

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD MAY 19, 2014
IN THE HAILEY TOWN CENTER 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, Don Keirn, Pat Cooley, and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson, and City Clerk Mary Cone.

[5:31:54 PM](#) call to order

Open Session for Public Comments:

[5:32:24 PM](#) Bob MacLeod Hailey resident thanks the Hailey Police Department for their new texting software (Nixle). MacLeod also thanks the Hailey Fire Department for their new flag pole and city hall for the new flag.

CONSENT AGENDA:

CA 168	Motion to approve Woodside Boulevard Project Payment Application #10, to pay \$100,000 to Knife River Construction pursuant to Change Order #33.....	1
CA 169	Motion to approve Woodside Boulevard Project Payment Application #11, to pay \$54,423.88 to Knife River Construction.....	23
CA 170	Motion to approve Hailey Fire Department grant application to Globe Gear Giveaway for four sets turnout gear .	29
CA 171	Motion to approve Resolution 2014-46, authorizing Woodside Boulevard Project final report to US DOT for final grant payment and close-out of TIGER II Grant.....	33
CA 172	Motion to approve extension of EPA Grant, Hailey Community Climate Challenge, to August 31, 2014	43
CA 173	Motion to approve Resolution 2014-47, authorizing Hiddleston Drilling Construction Park Well Project Change Order #1 for Heagle Park and Change Order #1 for Lions Park.....	51
CA 174	Motion to approve amendment to NPDES Permit which changes the city contact from Tom Hellen to Mariel Platt	59
CA 175	Motion to approve Resolution 2014-48, authorizing three agreements with Idaho Water Resources Board to lease Hailey’s water rights (acquired from Old Cutters) to the Idaho Water Bank	63
CA 176	Motion to approve Resolution 2014-49, authorizing Adopt a Park Agreement with Kathy Noble & Associates for park maintenance of the E.W. Fox Demonstration Garden	81
CA 177	Motion to approve special event, Hailey Skate Competition to be held at the Hailey Skate Park (Saturday, June 21 st , 2014 from 11:00 a.m. to 3:30 p.m.).....	85
CA 178	Motion to approve special event, Wood River Cup to be held at Old Cutters Park (Wednesday June 4 th and Wednesday June 18 th from 4:30 p.m. to 9:00 p.m.).....	91
CA 179	Motion to approve special event, Sheeptown Drag Nationals to be held on North River Street between Spruce and Silver Streets (Thursday June 26 th from 6:00 p.m. to 10:00 p.m.)	97
CA 180	Motion to approve special event, Hometown Summer Carnival being held in the Werthheimer Park parking lot (Saturday June 6 th from 12:30 p.m. to 3:30 p.m.)	105
CA 181	Motion to approve minutes of May 5, 2014 and to suspend reading of them	111
CA 182	Motion to approve claims for expenses incurred during the month of April, 2014, and claims for expenses due by contract in May, 2014	117
CA 183	Motion to approve Treasurer’s report.....	145

[5:33:07 PM](#) Brown pulls the minutes from May 5th meeting for minor corrections CA 181.

[5:33:25 PM](#) Cooley moved to approve all consent agenda items minus CA 181, motion seconded by Burke, motion passed unanimously.

CA 181 – Brown amends page 114 in packet for PH 164, Airport Discussion, finalize the phrase which is highlighted and has a question mark – statement regarding Knife River and phase II.

[5:34:04 PM](#) Brown moves to approve with minor correction stated, seconded by Keirn, motion passed unanimously.

MAYOR’S REMARKS:

[5:34:31 PM](#) Fire Chief Craig Aberbach introduces the new fire inspector Christian Ervin to the Mayor and Council. Applause and welcome to Christian. Mayor thanked Christian.

PUBLIC HEARINGS:

PH 184 Sage School presentation on their initiative to outlaw exotic animal use and abuse in the Wood River Valley

[5:35:39 PM](#) Mayor asked comments to be kept at 2 minutes to each person, state name for record.

