

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD OCTOBER 7, 2013
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:30 P.M. by Council President, Don Keirn. Present were Council members Carol Brown, Don Keirn, Pat Cooley, and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson, and City Clerk Mary Cone. Mayor Fritz Haemmerle not in attendance

OPEN SESSION:

5:30:36 PM Peter Lobb 403 E. Carbonate wants to make comments on the Public Hearing (Electronic Message Display) items because he will be out of town for the next council meeting. Keirn mentioned that this discussion will take place November, Lobb stated that he would be in town for that meeting.

CONSENT AGENDA:

CA 373	Motion to approve Resolution 2013-74, ratifying contract for services for Fiscal Year 2014 with Idaho State Department of Building Safety allowing state personnel to act as Hailey’s Building Official for plan reviews, code compliance, and building inspections within the City of Hailey	1
CA 374	Motion to approve Resolution 2013-75, authorizing easements to Idaho Power for utility services to the irrigation wells at Lions and Heagle Parks	13
CA 375	Motion to approve Resolution 2013-76, authorizing a contract with Bahama Blue, Inc. DBA Clearwater Landscaping for installing irrigation and landscaping at the Fox Acres roundabout at a cost of \$46,353.27	19
CA 376	Motion to approve Signage Production Agreement for the Hailey Welcome Center LEED Interpretive Display for a not to exceed amount of \$5,000	41
CA 377	Motion to approve a new Alcohol license for Thai Cuisine located at 310 North Main Street.....	51
CA 378	Motion to approve Special Event, WRHS Homecoming Parade, being held from Spruce Street on Main to Elm Street (Friday, October 11 th 2013 from 3:00 p.m. to 4:00 p.m.)	53
CA 379	Motion to approve Special Event, CrosstoberFest, being held at Cutters Park (Friday, October 18 th 2013 from 3:00 p.m. to 11:00 p.m. and Saturday, October 19 th 2013 from 9:00 a.m. to 9:00 p.m.)	59
CA 380	Motion to approve Arena Special Event International Weight Pull Association Oct. 19 th & 20 th from 8 am to 8 pm....	63
CA 381	Motion to approve minutes of September 16, 2013 and to suspend reading of them.....	67
CA 382	Motion to approve claims for expenses incurred during the month of September, 2013, and claims for expenses due by contract in October, 2013	77

Note: at the time of the meeting the agenda items had not been assigned numbers. The numbers were assigned during the meeting to help for record keeping and clarity for the archived minutes.

5:31:57 PM Tom Hellen pulled CA 375 for discussion.

Brown moved to approve all consent agenda items minus CA 375, seconded by Burke motion passed with roll call vote. Burke, yes. Cooley, yes. Brown, yes.

CA 375 – Williamson spoke with Mayor Haemmerle before tonight’s meeting. The Mayor wants to know if we have the money to pay for this and if approved make motion contingent on if there is money and also approved by the Federal Highway Administration (FHWA).

Brown moved to approve CA 375 contingent on money in the budget and approval by FHWA as stated tonight, seconded by Burke motion passed with roll call vote. Brown, yes. Cooley, yes. Burke, yes.

PUBLIC HEARINGS:

PH 383 Consideration and adoption of the Urban Renewal Plan for the Gateway District Urban Renewal Project and proceed with the first reading of Ordinance 1138 identifying the Gateway District as an Urban Renewal District, thereby establishing a baseline property value for creating of the district and directing the URA Chair to proceed with implementing the plan accordingly

[5:34:19 PM](#) Don Keirn recused himself and transferred the facilitation of this discussion to Martha Burke because Keirn is a member of the Urban Renewal Agency (URA). Burke introduced Micah Austin to give a history of this Gateway District. The URA has 20 years to carry out its identified goals. Austin summarizes the anticipation of funds in the bank at the end of the project based on taxes. On the last page of the URA plan forecasts, all revenues and expenses over the next 20 years. The agency has the ability to borrow funds but the URA does not plan to borrow, it wants to be completely sustainable within the tax revenue. Austin names the specific projects eligible for URA funds, infrastructure items, including, streets, sidewalks, water and sewer. In the last Planning and Zoning Commission meeting on Sept. 9th, the Findings of Fact were approved and are in tonight’s packet, Austin reads an excerpt from this document.

Council Discussion:

[5:45:27 PM](#) Brown clarifies a point, Do Citizens pay more for some services, i.e. Library? Austin answers Browns question. [5:47:34 PM](#) Dawson comments on Browns question posed. At the closure of the Urban Renewal District, the general taxes could go down when property values increase and a decrease in the mill rate.

