

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD SEPTEMBER 15, 2014  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:34 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, and City Clerk Mary Cone.

Don Keirn not in attendance tonight.

[5:34:29 PM](#) Call to order

Open Session for Public Comments:

[5:34:58 PM](#) Jane Drussel announced a problem in the alleyway behind her store. Can the city look into this problem with speeding traffic in the alley. Drussel feels the alley is used too much and is a real problem.

HPD police chief will look into the issue.

**CONSENT AGENDA:**

CA 317	Motion to ratify Mayor’s signature on Community Rating System Annual Recertification (FEMA Flood Insurance rating), expiration September 30, 2014 .....	1
CA 318	Motion to approve extension of EPA Grant, Hailey Community Climate Challenge, to November 30, 2014 .....	5
CA 319	<del>Motion to approve contract for services for Fiscal Year 2015 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 .....</del>	<del>13</del>
CA 320	<del>Motion to approve Resolution 2014-73, authorizing one year contract for misdemeanor services with Rick Allington for an annual amount of \$42,848 .....</del>	<del>25</del>
CA 321	Motion to approve Resolution 2014-74, authorizing contract for services with Blaine County Housing Authority for \$2,500 plus bookkeeping services .....	33
CA 322	Motion to approve Resolution 2014-75, authorizing contract for services with Hailey Chamber of Commerce for marketing and promoting business activity within the City of Hailey with \$61,000 of local option taxes .....	43
CA 323	Motion to approve Resolution 2014-76, authorizing lease of the Welcome Center to the Hailey Chamber of Commerce for 1-year .....	53
CA 324	Motion to approve Resolution 2014-77, authorizing lease with Blaine County Recreation District for use of Lions Park for winter recreation activities .....	69
CA 325	<del>Motion to approve Resolution 2014-78, authorizing lease with Flight LLC for archery (bow and arrow) use of the Arena .....</del>	<del>93</del>
CA 326	Motion to approve bid for generator installation by C&R Electric for \$24,979.49.....	107
CA 327	Motion to approve Resolution 2014-79, declaring bicycles and other lost/found items collected by police department as surplus property .....	111
CA 328	Motion to approve special event, WRHS Homecoming Parade, along Main Street Friday Sept. 19 <sup>th</sup> , 2014 .....	113
CA 329	Motion to approve special event, Road Runner 5K, at the Senior Center Saturday Sept. 20 <sup>th</sup> , 2014 .....	119

CA 330	Motion to approve special event, Sun Valley Harvest Festival's: Swine, Wine & Dine, at the Wood River Sustainability Center Friday September 19 <sup>th</sup> , 2014.....	124
CA 331	Motion to approve special event, Trailing of the Sheep, at Roberta McKercher Park Saturday October 11 <sup>th</sup> , 2014 .....	129
CA 332	Motion to approve minutes of August 18, 2014 and to suspend reading of them.....	136
CA 333	Motion to ratify claims for expenses incurred during the month of August, 2014, and claims for expenses due by contract in September, 2014 .....	142
CA 334	Motion to approve claims for expenses incurred during the month of August, 2014, and claims for expenses due by contract in September, 2014 .....	153
CA 335	Motion to approve Treasurer's report for August 2014.....	173

[5:36:53 PM](#) Consent Agenda item 320 and 325 pulled by Mayor Haemmerle  
Williamson pulls CA 319

**[5:37:26 PM](#) Burke moved to approve all consent agenda items minus CA 319, CA 320 and CA 325, seconded by Cooley, motion passed unanimously.**

[5:37:44 PM](#) CA 319 – Williamson points out – no action needed from council on this item.

[5:38:04 PM](#) CA 320 – Mayor Haemmerle pulled this item. He has a concern that these become automatic without any review. No ability for young lawyers to get this work. Mayor Haemmerle wants to move to a competitive process in the future, possibly next year. Brown asks a question. This is a one year contract, not 3 years as it has been in the past, added Dawson.