[5:36:29 PM](#) Seven Sage school students stand up and give a group presentation. The students read comments from their presentation and took turns at speaking. These students announced that they would be presenting science and facts. While the students spoke, a video brought in by the students, was being displayed to the Mayor and City Council. The students reported that the premise behind training circus animals is in breaking the spirit of animals, by separating 1 year old baby elephants from their mother and tying them up for up to 23 hours a day for 6 months. The students gave examples of how elephants deal with stress, and how they comfort each other by placing their trunks in another elephant’s mouth. Dr. Joyce Pool was quoted [5:46:01 PM](#). The students spoke about the typical life of a circus animal and most of its life is spent confined in small cages, the students implore that authorizing the Jordan World Circus in Hailey, we are contributing to the abuse of wild animals. It is not possible to provide circus animals with a nice life? What is entertaining about torture, implored the students? Scientist’s call circus animal training – abuse, announced the students. The average life span in captivity is 14 years, in the wild they can live to 60 or 70 years [5:51:41 PM](#). Elephants can carry Tuberculosis, and can be transferred to people through the air, Ringling Brothers had 1/3 of their elephants infected and did not report it. The students are submitting a proposed ordinance to the City of Hailey. Animals deserve to be treated fairly. In many countries, animal circuses are banned. [5:54:35 PM](#) Many towns and cities across the country have banned animal circuses. The students implore the council to take a leadership role and banning the circuses.

[5:56:18 PM](#) Erica Neimi – Bellevue resident, read from her statement. In general, methods to train animals in circuses are cruel and is not acceptable, similar to slavery. Please vote to ban exotic animal circuses.

[5:58:12 PM](#) Patty Tobin – Chocolate Gulch resident, did a film on (documentary), what came out of the film, supports the students facts presented tonight. Asian female elephants are being used and they are killing people, up to 16 deaths now. This is sad because of the danger. Tobin told a story about a recent incident when 2 elephants escaped and trashed some parked cars. Since 1990, 16 human deaths and 135 serious injuries have occurred because of elephants.

[6:01:05 PM](#) Chantal Westerman Hailey resident, thanked the students for their presentation, you are our future, city commission, council members, presidents. It takes a lot of courage to speak your mind. Thanked the mayor for opening your mind to this message. She believes that we are change agents, you have the ability to make a change, hope you have heard tonight's message. On behalf of these kids, thank you so much and listen with open hearts, let's be the town that effects change.

Council discussion:

[6:04:37 PM](#) Burke thanked the students for their presentation tonight. Burke asks the students to put this information on a ballot, the community needs to weigh in on this topic. You have taken a big step, now take it to the next level. Burke suggests a more broad approach to the students.

[6:06:21 PM](#) Cooley concurs with Burke. Cooley speaks to what council's duty is to its citizens. Public ballot is important and would like to see this take place.

[6:07:16 PM](#) Keirn agrees with Burke and Cooley. Keirn feels that many people will not understand if the council adopts this ordinance without public input. Keirn suggests a ballot and spread the message.

[6:08:38 PM](#) Brown takes another approach. It does not take much research to know that wild animals in zoos and captivity is not natural. As Cooley mentioned, we as council members, have a duty to health safety and welfare of its citizens. Brown challenged the students, to think of this in another way. Williamson has offered his time to help with writing an amendment.

Brown challenged the students to move forward and have thick skins and expect a healthy debate.

Burke [6:12:03 PM](#) asks the students to do it right, get the right people involved.

[6:12:50 PM](#) Brown worries about short term impact versus long term benefit. When something is emotionally charged, a whole new situation presents itself – referring to the plastic bag ban that was presented to Hailey voters within the past few years.

[6:14:23 PM](#) Mayor Haemmerle commented, he supports the student's effort in going through an initiative process.

PH 185 Proposed agreement and Resolution 2014-45 with Galena and Benchmark Engineers for independent contractor to serve as City Engineer

[6:18:44 PM](#) Williamson gave a summary of this item. Galena as primary Engineering firm and Benchmark as secondary when Galena has a conflict of interest. These firms have provided insurance and the rates are displayed in tonight's packet.

No Public comments:

[6:20:16 PM](#) Mayor Haemmerle is grateful to have two of the best firms around supporting us.

[6:20:27 PM](#) **Brown makes motion to approve Resolution 2014-45 authorizing agreements with Galena Engineering and Benchmark Engineers. Burke seconds motion. Motion passed with Roll Call vote. Brown, yes. Keirn, yes. Cooley, yes. Burke, yes.**

NEW BUSINESS:

NB 186 Discussion of appointing Hailey Planning and Zoning Commission to act as Hailey Development Impact Fee Advisory Committee

[6:21:12 PM](#) Austin presented this item. This has been a challenge to keep the public involved with this committee. The state code allows for the Planning and Zoning commission to act as the Development Impact Fee committee as long as they meet once per year. Or the Planning & Zoning Commission can be appointed as members to this committee. Next Planning & Zoning Commission meeting is June 9th.

[6:23:52 PM](#) Keirn makes a suggestion, Craig Johnson and the two Planning & Zoning Commissioners to serve as the DIF committee.