Public comments:

[5:50:20 PM](#) Peter Lobb 403 E Carbonate, important to note that this could fail (there is risk in this project). Technically there is no tax raise. Lobb believes the City should do this because it is worth the risk. This is a way to keep a higher share of their taxes – by increasing property values.

[5:51:47 PM](#) Brian Yeager 317 North River Engineer with Galena Engineering, supports this plan and thinks it will provide necessary infrastructure in the city.

[5:52:29 PM](#) 3rd ave south Linda Haavik, why is the focus on River Street when the district includes other areas north and south. Austin responds that we cannot make changes outside of the taxing district. Is this 10%? 9.5% answers Austin.

[5:54:10 PM](#) Austin adds, that 60 days after the URA has transmitted the communication, recommends 1st Reading, next meeting 2nd and 3rd Readings.

Council discussion:

[5:55:19 PM](#) Brown commends this committee for its hard work in this plan. This is a good tool to use and if we don't do this we would be sorry to not have this in place.

[5:56:07 PM](#) Cooley, with the lack of state resources, this fits the area identified and will be good for Hailey, visionary.

[5:56:42 PM](#) Burke thanks Austin and the commission and gives a little history of River Street. Guarantees to public are in place, there is risk, but believes this is the right thing to do.

[5:58:10 PM](#) **Brown moves to approve Ordinance No. 1138, adopting the Urban Renewal Plan for the Gateway District Urban Renewal Project, finding that this plan is in line with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare, seconded by Cooley, motion passed with Roll call vote. Burke, yes. Cooley, yes. Brown, yes. Keirn, abstained.**

Burke conducts 1st Reading of Ordinance No. 1138, by title only.

Keirn gives a complement to Micah Austin and to the Jerome URA board as they were very helpful to Hailey in the beginning stages of this URA process.

PH 384 Public Hearing and consideration of a request from Charles Holt and Clear Creek Land Company LLC to the City of Hailey to vacate certain sections of City Right-of-Way along W. Chestnut Street, thereby reducing the City of Right-of-Way from 100' to 60' along that portion of W. Chestnut Street. The section proposed for vacation is as follows, "Wherein a 20 foot wide strip of Chestnut Street adjacent to Blocks 6 and 7, original Hailey Townsite is being [proposed for vacation] within Section 9, T.2 N., R.18 E., B.M., City of Hailey, Blaine County, Idaho

[6:02:55 PM](#) Keirn hands over the discussion to Austin. Austin reads the recommendation of the Planning and Zoning Commission (P&Z). The P&Z Commission suggested that this request be denied. Austin explained the P&Z Commission's rationale behind their unanimous vote. Austin proceeded to explain the applications request.

[6:08:08 PM](#) Brian Yeager Galena Engineering, speaking on behalf of the applicant. Yeager is asking for the council to overturn the P&Z Commission's decision. Yeager implores that the council can make a determination whether there is public benefit to this property. Yeager believes there is no future public benefit to the property.

[6:12:07 PM](#) Charles Holt 519 River St., personal residence, speaks to council. Holt speaks to a vacation done in the area in the 1980's, as a reason that the council should vacate the property of this application. Holt speaks to reasons why he thinks the city should vacate this property, fence and other items in the Right of way.

[6:16:12 PM](#) Lyn Holt 519 River St., hands out pictures to the Mayor and Council of another vacation of property in the 1960's. Holt explains the benefits to her house via the pictures if the council approves the vacation. Holt recaps the other residential streets that are 100 foot right of ways, very few are 100 feet on the west side of Main street.

[6:21:42 PM](#) Mike Goitendia of 151 Cloverly Lane in Hailey spoke to council. Goitendia agrees with everything stated tonight. There is no need for public access to be as wide as it is, no public land for a through street, no need to expand the street.

[6:24:27 PM](#) Cooley asks a question of snow storage, is it affected? Goitendia states that there is no impact to the snow storage. Cooley asks the paved width of this street. Approximately 22 feet to 24 feet. Brown asks a question.

[6:28:01 PM](#) Mike Tatterson, 1011 Bradford Road, supports this request because it makes sense.

[6:28:17 PM](#) Peter Lobb 403 E. Carbonate is generally against giving away city property. No benefit to the public. Maybe if it were for a public great good. There are many people in this town who would like to have more property, the city could see more applicants if they give this property away. In the future, no one knows where the sidewalk would be placed. There could be a time that the city could use this property. In general, vacations are not a good idea. Precedence should be broken, and the city should retain this property. These owners should have know about the right of way width before buying the property, he looked at this property at one time and knew about the 100 foot right of way.