**[5:40:31 PM](#) Brown moves to approve resolution and agreement, seconded by Burke, motion passed after some brief discussion about next year, Brown, yes. Cooley, yes. Burke, yes.**

CA 325 – Mayor asked about an “out” process, Williamson stated that this is only a 2 month agreement.

**[5:42:15 PM](#) Burke moves to approve, Cooley seconded. Brown, yes. Cooley, yes. Burke, yes.**

**MAYOR’S REMARKS:**

*MR 336 Recognition of Upper Falls Fire participants*

[5:42:41 PM](#) Mayor Haemmerle introduced Hailey Fire Chief Craig Aberbach

[5:42:51 PM](#) Craig Aberbach gave a presentation to the council regarding a recent fire in Upper Falls Washington. The same resources we helped, helped us last year during the Beaver Creek Fire. Aberbach explained the Hailey firefighter’s duties while helping out at this fire. Aberbach recognized Justin Safely, Calvin Nalder and Mike Baledge, all men came to the front of the room, shook hands with the Mayor and received a round of applause from the room.

[5:46:06 PM](#) Mayor Haemmerle complemented Aberbach on this, it is important to our town to reciprocate.

### **PROCLAMATIONS AND PRESENTATIONS:**

#### *PP 337 Hailey Chamber of Commerce Quarterly Report and Presentation of Budget*

[5:46:49 PM](#) Pat Bowton Hailey Chamber of Commerce Office Manager, presented to the council a summary of expenses. Bowton reviewed walk in traffic, phone volume and home states represented by their visitors. 13 countries represented from around the world, including Netherlands and Zimbabwe.

[5:50:20 PM](#) Mayor asked about the membership level. It fluctuates throughout the year, approx. up 5-8 members over the past year. Kristy Heitzman with the Chamber, overseeing Membership and Business Development, further commented on the membership numbers. On average, 3-4 new businesses join the Chamber every month.

Mayor Haemmerle asked about the year tags which the Chamber used to send to their members. Kristy does not know what happened to the tags, but they do print clingy signs for business windows. Kristy mentioned the work they are doing to bump up membership and contribute to the success of the businesses.

[5:54:24 PM](#) Brown asked about their new home at the Welcome Center. Kristy responded at how much volume has increase at their current location especially during certain events. Drussel announced that the wake up hailey events have tripled in attendance.

[5:56:02 PM](#) Bowton continued her discussion covering their budget, item was handed out just prior to the meeting tonight.

[5:58:20 PM](#) Haemmerle referred to the packet on page 183, some special events are not on the list. Bowton answered, there is IMPRA that is missing from the list.

[5:59:42 PM](#) Cooley would be interested in knowing how many events have been at the rodeo arena.

### **PUBLIC HEARINGS:**

#### *PH 338 Discussion of letter to Bellevue outlining Hailey's recommendation on the proposed Eccles annexation into Bellevue*

[6:02:56 PM](#) There was good participation at this meeting. Mayor Haemmerle asked Micah Austin to give a summary of this night. Austin, approximately 63 or 64 people attended, 60 of them provided real-time electronic feedback during the meeting. That information is in tonight's packet. Austin explained the meeting purpose and compile a list of recommendations, on page 186 of the packet, 12 recommendations which are ranked. Of the attendees, 40 percent were Hailey residents, 42 percent were Bellevue residents. At the end of the meeting, there were 2

additional recommendations mentioned, the first was that any annexation and development complies with all other concurrent planning efforts, for example, Blaine County's Comprehensive Plan and the Forest Service Strategic Plan. The 2<sup>nd</sup> idea was to address the wildlife migration conflicts in the corridor. These 2 recommendations, we could add to our list. Then, Austin explained that we need to come up with next steps.

[6:08:46 PM](#) Williamson mentioned that Bellevue city council is meeting tonight to consider hiring Kaplan and associates. Also, the Bellevue Planning and Zoning Commission is seeking to modify their comprehensive plan soon.