[6:24:25 PM](#) Brown would like to see long-term solution outside of the Planning & Zoning Commissioners involvement. She is okay with it short-term. Brown worries about public perception. Mayor is okay with them if Planning & Zoning Commission wants to do this.

[6:26:39 PM](#) Dawson clarified the minimum in the building industry.

[6:26:57 PM](#) Burke would like to supplement the Planning & Zoning Commission and keep some public involvement with fresh eyes.

[6:28:02 PM](#) Austin will proceed with the DIF meeting notice although we will not have a quorum at the meeting and then make steps to ask the Planning & Zoning Commission at the next meeting. Then the council will receive a report.

NB 187 Discussion of neighborhood meeting with Little Indio residents and property owners regarding water and sewer improvements to that portion of Little Indio within the Hailey City limits

[6:28:28 PM](#) Platt gave an overview to council. 15 property owners are within the city of Hailey, Platt displayed the presentation that was shown to the Little Indio residents last week. The goal of the neighbor hood meeting was to discuss what options were available to them, regarding hooking up to the city water and sewer systems. 4 options were presented, First Proposal A) laying water and sewer adjacent to the tail race through the park. Proposal B, Poulsen lane/private property with an easement. Proposal C, creating a fire and emergency lane through Tail race. Proposal D, Tail race with access through private property. The funding mechanisms researched by Austin and Dawson were presented, primarily basing the costs divided between the property owners. North property owners were concerned with fire access. Other residents are concerned with upgrading sewer because septic systems are failing. Most owners do not want city water but they do want sewer. At this point, nothing has been finalized.

[6:35:52 PM](#) Mayor spoke about his experience as county prosecutor with Little Indio. This problem has been passed from generation to generation amongst council members.

Mayor asked a question. Austin responded and added information that he does know. This is a perfect urban renewal district project. For now, there was some interest by residents, but moving forward this must be interest from homeowners to do next steps.

[6:40:13 PM](#) This discussion is just for council's information in case they receive any questions or comments.

Discussion ensued about potential fire situations similar to last year's Beaver Creek Fire. Anything to improve their situation is a bonus. A give and take must be considered but we must do what we can to assist.

NB 188 Consideration of a City of Hailey initiated text amendment to the Hailey Zoning Ordinance No. 532 by amending Section 5.4 by changing Schools from Permitted uses to Conditional Uses in General Residential (GR), Business (B), and Limited Business (LB) districts and add Schools as Conditional Uses in SCI-O and SCI-I. The amendment also proposes changes to Section 9.4 to amend parking requirements for Institutional Uses and Section 11 to require siting and evaluation standards for consideration of a School as part of a Conditional Use Permit

[6:44:35 PM](#) information only to council. Next meeting will be under PH. Austin gave a summary of the history of this item. All parties involved have provided comments, which are reflected in this staff report. In essence, the significant change was Permitted Uses to Conditional Uses, and what standards apply for the conditional permits. Williamson came up with the solution in the end, thank you Ned, announced Austin.

Keirn appreciates how complicated this situation ended up being.

OLD BUSINESS:

OB 189 2nd Reading Ordinance No. 1150 Amendment to Municipal Code Chapter 3.08, which would further clarify that projects subject to Revenue Bonds be exempt from the 1.25% Arts requirement for public projects

6:50:48 PM Mayor Haemmerle conducts 2nd reading of Ordinance No. 1150, by title only.

STAFF REPORTS:

6:51:41 PM Craig Aberbach Hailey Fire Chief announces the Do The Right Thing program, and tonight May 19th, is first deadline, 1st presentation will be June 2nd at 5:15 to council for top nominees for this period. Also, the Hailey Fire Department did receive a grant – information is in tonight’s packet. The fire department will be conducting a live fire training on 206 West Croy St. on May 31st.

6:52:49 PM Jeff Gunter is completing a grant application with the Idaho Community Foundation for the Do The Right Thing program. Also there will be two good bands at the Bowe Bergdahl event, Gunter’s wife and Carol King.

6:53:23 PM Citizen Lamar Waters announced to council that there is a Skate Park competition coming up on June 21st. Waters gives the Mayor and Council bracelets for the event. Dawson added that June 21st is the competition, and national skate park day.

EXECUTIVE SESSION:

6:54:56 PM Burke moves to go into Executive Session to discuss Real Property Acquisition (IC 67-2345(1)(c)), seconded by Keirn. Motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Brown, yes.

Mayor Haemmerle and council came out of Executive Session and concluded the meeting at 7:10 P.M. with the following motion:

Brown moved to conclude meeting, motion seconded by Burke, motion passed unanimously.

Fritz X. Haemmerle, Mayor

Mary Cone, City Clerk