Rebuttal by applicant:

[6:31:40 PM](#) Lyn Holt talks about the quick action with purchasing this property and they did not know how big the right of way was when they bought it.

[6:33:37 PM](#) Brian Yeager speaks again. Yeager still believes that this is a valid public process to go through. Applicant is just wishing to standardize this street.

Council discussion:

[6:34:59 PM](#) Burke gives a history (Brian McNary did a traffic study), 100 foot right of way street were considered public collectors. In terms of logic, this is not a collector street in her mind. It appears in her mind that this should have been vacated by an earlier council. It is hard to justify keeping this at a 100 foot right of way.

[6:38:16 PM](#) Cooley does not know if this would serve a public use in the future, he sees a benefit to the applicant.

[6:39:05 PM](#) Brown doesn't like vacations. Brown thought this was a 60 foot right of way street. If vacated, her concern would be to make sure snow storage is properly done. It comes down to meeting requirements in the comprehensive plan. Is there a way to get \$. Williamson answered, no, cannot sell it.

[6:43:31 PM](#) Williamson, cited a case in Ketchum, cannot condition a vacation. Vacations must protect certain easements non-exclusive and must do an ordinance. Williamson will prepare an ordinance for a future meeting.

Brown [6:47:00 PM](#) moves to approve the vacation request from Charles Holt and Clear Creek Land Co. Inc. to vacate a 20 foot wide strip on both sides of Chestnut Street adjacent to Blocks 6 and 7, Original Hailey Townsite, finding that the vacation does not conflict with the interests of the adjacent property owners and public utilities, the vacation is in conformance with the Comprehensive Plan, will not be detrimental to the future development of the neighborhood and the public right-of-way, and the portion proposed for vacation no longer serves a public purpose with the following conditions: 1) Utility easements for existing utilities in Areas A and B must be recorded according to the City Engineer's recommendations; and 2) Snow storage and snow removal easements must be recorded on Areas A and B according to the Street Superintendent's recommendations, seconded by Burke, (page 231 of packet - looking at the snow plow easement, ordinance to come in next meeting with map specifying the easements. Motion passed with roll call vote. Brown, yes. Keirn, yes. Cooley, yes. Burke, yes.

PH 385 Public Hearing and consideration of a request from Faye Matthies to assign the name Serenity Place to a currently unnamed private street described as Parcel ZZ of First Amended Woodside Subdivision Final Plat No. 15, of Block 61 in Woodside Subdivision

[6:52:43 PM](#) Austin gives overview, pinpointing that the property owners believe that there is a public safety issue with having a Woodside address.

[6:57:01 PM](#) Bob MacLeod is there a limit to characters of a street name? No, answered Hellen.

[6:57:35 PM](#) Renee Tatterson 1011 Broadford Road thinks this is a great thing to do.

[6:58:07 PM](#) Brown moves to approve name Serenity Place of a currently unnamed street, which is located in Woodside Subdivision described as parcel ZZ of First Amended Woodside Subdivision Final Plat No. 15 of Block 61, seconded by Burke, Motion passed with roll call vote. Brown, yes. Cooley, yes. Burke, yes.

Ensued a brief discussion with council and staff regarding private street signs expense and notification of emergency service agencies regarding the new street name.

PH 386 (This Item Will Be Continued) Public Hearing and consideration of a City of Hailey initiated text amendment, amending Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 8.2.2 to amend the definition of animated sign and to add the definition of electronic message

display by amending section 8.2.6 of the Zoning Ordinance to delete animated signs as a prohibited use, and by amending 8.2.11(I) of the zoning code to provide for standards for electronic message displays and animated signs (no documents)

PH 387 (This Item Will Be Continued) Public Hearing and Consideration of a City of Hailey initiated text amendment, amending Hailey's Zoning Ordinance, Ordinance No. 532, by adding a new Section 4.15 which creates an Information Overlay District, by amending Section 5.4 to add electronic message displays and animated signs as permitted or conditionally permitted signs in the Information Overlay District and by amending the Official Zoning Map for the City of Hailey to include the Information Overlay District (no documents)

PH 386 and 387 – Motion to continue these items to the Nov. 18th meeting, made by Burke, seconded by Cooley. Motion passed with Roll Call vote, Brown, yes. Burke, yes. Cooley, yes.

