

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD APRIL 20, 2015  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at \_\_\_\_\_ 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.

[5:30:59 PM](#) call to order

**CONSENT AGENDA:**

- [CA 125](#) Motion to ratify Mayor’s signature on Notice to Proceed with Fabrication of Dewatering equipment to Huber Technologies.....
- [CA 126](#) Motion to authorize the Mayor’s signature on Notice to Proceed with Fabrication of Thickening equipment to FKC.....
- [CA 127](#) Motion to ratify Mayor’s signature and approval of Resolution 2015-20, authorizing Schindler Elevator full-load test for \$1,368 .....
- ~~[CA 128](#) Motion to approve Resolution 2015-21, authorizing Contract for Services with Wood River Fire and Rescue, recently approved contract has been slightly changed from council’s adoption of contract on 3/2/15 with Resolution 2015-10.....~~
- [CA 129](#) Motion to approve Resolution 2015-22, authorizing an estimate from Webb Landscaping to improve Southeast corner of the Roundabout on Woodside Blvd. for not to exceed amount of \$2,500.....
- [CA 130](#) Motion to approve Resolution 2015-23, authorizing MOU with Lily & Fern for 2015 park adoption services at Jimmy’s Garden (flower and plant care).....
- [CA 131](#) Motion to approve Resolution 2015-24, authorizing MOU with Sun Valley Services for 2015 park adoption services at Jimmy’s Garden (mowing).....
- [CA 132](#) Motion to approve Resolution 2015-25, authorizing MOU with Swenke Landscaping for 2015 park adoption services at Hailey Skatepark .....
- [CA 133](#) Motion to approve Resolution 2015-26, authorizing agreement with Lantis Fireworks for July 4<sup>th</sup> Fireworks pyrotechnical display in Hailey.....
- [CA 134](#) Motion to approve Resolution 2015-27, authorizing installation and monitoring agreement with Sentinel Fire & Security, Inc. for Hailey Fire Station .....
- [CA 135](#) Motion to approve receipt of Transmittal of the 2014 Hailey Urban Renewal Agency Annual Report .....
- [CA 136](#) Motion to approve Resolution 2015-28, declaring surplus property and authorizing the removal of it from our inventory .....
- [CA 137](#) Motion to approve Resolution 2015-29, authorizing Arena Use Agreement with 5<sup>th</sup> District High School Rodeo for event at the arena on May 8 and 9, 2015.....
- [CA 138](#) Motion to approve Special Event for ArborFest at Hop Porter Park to be held on Saturday May 9<sup>th</sup> 11-3 pm .....
- [CA 139](#) Motion to approve Special Event for Hailey Family Carnival to be held on vacant lot South of McDonalds, 710 Main St. South Friday-Sunday, hours 12 pm – 11 pm Friday and Saturday, 12 pm – 9 pm on Sunday.....
- [CA 140](#) Motion to approve alcohol license for Restaurant 103 and Powerhouse, Powerhouse approval pending receipt of state and county licenses .....
- [CA 141](#) Motion to approve minutes of March 16, 2015 and to suspend reading of them .....
- [CA 142](#) Motion to approve minutes of April 6, 2015 and to suspend reading of them .....
- [CA 143](#) Motion to ratify claims for expenses incurred in March and paid in April 2015 .....
- [CA 144](#) Motion to approve claims for expenses incurred during the month of March, 2015, and claims for expenses due by contract in April, 2015 .....
- [CA 145](#) Motion to approve Treasurer’s report for March 2015.....

HAILEY CITY COUNCIL MINUTES  
April 20, 2015

[5:31:39 PM](#) Williamson pulled item CA 128  
Burke will abstain from CA 141 and Keirn will abstain from CA 142.