[6:10:19 PM](#) Peter Lobb commented that the meeting went well, he expresses that the tone of Hailey is important.

[6:11:06 PM](#) Jane Drussel, is confused with the underlying motive of the annexation and she feels that this is being done too quickly.

[6:12:21 PM](#) Mayor Haemmerle explained the reasons why Hailey held this Town Hall meeting. We were trying to pose serious possibilities of this annexation. We wanted people to voice their concerns and thoughts. Haemmerle believes we should send a letter to Bellevue. Bellevue citizens should become involved at their city level. Haemmerle suggests adding the wildlife migration as an additional recommendation, and the ad hoc committee.

[6:14:49 PM](#) Cooley commented from the meeting. In support of the letter suggested by the Mayor including the wildlife migration concern and the ad hoc committee.

[6:15:36 PM](#) Burke, is not opposed to the annexation. Burke suggests, that if Bellevue has the means, hire a consultant, to determine what the valley needs (i.e convention center). Burke implores, find out what would be a benefit to our valley and what we need.

[6:19:21 PM](#) Haemmerle summarizes, asks for a letter and asks that this be posted on our website.

*PH 339 Consideration of a City of Hailey initiated text amendment to Ordinance 532, the Zoning Ordinance, by ..... amending section 8.1.1 and 8.1.2 to clarify the General Provisions and Specific Standards for regulating fences, by amending 8.2.2 to revise the definition of Animated Sign and add a definition for Electronic Message Display, by amending 8.2.6 to prohibit Electronic Message Display Signs, by amending 8.2.7 to revise Design Guidelines and Standards for all signs, and by amending 8.2.8 with the addition of a Sign Matrix*

[6:21:35 PM](#) Austin gave a history on this proposed ordinance. The impetus was sign code clarifications, fence code changes and prohibiting an electronic message sign. Austin first explained the fence code issue, 75 foot radius in intersections, does not work well for streets that do not have 60 foot wide right of way. This radius calculation of 75 feet goes through some people's houses. The height of fences in this area are required to be 3 feet tall or less.

Austin then discusses signs. Included this this section is a definition of sign, definition of window sign, and prohibited signs such as electronic message display signs (14).

Brown asked Austin to add a clause, limiting only Hailey business signs.

Public comments:

[6:33:54 PM](#) Peter Lobb Hailey resident, do your best, this won't be perfect. He hopes you pass this tonight.

[6:34:27 PM](#) Jane Drussel, feels that this would not be helpful to any businesses. Drussel wondered if there was a loophole that allowed EMD's before this suggested change. Austin responded to Drussel's comments. Haemmerle explained the changes. Drussel feels that this is a bad idea, and is not considering the needs of businesses.

[6:37:34 PM](#) Mayor Haemmerle is not in favor of this ordinance, gas stations cannot advertise the price of their gasoline for sale.

[6:38:56 PM](#) Cooley appreciates Haemmerle's comments. Cooley understands the concern was initially opposed to time and temperature signs throughout the city.

[6:40:29 PM](#) Burke recollects some signs when she was young in San Francisco. Burke was in favor of spot zoning, but not in favor of school electronic signs, possibly going on all night long. Until we can come up with a way to do message signs at each end of the city, then we should go with this proposed ordinance. Burke is okay with the fence changes.

[6:43:48 PM](#) Brown is okay with a sign similar to the YMCA sign. With the zoning district though, she is not extremely comfortable with. What do we want our downtown to look like without it being tacky? Portable signs should advertise Hailey business, not one outside of our city.

Williamson pointed to page 229, point is already there – Williamson read the ordinance and suggested a place for the restriction of portable signs (advertising businesses outside of the city).

Mayor Haemmerle suggests to continue this discussion.