NEW BUSINESS:

NB 388 Introduction of Municipal Code Chapter 13 amendment to set the method for determining Water fixed and variable fees and Wastewater fees

[7:00:18 PM](#) Mariel Platt opens this discussion, city code establishes structure for our budget, what is variable and what is fixed fees. Platt named the objectives of our user fees, make rates more equitable, promote water conservation, reduce future capital expenses. [7:03:17 PM](#) Tom Hellen explained the analysis performed to understand the usage trends. [7:04:42 PM](#) Williamson recaps the options of user fees. Platt and Williamson tried to identify budget line items as either fixed or variable. Then they tried to pinpoint which fees could or should be fixed or variable, water makes sense to use a percentage, wastewater doesn't make sense to be variable as most volume is constant on Wastewater.

[7:10:36 PM](#) Hellen explained charges across residences and commercial properties. For the last six / seven years, he has set rates, he wants a more stable solution.

[7:12:24 PM](#) Mariel Platt explains the options in more detail, set percentage for water budget and fees 75% variable and 25% fixed. 100% variable for Wastewater budget and fees Interim FY2014 evaluate and review generated revenue for both water and wastewater.

[7:14:57 PM](#) Hellen reviewed a chart which compares current to proposed rates.

[7:18:15 PM](#) Platt suggests to look at these rates quarterly to see how things are shaping up. Additional consideration, phasing approach. Next steps to consider, suggest Public Hearing on 10/21/13, to set user fees going forward.

[7:20:27 PM](#) Brown liked the whereas clauses. Council is in support of this proposal.

Request for Public Comments:

[7:21:18 PM](#) Peter Lobb 403 E. Carbonate spoke to council. Lobb read this 10 times, it is fair and it works, he thinks this is the best thing that has happened to rates ever. Lobb doesn't have any issues and was pleasantly surprised with this.

[7:22:38 PM](#) Geoffrey Moore of 406 1st Ave South in Hailey, talks to council about his specific situation, Accessory Dwelling Units, can this be accounted for? He does not see a large fee increase in his situation.

[7:27:32 PM](#) Bob MacLeod, 417 East Myrtle speaks to council. MacLeod states that April (his wife) loves flowers and therefore his water usage is high. Overall he thinks this looks good.

OLD BUSINESS:

OB 389 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

3rd Reading Ordinance No. 1131 – summary [7:28:44 PM](#) **Brown moves to approve Ordinance summary No. 1131, seconded by Burke, approved with roll call vote. Burke, yes. Cooley, yes. Brown, yes.**

Keirn conducted the 3rd reading of Ordinance No. 1131 by title only.

OB 390 3rd 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

[7:29:35 PM](#) **Brown moved to approve Ordinance No. 1134, seconded by Burke. Motion passed with roll call vote. Cooley, yes. Brown, yes. Burke, yes.**

Keirn conducted the 3rd reading of Ordinance No. 1134 by title only.

OB 391 3rd Reading Ord. No. 1135, and Consideration of Summary 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

[7:30:15 PM](#) **Brown moved to approve Summary of Ordinance No. 1135, seconded by Burke, motion passed with roll call vote. Cooley, yes. Brown, yes. Burke, yes.**

Keirn conducted the 3rd reading of Ordinance No. 1135 by title only.

OB 392 2nd Reading of Ordinance No. 1136 - 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

[7:31:13 PM](#) 1136

Keirn conducts 2nd reading of Ordinance No. 1136, by title only.

OB 393 2nd Reading of Ordinance No. 1137 - 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

[7:32:51 PM](#) Keirn conducts 2nd Reading of Ordinance No. 1137, by title only.

STAFF REPORTS:

[7:33:39 PM](#) Austin announced a positive newspaper article regarding Economic Development projects in Hailey. Also, Austin mentions the staff report in council's packet regarding 810 South Main, re-addressing of some businesses.

[7:35:22 PM](#) Heather Dawson asks if council can meet Wed. or Thurs. Oct. 23rd or 24th? Heather will send an email reminder to finalize the date of a special council meeting.

[7:36:48 PM](#) Platt Welcome Center received Silver LEED Certification, Platt gave some statistics on how we achieved this goal.

Special meeting is called for on Wed Oct 9th for final round of the fire chief interviews.

[7:39:36 PM](#) With no further business to discuss, Don Keirn concluded the meeting at 7:40 P.M.

Don Keirn, Council President

Mary Cone, City Clerk