[5:32:21 PM](#) **Burke moves to approve Consent Agenda items minus CA 128, seconded by Cooley. Motion passed with abstentions from Burke for CA 141 and Keirn for CA 142.**

CA 128 - [5:32:57 PM](#) Williamson discusses the Wood River Fire and Rescue Agreement (WRFR). WRFR district asked for payment of \$80,000 and minor changes after the council approved the agreement in the March 2<sup>nd</sup> council meeting. In discussing this with Aberbach, they thought they would split the difference and propose payment of \$82,500 by WRFR. Williamson received an email from WRFR's Attorney at 4 pm today and he wants 2 additional pages. Exhibit A, outlines the scope and responsibilities, it is not in the packet, Williamson explains. WRFR wants to show the breakdown that Aberbach drew up a few months ago. Need to change to \$82,640 amount, page 1 and 2 of the contract, will be \$6,886.67 per month.

Williamson offers to show Exhibit A to Mayor and council.

[5:36:19 PM](#) **Burke moves to approve with changes explained tonight with Resolution 2015-21, seconded by Keirn. Motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Brown, yes.**

### **PROCLAMATIONS AND PRESENTATIONS:**

*PP 146 "Livable Main Street" grant effort - a presentation given by Lisa Horowitz*

[5:37:18 PM](#) Lisa Horowitz gives presentation to council. Horowitz explained what a "Livable Main Street" is, including slowing down traffic, encouraging pedestrian connectors, and outdoor eating at restaurants. Presentation to come to council in June. Horowitz stated that she is looking for grant opportunities to help with way finding signage. Horowitz will keep council updated in the near future. The Sonoran grant allows for staff match, not funds matching,

*PP 147 Town Square Presentation by 7th Grade Leadership Class*

[5:42:02 PM](#) Ms. Schrader's Middle School class, Evan Blass, Aidan, Peter Kaelyn and Makye.

These students presented a place – the lot between Sturtos and Washington Federal bank on North Main Street, to have the town square location. Students presented the benefits to having a town square. The students conducted a survey and they presented the results to the council. The students presented a design of the town square, where the stage would be located and vendors.

[5:45:58 PM](#) Brown asked if they see this being used during winter. They confirmed yes.

[5:46:22 PM](#) Cooley asked about allowing dogs in the town square. Based on survey answers, students thought this was important to include dogs.

Haemmerle asked about vendor fees. The students think fees would be necessary to upkeep the town square. Applause by all.

*PP 148 Mountain Rides on Bike Share and Bike/Ped Improvements*

[5:51:32 PM](#) Kaz Thea presented for Mountain Rides. Thea gave a history of this bike share program. Created from Community Climate Challenge product and then transitioned to Mountain Rides to administer. Last year, the bikes were not in circulation, due to a vendor upgrade. There will be approx. 4 stations throughout town. Hubs will be indicated by bike racks and signage. Bike share advertisement cards will be distributed throughout town, encouraging people to join the program. Pay as you go - .monthly \$30, season \$65, encouraging bus pass holders to join. Also will be offering sponsorships, ads for the bikes. 6 basket advertisements have been sold so far. The bikes are GPS track able, they know where the bikes are at all times.

[5:59:30 PM](#) Cooley asked how many bikes will be in Hailey. Approx. 20 in Hailey, and 20 in Ketchum Thea answered, it is not a hard and fast number.

[6:02:18 PM](#) Haemmerle encourages everyone to try these out. Thea brought in 60 crossing flags for City of Hailey to put on crosswalks. Thea announced that May 15<sup>th</sup> is bike to work/school day.

Mayor Haemmerle announced that he will discuss PH 156 next.

**PUBLIC HEARINGS:**

*PP 156 Consideration of Resolution 2015-30, authorizing Second Addendum to Annexation Agreement and Third Modification to Deed Restriction for the North Hailey Business Center*

[6:03:52 PM](#) Mayor Haemmerle introduced this item.

[6:04:01 PM](#) Williamson gave a history of this item. This property was annexed in 1991, by Bart Rinker. Use restrictions were placed on the property, no grocery, hardware stores or restaurants were allowed. On Lot 2A, years later, where McDonald's is, they asked that the restaurant restriction be released for this lot, and the City agreed. ... Then years later Albertsons property was annexed and they opened in the northern most spot in Hailey. Now, a regional natural foods store is looking to purchase this lot, the purchaser wants this restriction to be removed from the lot. All three property owners of this original annexation must agree to remove these restrictions. Williamson questions these deed restrictions at this point in time because of McDonalds and Albertsons operating outside of the city's core.