[6:50:43 PM](#) **Burke moves to continue this until 10/06, motion seconded by Cooley, motion passed unanimously.**

*PH 340 Consideration of an application for Preliminary Plat proposal for Sunburst Hills, a Cottage Townhouse Development, to be located at Lots 7-9, Block 62, within Woodside Sub #15 (2541, 2621, 2641 Winterhaven Drive) comprising of 1.78 acres. Current zoning of the property is General Residential. Proposed Preliminary Plat indicates a reconfiguration of existing Lots 7-9 to Lots 1-12, Sunburst Hills Subdivision.*

Brown recuses herself from this discussion as a colleague of hers will be affected by this development.

[6:51:47 PM](#) Austin showed this proposed development. Austin explained what the maximum allotted would be (17 units), they are proposing 12 units. CCR's are now included, they were not before. The Planning and Zoning Commission has recommended approval of this application. Steve Butler is here to address grading and drainage issues, identified. Brian Yeager is representing the applicant and why he is not representing the City as engineer. Applicant wishes to give \$41,000 in-lieu fees in place of the park. There is a private street in this subdivision, Daybreak Lane. Sidewalks will be installed along Winterhaven Drive. And sidewalks will be installed on one-side of the private lane, and will pay in-lieu fees for the other side of the street, \$7,313. East side of sidewalk. Public comments from Sharon Browder, in attendance tonight. Haemmerle asked about the in-lieu fees for the east side of the sidewalk.

[7:00:37 PM](#) Cooley asks a question about access to these lots, which lots access Daybreak Lane and which ones access Winterhaven. Austin answers Cooley.

Williamson asked the Mayor to find out if any council members had any ex-parte communications. Cooley did have a conversation while visiting the site, a neighbor and a council member approached Cooley. Cooley gave no opinion, he simply stated that he was walking the property. No ex-parte communications were had by Burke and Mayor Haemmerle.

Applicant and then public comments.

[7:02:47 PM](#) Brian Yeager spoke for the applicant. Note number 5, Yeager explains that the building envelope will not be exceeded, but building designs have not been finalized by developer. Williamson asked about subplot 3 note number 8. Yeager states that this note 8 does not need to be there now. Then, Williamson asked Yeager if the note would be applicable to Sublot 6? One flag lot per development is allowed. Yes, the note will be applicable to Sublot 6, answers Yeager. Yeager explains a grading plan while it is shown to council on the projector, it shows future grading plans. Yeager explains the rationale and reasons for paying in-lieu fees in place of the east side sidewalk. Remnant note, last one on the plat, bus stop was originally designed, they intend to remove the bus stop note. Rather than having pocket parks, they suggest using the in-lieu fees to better existing parks. Yeager then brings up some calculations on density on dwelling units per acre, trying to determine whether this proposed development is more or less dense than other subdivisions in the area. This is 6.8 density. Yeager's analysis demonstrates that this proposed density is consistent with densities in other properties in the area. Propose that no parking would be on the private road, Daybreak lane.

[7:16:17 PM](#) Mayor Haemmerle asked about parking on streets. Williamson answers his question.

Public comments:

[7:19:15 PM](#) Sharon Browder, lot 1 in Woodward Place subdivision, is directly adjacent to this proposed development. Browder does not feel that there is a real need for this type of living. Browder is concerned with limitation of open space in this development. Townhomes are not consistent with single family homes in the neighboring properties. Browder read from her July 22<sup>nd</sup> letter, there is a loophole in the public comment process that circumvented the public input

of this application. Browder is concerned with the 2 story units towering over the single family homes adjacent to this development. Browder suggests open space adjacent to the neighboring single family homes. Browder thanks council for opportunity to comment.

[7:27:57 PM](#) Brian Yeager responds to the public comments by Browder. There is a 20 foot setback of green space for the utility easement. Yeager explains that they are attempting to develop this property similar to surrounding developments. They are trying to retain the geometric opportunities that is available to this zoned area. Yeager responds to Browder's density comments and blind curve of the street. Yeager explains the benefit for the in-lieu park fees.

