we will work on the intersections, to make them safer.

PP 357 Hailey Community Climate Challenge Quarterly Progress Update

[6:03:37 PM](#) Mariel Platt announces that the Community Climate Challenge update is continued to a date uncertain.

PP 358 Proclamation calling for October 2013 as Domestic Violence Awareness Month

[6:03:55 PM](#) Teri Beck Shelter Manager of the Advocates, thanked Mayor Haemmerle for the support and the awareness of domestic violence. Haemmerle attests that as a former prosecutor, domestic violence is a real issue in our community.

Mayor Haemmerle read the proclamation.

PUBLIC HEARINGS:

PH 359 Public Hearing on proposed water and wastewater fees for FY 2014, with consideration of conservation measures and rate structure changes to the fees (Continued from 8/26/13 meeting)

[6:07:23 PM](#) Haemmerle will start the discussion regarding Wastewater, then move into a discussion of water fees. Regarding wastewater fees \$24.84 monthly rate would go to \$35.80 –

base rate fixed instead for variable rate. Proposed rates for 2014 are a reduction in what fees are in effect now.

[6:10:26 PM](#) Richard Stopol of 150 6th Ave South in Hailey spoke to council. What was the decision council made? Hellen answered that by going to a variable to fixed rate; it would have increased the lowest rate user from \$24.84 to \$35.80. Because most users fit into this lowest rate user category, it did not make sense to increase most users. Dawson commented on the analysis she has performed on Stopols water usage.

[6:13:52 PM](#) Peter Lobb 403 E. Carbonate, agrees with Stopol. He thinks that a fixed amount seems more palatable than a variable rate based on water usage.

[6:14:51 PM](#) Haemmerle, the issue is how should this study be characterized, fixed or variable? Williamson comments, he agrees with the variable rate, it is justifiable in the way it was implemented. Williamson is not really sure how to “undo” what has already been charged to users since May 2013.

Council comments:

Cooley comments it would have been nice to have this discussion before rates were set in place, but they end in October 2013.

Haemmerle comments that we have not set the rates for the 2014 rates. Discussion continued on expectations of the 2014 rates with council proposing a fixed rate to users instead of the variable rate.

Rates resolution will be in the Oct. 7, 2013 council meeting.

Water rates discussion:

[6:24:13 PM](#) Presentation in the Aug. 26th council meeting by Mariel Platt, proposed different tiered rate structures. Haemmerle believes that it is important to figure out how to efficiently use our water supply. [6:25:44 PM](#) Mariel Platt refined 2 options, separating tier 1 into 3 separate tiers because the majority of water usage is in this tier and proposing an irrigation tier seasonally.

Public comments:

Michele Johnson 341 Mother Lode Loop is a 4th generation Hailey resident comments about the fire hazard of people not watering, she is concerned for these situations and wonders if the Trout Friendly Yard (Trout Friendly Yard is a program sponsored by the Wood River Land Trust) initiative will be encouraged with the Cities efforts. Mariel explains a proposed rebate program by getting a water audit – what improvements can be made by looking at the soil, plants and irrigation system, potential rebate for improvements made to the system.

[6:33:00 PM](#) Peter Lobb 403 E. Carbonate, if we do have a future water call, are we still at risk if we make our usage more efficient? Haemmerle answers, some water rights are old enough

which we might still be able to use, the trick is how do we use it? Every other day or what? Haemmerle explains to Lobb, the options on water rights/call situations, mitigation potential and recharge potential. Hellen adds that SPF Engineering will help us assess these options.

Council discussion:

[6:37:51 PM](#) Cooley is in favor of option 1, doesn't see a need to go any further with a seasonal rate.

[6:38:50 PM](#) Burke thinks that a seasonal charge would encourage water conservation. Burke is concerned that what Michelle Johnson has described, abandoning watering yards will be more abundant if the rates go up, as in a seasonal rate.

[6:40:33 PM](#) Carol Brown agrees with both Cooley and Burke. Brown would love to see a rebate program as Platt described. Brown is in support of a seasonal rate.

[6:41:39 PM](#) Council asked Mariel Platt to proceed with attachment 1 (page 166 in council packet) for the next meeting. Haemmerle thanked council for their deliberation of this topic.

PH 360 Noise Ordinance Reconsideration

Noise ord. reconsideration:

[6:43:44 PM](#) haemmerle gave an overview of this topic; haemmerle wants to hear discussion and possible reconsideration of this adopted ord in July 2013.

Public comments:

[6:45:04 PM](#) Helen **stone 314 ??? ave north**, impacted by Wicked Spud and many other events on main street. Stone feels that it does not need to go on past a certain time – 10 pm.

Council discussion:

[6:46:59 PM](#) burke felt council had reasonable thought but may have acted in haste with this ordinance. Burke feels that the Brewery when the garage door is open, is the same as a band being outside. Burke would support events in the arena to function until midnight but keep downtown core events to 10 pm.

Council discusses different events as potential situations to try to identify what the real defined events would be allowed to go past 10 pm and which ones can go until midnight.

Haemmerle suggests that staff bring another ordinance to council for consideration. Dawson asks a clarifying question.

PH 361 Consideration of a City of Hailey initiated text amendment, amending Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 3.6 to require reconsideration for alleged failure to

identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6522

[6:58:32 PM](#) Micah Austin attended a Jerry Mason facilitated meeting with the Association of Idaho Cities, on state changes with Local Land Use Planning Act (LLUPA) laws. This update brings our ordinance in line with the new state laws.