[6:07:49 PM](#) Haemmerle would like to give this item more time for public comments. Council will reconsider this item on May 18<sup>th</sup>. Atkinson's grocery store was notified before this meeting, and they made public comments via email and they were handed out to Mayor and Council at the beginning of tonight's meeting.

No public comments.

**6:09:11 PM Motion to continue discussion to May 18<sup>th</sup> made by Keirn. Motion seconded by Brown, and motion passed unanimously.**

*PH 149 Airport Discussion*

6:09:40 PM Haemmerle had a discussion with Rick Baird, they will be unveiling one chapter at a time in the Friedman Memorial Airport Authority (FMAA) board meetings. Chapter C will be discussed in the May FMAA meeting and discussed in June. Chapters A&B have been adopted and now are being reviewed by Federal Aviation Administration (FAA).

6:10:57 PM Burke has noticed approximately 6 take offs and landings per day by private aircraft via the North bound approach. Burke asked if the good-neighbor policy is still in effect? Does the City want to respond? Haemmerle responds, the airport responds to complaints as they receive them. Traffic over the city of Hailey has increased in the past 2 years. Haemmerle will bring this up. Burke will begin tracking and rally her neighborhood.

6:16:53 PM Platt reported that the Airport Wastewater main project was shut down last Thursday due to lack of submitting plans by airport.

6:17:23 PM Cooley will be absent from the June FMAA meeting. Cooley asks for no action to be made in his absence on Chapter C.

No public comments.

Mayor Haemmerle departs the meeting. Keirn takes the helm at running the meeting.

*PH 150 Sunburst Hills Final Plat Approval*

6:18:56 PM Horowitz introduces this item, preliminary plat was approved September 15, 2014 by council. A few changes are suggested that have been handed out to council at the meeting.

6:20:14 PM Brian Yeager of Galena Engineering presents for applicant. Note 7, about driveway being 10 feet from property line. Developer would like note number 7, to be 6 feet from property line instead of 10 feet to be consistent with the building envelope.

6:22:18 PM Burke looks at pg. 199, item C, all driveways except lot 6? Brian all lots except lot 6 shall be no closer than 6 feet from property line.

Horowitz hands out a final plat map to council. Yeager explains the request from the applicant. The map is not in tonight's packet.

Williamson doesn't like having to make a decision this quickly. After some discussion, about the 10 foot set-backs, Yeager retracts his request.

[6:27:30 PM](#) Horowitz hands out a revised Plat to Yeager and council. Horowitz explains that the changes are cleaning up duplication. Payment is expected before Hailey signs final plat. Fees are listed under item E. Final plat application fees have been paid.

[6:30:09 PM](#) Yeager clarified townhouses are 6 ft. setbacks.

Burke asks him to repeat his statement. [6:30:59 PM](#) after discussion Burke suggests to go with what was proposed in tonight's packet.

Brown would like to do this right.

Council will revisit later in tonight's meeting.

*PH 151 Consideration of an Ordinance No. 1173 vacating portions of 6th Avenue and Carbonate Street and consideration of Resolution No, 2015-\_\_\_\_ approving a water line easement with Mary Mizer adjacent to 6th Avenue*

[6:34:04 PM](#) Keirn asks Williamson to present this item. Williamson displays pg. 208? In packet the plat map, showing what was not vacated. There is a sewer line under the vacated portion of the property. Williamson has been asked to vacate the rectangle on Carbonate and the square on 6<sup>th</sup> Avenue as shown. Williamson suggests vacating if we have the easement signed. Mary Mizer is okay with the easement, her son, is not okay with the easement. Mr. Mizer wants any replacement or new line placed under the street and not in the spot that it is located now. Williamson sees this as very expensive to redo the street. We would not want to make a new spot for the sewer line. We cannot vacate and place conditions later. Williamson suggested that we should come up with the easement at the same time as the vacation.

Public comments:

[6:43:20 PM](#) Brian Yeager thinks that the man hole could be moved but we don't know where the other utilities are located, so difficult to make this determination without this information. Yeager speaking as a member of the public and not representing the City of Hailey as "City Engineer."