[7:34:39 PM](#) Mayor asked about Comprehensive Plan standards. Austin replied, the Comprehensive Plan does not come into play in this situation. Williamson asks Steve Butler if he considers this a blind curve. Butler answered, without doing the analysis, he believes possibly not a blind curve.

[7:36:16 PM](#) Cooley comments to Browder, apologizes that she was not notified about this discussion. Cooley feels that the in-lieu fees are a win for the city.

[7:37:43 PM](#) Burke appreciates the density calculations that were presented tonight. And the visual presented tonight also helps. Burke understands the neighbor's concern, but this is allowed, and they have worked within the perimeters.

[7:39:50 PM](#) Mayor Haemmerle comments that this development could have been denser, he appreciates this. He does not feel inclined to ask for more open space when the developer is not maximizing the density allowed by code.

[7:40:44 PM](#) Burke, if these cottages are owned and lived in, the neighborhood values increase, because there is pride in home ownership. Burke hopes this targets, first time homebuyers.

Williamson refers to the packet pages 334 & 335 points to conditions a-k. Williamson would like to add a few amendments discussed tonight. Condition C, remove plat note 9, plat note 8 should refer to subplot 6. And then on note 3 on the preliminary plat a mention of the parking. The applicant Brant Tanner replied that he does not have any issues with the added notes discussed.

[7:41:42 PM](#) **Cooley moves to approve the preliminary plat with conditions a-k, (Williamson, pg 334 & 335 points to conditions a-k), remove plat note 9, plat note 8 should refer to subplot 6, not 3, adding plat note 3 to add no parking, accepting the park and sidewalk in-lieu fees, developer Brant Tanner does not have issues with the added plat notes, stated tonight, motion seconded by Burke, yes. Cooley, yes. Brown, recused herself from this discussion as noted earlier.**

Brown rejoins the meeting after this discussion.

*PH 341 Public Hearing on amendment to Hailey Municipal Code Section 13.04.030B, to set the method on how wastewater bond fees are determined*

*PH 342 Public Hearing on proposed water and wastewater fees for FY 2015, with consideration of Resolution 2014-80 setting base water rates, metered water rates, wastewater rates, and water and wastewater connection fees and other water/wastewater fees (**Continued from 8/18/14 meeting**)*

Both PH 341 and PH 342 are discussed together tonight as suggested by Mariel Platt.

[7:48:33 PM](#) Mariel Platt introduces this item to council. Platt explains the process that led to this proposed rate resolution in tonight's packet. Platt explained that sewer bond fees up to now assessed the same from a multi-family development as a single family residence, the proposal is to merge the bond fee and the sewer rate to make it more equitable to all users proportionately. Platt references, page 341 in packet. Pg 346, lists the additional rates not in the packet, Platt handed out a revised page tonight to council showing these additional rates on the Resolution. Platt summarized that 80% of users would pay \$3.50 increase in the amount that they are currently paying.

[7:55:42 PM](#) Heather Dawson clarified the \$.10 bond rate reduction is the slight change because the user base has been redefined.

[7:56:50 PM](#) Cooley asks for a clarification on the sewer bond fee, is it based on units or connections? Dawson and Platt answer that it is now based on usage not connections as it has been in the past. Yeager replied to Cooley's comment, that his question was not researched. Dawson explained further. Williamson also added information to Cooley's question.

[7:58:51 PM](#) Mayor Haemmerle comments that the Wastewater rates presented tonight are the result of many permutations, 9 to be exact, this reflects a fair usage rate, and most fair to everyone involved. Dawson explained that we inquired with Eric Heringer our Bond advisor, many municipalities go with a usage rate instead of a connection rate.

No public comments.

[8:00:43 PM](#) Burke appreciates the thoughtfulness and time that went into this process.

[8:01:12 PM](#) Brown, there is no perfect way.