No public comments.

Motion to approve Ordinance No. 1136, Burke, seconded by Brown, approved by roll call vote. Brown, yes. Cooley, yes. Burke, yes.

Mayor Haemmerle conducted the 1st reading of Ordinance No. 1136 by title only.

PH 362 Consideration of a City of Hailey initiated text amendment, amending Hailey's Subdivision Ordinance, Ordinance No. 821, by amending section 2.6 to require reconsideration for alleged failure to identify compliance or noncompliance with express approval standards or explain compliance or noncompliance with decision criteria, as required by the recent amendments to Idaho Code §67-6522

[7:02:08 PM](#) Austin explained that this update is to bring our City Ordinance in line with *Idaho Code §67-6522*.

No public comments:

Burke moves to approve Ordinance No. 1137, seconded by Cooley roll call vote. Brown, yes. Cooley, yes. Burke, yes.

Mayor Haemmerle conducted the 1st reading of Ordinance No. 1137 by title only.

OLD BUSINESS:

OB 363 3rd Reading Ord. No. 1129 - FY 2013 Budget Amendment, which would increase the annual appropriation for FY2013 by an additional \$830,000, setting Hailey's FY 2013 Budget at \$11,878,100

3rd reading of 1129: motion to approve made by Burke and authorize the mayor to sign, seconded by Cooley. Roll call vote. Brown, yes. Cooley, yes. Burke, yes.

Mayor Haemmerle conducted the 3rd reading of Ordinance No. 1129 by title only.

OB 364 3rd Reading Ord. No. 1130 - FY 2014 Budget of \$10,127,061

Burke moves to approve 3rd reading of Ordinance No. 1130 and authorize the mayor to sign, seconded by Cooley. Passed with roll call vote. Brown, yes. Cooley, yes. Burke, yes.

Mayor Haemmerle conducted the 3rd reading of Ordinance No. 1130 by title only.

OB 365 3rd Reading Ord. No. 1131 and consideration of Ordinance Summary- City of Hailey initiated text amendment to Title 18 of the Hailey Municipal Code, the Mobility Design Ordinance, by amending Section 18.04 to allow the Hearing Examiner or Planning and Zoning Commission to approve an infrastructure project in conjunction with a zoning and subdivision application which involves a final decision by the Hearing Examiner or Planning and Zoning Commission. The amendment further defines the required standards of the Mobility Design Ordinance as it relates to Large Subdivisions and smaller projects (continued to October 7)

Micah asks council to hold off on the next meeting asking Williamson to review mistakes Austin found while doing the codification.

OB 366 3rd Reading Ord. No. 1132 and consideration of Ordinance Summary - City of Hailey initiated text amendment to Article 2, Definitions, of the Zoning Ordinance (Ordinance No. 532) to include the activity of Beekeeping in the definition of Urban Agriculture and to amend Article 7 to define bulk requirements and standards for beekeeping including minimum lot size, hive location and maintenance, and required setbacks from adjoining properties

Burke moves to approve 3rd reading and authorize Mayor to sign, adopt summary, seconded by Cooley, roll call vote passes. Burke, yes. Cooley, yes. Brown, yes.

Mayor Haemmerle conducts the 3rd Reading of [7:09:02 PM](#) Ordinance No. 1132, by title only.

OB 367 2nd Reading Ord. No. 1134, Chapter 13 housekeeping amendment, to clarify that Hailey's water regulations apply only to the use of water from City of Hailey's water system, not all water used within the city limits of Hailey

Mayor Haemmerle conducts the 2nd Reading of Ordinance No. 1134 by title only.

OB 368 2nd Reading Ord. No. 1135, City of Hailey initiated text amendment to Article 2.2 the Zoning Ordinance, Ordinance No. 532, to revise the definition of City Standards and by amending Article 10.3.8 to require sidewalks in a PUD to be constructed in accordance with City Standards.

[7:10:10 PM](#) Mayor Haemmerle conducts the 2nd Reading of Ordinance No. 1135 by title only.

STAFF REPORTS:

[7:11:03 PM](#) Micah Austin attended Wildland Interface training recently; International Code Council sponsored the training. Only 2 planners were present Austin and Ketchum's planner. The training brought attendees through identifying areas at risk and how to mitigate those risks.

[7:15:32 PM](#) Mariel Platt presented to council the Energy Dare results – April, May and June months, the Library and Street shop won for reductions of energy consumption. Street Shop received gift certificates for \$10 per person and the Library prize won first place. Price is still being determined by Mayor and management staff.

This Thursday September 18th, 5-7 pm a Barbeque at Keefer Park to thank the Adopt a Park sponsors and to celebrate this year's park accomplishments.

EXECUTIVE SESSION: Pending & Imminently Likely Litigation (IC 67-2345(1)(f))

[7:18:35 PM](#) **Burke moves to go into exec. Session to discuss Pending & Imminently Likely Litigation (IC 67-2345(1)(f)), seconded by Cooley, motion passed with roll call vote.**

[7:23:47 PM](#) Mayor and Council came out of Executive Session.

Williamson recaps the situation regarding the Knife River claim. Williamson suggests to deny the claim and proceed to litigation.

Burke moves to authorize signature, to deny tort claim, seconded by cooley, motion passed with roll call vote. Brown, yes. Cooley, yes. Burke, yes.

With no further business, Mayor Haemmerle concluded the meeting at 7:25 P.M.

Fritz X. Haemmerle, Mayor

Mary Cone, City Clerk