[6:44:58 PM](#) Jim Mizer speaks to council. Mr. Mizer wants the line not moved further East into his mother's property.

Cooley asks if we could put language in the Easement to state that we would not advance any further into the property, would Mr. Mizer be okay with it then?

[6:47:11 PM](#) Williamson restates that we would not go further East in replacing the sewer line. Williamson confirms what Cooley stated. Jim. Mizer is good with Cooley's proposal.

Pg. 218, paragraph C, recitals: Williamson reads: the existing sewer line Easement wording. Williamson does not want to get into a future disagreement over definitions – what is new construction or replacement. Williamson suggests language.

Brown suggests: "...repair, replace, or construct for sewer line purposes." [6:50:59 PM](#) Brown reads the suggested language complete sentence under Recitals, Paragraph C. "Grantor and Grantee desire to establish a sewer line easement across, over and under just the portion of Servient Estate to enable the grantee to maintain, repair, replace, construct or reconstruct and use the easement for sewer line purposes." Yeager proposes language: "...just the portion of Servient Estate currently utilized to enable the grantee..."

[6:51:52 PM](#) Williamson recaps: under Purposes and Restrictions sections item number 2, added line, "The establishment of sewer line easements shall not affect the zoning setbacks of the Grantors property." And, "Grantee ex

Jparagraph 2 purposes and restrictions: "in the event the sewer line and sewer line easement is replaced or reconstructed, the sewer line shall remain in the same location or move to the west.

Williamson 3 readings of ord. then published, then mayor will sign easement agreement.

Pg. 207, language for motion.

**[6:54:44 PM](#) Burke moves to approve Ordinance No. 1173, sewer line easement agreement incorporating the language, Recitals, Paragraph C. "Grantor and Grantee desire to establish a sewer line easement across, over and under just the portion of Servient Estate to enable the grantee to maintain, repair, replace, construct or reconstruct and use the easement for sewer line purposes." and under purposes and restrictions number 2, "in the event that the sewer line in the sewer line easement is replaced reconstructed the sewer line shall remain in same location or to the west. [6:56:08 PM](#) , adopt the Quit claim deeds and, Resolution 2015-32, and conduct first reading of Ordinance No. 1173 authorize the Council President to sign all documents, seconded by Cooley, motion passed unanimously.**

**[6:57:29 PM](#) Keirn conducts the 1<sup>st</sup> Reading of Ordinance No. 1173, by title only.**

*PH 152 Consideration of Non-Discrimination Ordinance, which establishes protections against discrimination based on gender identity or sexual orientation within the City of Hailey*

[6:58:31 PM](#) Williamson has made one change in this ordinance based on the recent Indiana State experience. Idaho has been asked to amend the human rights act. The state has not added this language yet. 10 Idaho cities have adopted similar ordinances. On Pg 231, under exceptions, B(1) has changed since the last meeting, based on information from the issues seen in Indiana. Williamson continues to state that we should exempt religious activities not religious entities.

[7:02:19 PM](#) Brown asked if there was a public turnout for the New Business item. Cooley answered, yes, High School (Gay Straight Alliance) students made comments responded.

[7:03:41 PM](#) Peter Lobb Hailey resident, narrowing the protections is a good idea. Lobb thinks that all comments are positive, this is "no brainer", pass it and move on.

[7:04:29 PM](#) Williamson presented that a reason to not do it is because of money.

[7:05:17 PM](#) Tony Evans with the Idaho Mountain Express, asks for clarification. Williamson responds.

[7:06:06 PM](#) Lobb feels it is worth the risk.

[7:06:16 PM](#) Brown wants to believe that this is not an issue here in our valley.

[7:06:55 PM](#) **Cooley moves to approve Ordinance No. 1174 authorize 1<sup>st</sup> Reading by title only, seconded by Brown, motion passed unanimously.**

[7:07:38 PM](#) **Keirn conducts 1<sup>st</sup> Reading of Ordinance No. 1174, by title only.**

Now Council revisits discussion on PH 150.