[8:01:22 PM](#) Burke moves to adopt Resolution 2014-80b with the Wastewater rates, and Ordinance No. 1162, waive readings and authorize the Mayor to sign, motion seconded by Cooley, motion passed unanimously.

[8:04:07 PM](#) **Mayor Haemmerle conducts only reading of Ordinance No. 1162, by title only.**

[8:04:47 PM](#) Dawson commented.

PH 343 *Public Hearing on Environmental Impact Document for the Wastewater Master Plan, which identifies the treatment alternatives for wastewater and proposed adoption of Resolution 2014-72*

[8:05:38 PM](#) Mayor gave a background on this item.

No public comments.

[8:06:46 PM](#) **Burke moves to approve resolution 2014-72 with alternative 5 suggested, seconded by Cooley, revised resolution handed out tonight, motion passed unanimously.**

**NEW BUSINESS:**

NB 344 *Biosolids equipment pre-procurement and bidding process and summary of 3rd party engineering review by Forsgren and Associates proposed adoption of Resolution 2014-80 for Task Order #9 equipment pre-procurement with HDR*

[8:08:39 PM](#) Platt gave a background on this item. There were 4 recommendations that came out of the engineering review process. Platt reviewed these 4 recommendations: identifying the opportunity to redesign with the pre-procurement of equipment, contract with HDR for the equipment pre-procurement, do a Request For Qualifications (RFQ) for a contractor selection, and 4<sup>th</sup> to consider hiring construction engineering inspection contractor, to be the owner's representative.

[8:11:55 PM](#) Mayor Haemmerle respects Platt for jumping in head first and challenging some of the fees.

[8:12:35 PM](#) Burke is okay with 1-3. 4, she would like to hire a consultant later.

[8:13:11 PM](#) **Brown moves to approve Resolution 2014-80a authorizing task order No. 9, seconded by Burke, motion passed unanimously.**

**OLD BUSINESS:**

OB 345 *3rd Reading of Ordinance No. 1158 – Castle rezone and Summary of Ordinance*

[8:14:10 PM](#) **Burke moves to approve 3<sup>rd</sup> reading, authorize mayor to sign, seconded by Cooley, motion passed unanimously.**

[8:14:47 PM](#) **Mayor conducted 3<sup>rd</sup> Reading of Ordinance No. 1158, by title only.**

OB 346 *Waiver of 2nd Reading and approval of 3rd Reading by title only of Annual Appropriation Ordinance No. 1159*

**8:15:23 PM Brown moves to approve Ordinance No. 1159 the annual appropriation ordinance, waive 2<sup>nd</sup> reading, authorize the Mayor to sign, seconded by Burke, motion passed unanimously.**

**8:16:38 PM Mayor Haemmerle conducts 3<sup>rd</sup> Reading of Ordinance No. 1159, by title only.**

*OB 347 2nd Reading of Ordinance 1160 – Fireworks restrictions.*

**8:17:24 PM Mayor Haemmerle conducts 2<sup>nd</sup> Reading of Ordinance No. 1160, by title only.**

**STAFF REPORTS:**

**8:18:13 PM** Austin, the location of this year’s Holiday Square will be at the farmers market lot. The Hailey URA has adopted its first budget \$17,930, that reflects revenues. 75% of all revenues will go back to the City of Hailey.

**8:20:31 PM** Mariel Platt gave an update on the leak detection repairs, once all the repairs have been made, we will be saving 2 million gallons of lost water per month.

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

**8:21:47 PM Burke moves to go into Executive Session for Pending & Imminently Likely Litigation (IC 67-2345(1)(f)), Cooley seconds. Motion passed with roll call vote. Burke, yes. Cooley, yes. Brown, yes.**

Mayor Haemmerle and council came out of Executive Session at 8:46 pm.

**Motion made to conclude meeting by Burke, seconded by Brown, at 8:47 pm. Motion passed unanimously.**

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Fritz X. Haemmerle, Mayor

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Mary Cone, City Clerk