#### *PH 150 Sunburst Hills Final Plat Approval*

[7:08:25 PM](#) Horowitz gives council an update on some of the discussions held when the preliminary plat was approved. The applicant's representative Brian Yeager asked for a modification of a condition for the flag lot. There was a discussion of the request and the entire application.

Brown is more comfortable staying with 10 feet unless we push the discussion to the next meeting. Yeager asks to finalize this tonight, he is okay with 10 feet.

[7:11:51 PM](#) **Brown moves to approve Tanner Investments application for Sunburst Hills Subdivision lots 7, 8, and 9 of Block 62 Woodside Subdivision #15, finding that the final plat with modified conditions 1-5 as shown in handout given to Mayor and council at the beginning of tonight's meeting is consistent with the approved preliminary plat and the conditions of preliminary plat approval have been met, authorize Mayor to sign, seconded by Burke, motion passed unanimously.**

#### *PH 153 Consideration of Resolution 2015-\_\_\_\_amending the Park Reservation Fee, Arena Use Fee, and Water Fill Spout Fees (re-noticed from April 6, 2015)*

[7:13:20 PM](#) Mariel Platt presents this item to council. Parks and Lands Board has discussed fees generally and feel that fees should cover staff time. There are a lot of things to consider, council may want to discuss this item and adopt at a future meeting. Platt would like council feedback on this topic. Platt explains current fees and proposed fees. Breaking down the fees, shows the impact of certain uses, i.e. pavilion rental less of an impact than seasonal sports use.

[7:17:43 PM](#) Brown asks about a wedding reservation for wedding. Platt responds, cannot regulate exclusive use of Park without a Special Event reservation.

[7:19:09 PM](#) Cooley clarifies, anyone can use it for no cost. If you want to be sure to have the use to yourself, you must reserve it.

[7:19:51 PM](#) Increase in fees, how was this figured, asks Brown. Platt responds that the fees reflect staff time in the reservation or processing of the application. All costs are not covered with these new rates.

[7:21:29 PM](#) Platt then reviews the fill spout permits, located just north of the airport. \$200/year for annual permits. 1.7 million gallons was used on this fill spout for these users. Platt explains the proposed rates. The fill spout is potable water, Platt confirms from Keirns question. A quote from 2 years ago, \$16,000 to buy the software, card lock system.

[7:25:36 PM](#) Cooley would like to meet with Platt to discuss further. Cooley is concerned with increasing the fees so much in just one year. Platt asks a clarifying question of Cooley. Platt will speak to Cooley.

[7:31:14 PM](#) A citizen comments that card lock system would be the best way to run this fill spout.

Lisa Horowitz and Platt discussed earlier the RV dump station grant requirements. Are we required in perpetuity to only collect donations? Or can we charge fees after a period of time? Staff will research.

Arena fees Platt reviews the past Arena events. Last year's events costs vs. fees collection net \$8,000 loss.

[7:36:39 PM](#) Keirn feels that we should cover our costs at the least. Platt explains that the proposed fees cover reimbursement of utilities.

[7:37:55 PM](#) Brown reminds the philosophical intent, getting this place booked first – establish the fees after about 5 years. Brown is cautious with moving forward without hearing from citizens. Platt explains the typical fee collected per day has been about \$800, \$500 for event plus \$1 per ticket sales sold after a certain number of sales.

Platt suggests marketing the site to bring events to the Arena.

Platt asks for more suggestions.

[7:43:20 PM](#) Bob MacLeod comments the growing crowds would bring in more money by collecting \$1 per ticket sales.

Brown wonders how other places handle events.

[7:46:12 PM](#) **Brown moves to continue discussion to the May 4<sup>th</sup> meeting, seconded by Burke, motion passed unanimously.**

*PH 154 Consideration of Floodplain Ordinance amendments*

[7:46:41 PM](#) Horowitz introduces this item. Housekeeping in nature or feedback from FEMA on suggested changes.

No public comments.

[7:47:39 PM](#) **Burke moves to approve Ordinance No. 1175, seconded by Cooley, motion passed unanimously.**

[7:48:16 PM](#) **Keirn conducts 1<sup>st</sup> Reading of Ordinance No. 1175, by title only.**

*PH 155 Consideration of ordinance amendments to Hailey's building codes and energy codes (will be continued to May 4th council meeting)*

[7:49:53 PM](#) Horowitz asks for continuation of this item to the May 18<sup>th</sup> Council meeting.

[7:50:14 PM](#) **Burke moves to continue to May 18, seconded by Brown, motion passed unanimously.**

*PH 156 Consideration of Resolution 2015-30, authorizing Second Addendum to Annexation Agreement and Third Modification to Deed Restriction for the North Hailey Business Center*

**NEW BUSINESS:**

*NB 157 Discussion of Wastewater Treatment Plant Biosolids project.....  
- Approval of Engineer of Record Agreement (includes CE&I services)*

[7:50:46 PM](#) Williamson explains the history of this item. JUB is going to assist HDR in the inspection of this project. This is a not-to-exceed contract, excluding programming.

[7:53:00 PM](#) **Burke moves to approve task order #11 with Resolution 2015-33, seconded by Brown, motion passed unanimously.**

Cooley comments, there are advantages to offering more choices. DEQ does not recognize irrigation as a high hazard and does not specify these different options. Cooley believes that this is a good idea.

*NB 158 Discussion on ordinance amendments to park and arena reservations and use*

[7:54:26 PM](#) Platt asks council on feedback regarding this topic.

*NB 159 Discussion on cross-connection ordinance amendment to consider allowing alternative backflow protection devices for irrigation*

[7:55:13 PM](#) Platt gave an overview of this item.

NB 160 Discussion on Indian Springs Agreement with Resolution 2015-\_\_\_\_, proposal to hire SPF Engineering to design a wall for improvements to the collection system, for a not to exceed amount of \$5,100

8:00:25 PM Platt gave a recap of this item. We are not collecting our full water right. By installing the subterranean wall, this would enable higher collection of our water right.

8:02:35 PM Brown moves to approve Resolution 2015-34 authorizing the proposal to hire SPF to design a wall to help increase collection of our water right from Indian Springs. Cooley, seconds motion. Motion passed unanimously.

NB 161 Discussion of water issues, including a) water right delivery calls (CM-DC-2015-001 and CM-DC-2015-002) filed by Big Wood and Little Wood Water Users Association, b) Idaho Department of Water Resources letter dated February 20, 2015 and c) formation of the Galena Groundwater Management District, and consideration of Resolution 2015-31, authorizing engagement with Mike Creamer of Givens Pursley Law Office to represent the City of Hailey

8:02:54 PM Keirn opens this item then hands over floor to Williamson. Williamson and Platt have met with the Mayor regarding Water rights and next steps. Council will see this list in the very near future. Williamson believes that it would be smart to get representation involved for this matter. There would be an election in May 2015 to form a Groundwater management district. Hailey is attempting to set up meetings with all valley cities mayors, regarding the water delivery calls, we have to send in a letter of intent to participate in the district. Michael Creamer is monitoring an application by Innovative Mitigation Solutions, LLC, which intends to convey mitigation rights to entities, via Hiawatha Canal. Lastly, a letter from IDWR dated February 20, 2015, involving City of Twin Falls, stating that municipalities use is fully consumptive, which is a different approach than communicated previously.

8:09:51 PM Burke moves to approve Resolution 2015-31 authorizing engagement with Michael Creamer Water Rights attorney and to file Letter of Intent to participate, seconded by Cooley, motion passed unanimously.

**OLD BUSINESS:**

OB 162 2nd Reading of Social Hosting, Runaway and Beyond Control Ordinance No. 1172

8:10:41 PM Keirn conducts 2nd Reading of Ordinance No. 1172, by title only.

**STAFF REPORTS:**

- SR 163 Draft agenda for May 4, 2015 council meeting .....
- SR 164 Snow Removal Report 2014/2015 (no documents)

[8:11:57 PM](#) Platt gives report, 1900 hours, total contract hours 175, total contract spent \$40,000, leaving approximately \$20,000 in budget line item. Total of 6 events over 3 inches.

[8:13:15 PM](#) with no further business meeting was adjourned.