

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD OCTOBER 5, 2015
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:33 P.M. by Mayor Fritz Haemmerle. Present were Council members Don Keirn, Pat Cooley, and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson, and City Clerk Mary Cone.

Carol Brown not in attendance.

[5:33:08 PM](#) Call to order

Open Session for Public Comments:

[5:33:30 PM](#) Bob Wiederrick Hailey resident, reads from a letter. Wiederrick gives Hailey the second “Stagnation economic award”. Wiederrick believes the Development Impact Fee (DIF) ordinance should be repealed and that business is hurting because of the DIF.

[5:35:55 PM](#) Haemmerle will put the trophy next to the first one Wiederrick presented.

[5:36:42 PM](#) Cindy Moore came into City Hall today and spoke with Heather Dawson to report that the traffic light at Airport Way and Highway 75 presents safety issues when pedestrians are crossing the street. When traffic is turning left onto Airport Way from the Highway, pedestrians are given the “okay” to walk. Mayor clarified that this is similar to other lights in Hailey. Mayor Haemmerle asked Mariel Miller to look at this and present it at a future council meeting – within a month.

CONSENT AGENDA:

- [CA 399](#) Motion to ratify the Mayor’s signature and submission of a revised grant application for improvements to Balmoral Park
- [CA 400](#) Motion to ratify Resolution 2015-87, authorizing the Mayor’s signature on an application to lease City of Hailey water right #37-906, irrigation for Friedman Memorial Airport landing strip, to the Water Bank.....
- [CA 401](#) Motion to ratify Resolution 2015-88, authorizing the Mayor to sign and authorize the purchase of two storage sheds with Old Hickory Sheds, LLC in the amount of \$6,090.00 each
- [CA 402](#) Motion to approve Resolution 2015-89, authorizing the Mayor to sign and authorize the use of iWorQ for Public Works Department and Street/Park Division citizen inquiry feature on the city’s website for the annual fee of \$500.00.....
- [CA 403](#) Motion to approve Special Event, the event being CrosstoberFest to be held on October 16th and 17th, 2015 at the Cutters Park.....
- [CA 404](#) Motion to approve Resolution 2015-90, declaring surplus property and authorizing the proper sale or destruction as appropriate
- [CA 405](#) Motion to approve minutes of September 21, 2015 and to suspend reading of them.....
- [CA 406](#) Motion to approve claims for expenses incurred during the month of September 2015, and claims for expenses due by contract in October, 2015

[5:38:38 PM](#) **Burke moved to approve all consent agenda items, seconded by Keirn, motion passed unanimously.**

MAYOR'S REMARKS:

[5:39:02 PM](#) Mayor Haemmerle is presenting on Thursday Oct. 15th at Rotary Club, and has asked for help from Lisa Horowitz to do the presentation.

APPOINTMENTS AND AWARDS:

AA 407 *Library Board re-appointment of April MacLeod (term expires Sept. 2015)*

[5:40:08 PM](#) Mayor Haemmerle moves this item to next meeting, Oct. 19th.

PROCLAMATIONS AND PRESENTATIONS:

PP 408 *Water Rights Presentation*

[5:40:30 PM](#) Haemmerle asked that Mariel Miller begin her presentation. Miller displayed a PowerPoint presentation to council. [5:41:33 PM](#) Water rights overview given by Miller. Miller explains the link between water rights and water rates. The rates must generate enough revenue to meet the budget. Recently, we needed to apply legal fees to the water budget to help with the recent water call. Williamson will discuss the legal terms later in the meeting. Miller explains why water rights are important, if water rights are reduced then it has widespread impacts. Water is critical to a good quality of life for our citizens. [5:46:00 PM](#) Williamson adds that money is an important factor in water rights. Idaho Law is based on Doctrine of Prior Appropriation – “First in Time – First in Right,” is one term defined. Williamson then discussed Conjunctive Management and Idaho Department of Water Resources (IDWR) rules. Factors become complicated when considering senior / junior water rights and then evaluating whether or not an injury has occurred to a Senior water right holder. If injury occurs to a senior water right holder then they can seek curtailment or mitigation from a junior water right holder. Williamson suggests experts are necessary to help us with our water rights – and we have done that. [5:50:03 PM](#) Miller then discusses our current water rights, including Indian Springs and Groundwater. Non-potable supply comes from Big Wood River and Hiawatha Canal among a few other supplies. Hailey has made an effort to get our parks off of potable water and onto surface rights – Deerfield, Curtis, Old Cutters, Hop Porter Lions and Heagle Parks. Future parks, Keefer, Balmoral and Woodside Blvd. right of way. [5:53:06 PM](#) Mayor asked a question. Miller answered. [5:53:52 PM](#) Miller explained recent water right issues, groundwater model, Ground Water District, IDWR letter on non-consumptive water and the recent water call of Big and Little Wood water users. and Groundwater flow model, Miller explains. SPF Engineering represents Hailey in the Technical Advisory Committee and provide frequent updates. Miller then discusses Groundwater Districts – they are special districts that allow members to be assessed costs to certain activities – including measurement, legal representation, reporting of diversion and mitigation plans and projects. [5:57:12 PM](#) Burke asks a question. Where can calls come from? [5:57:30 PM](#) Haemmerle answers Burke’s question. Discussion ensued about districts. [5:59:45 PM](#) Burke tries to understand, how many players are we dealing with?

Williamson answers, lots of players involved including IDWR, Districts, etc. [6:01:29 PM](#) Haemmerle speaks to Burke's questions again. [6:02:05 PM](#) Miller, South Valley Groundwater District formed recently in Bellevue triangle. Hailey has been asked to vote on the formation of the South Valley Groundwater district because we own water rights, this will be in front of council in the next meeting. [6:03:45 PM](#) Williamson comments on districts – they have broad powers. [6:04:16 PM](#) Miller we don't know how the fees would be assessed but we do know they would be paid by the Water Department budget. Hailey does not yet know if we want to be a member of a district. [6:05:02 PM](#) Williamson discusses a letter to City of Twin Falls, where non-consumptive use is quoted. Water to your home was explained to be non-consumptive where as irrigation is "consumptive" use. The letter from IDWR to City of Twins Falls suggests that water to a house is "consumptive." We are trying to get to the bottom of this, as before – water to house was considered non-consumptive. Water cannot be curtailed if considered "non-consumptive." [6:07:41 PM](#) In Feb. 2015 another letter was sent to IDWR Director from Big and Little Wood water users Association. The Director treated this letter as a water call, Williamson explains. Conjunction Management describes How? Our response, we entered into a Joint Defense Agreement (JDA), allows 5 different entities to share costs with water rights, Sun Valley Company, Ketchum, Bellevue, Sun Valley Water District and Hailey. Williamson discussed area of common groundwater supply. In the water call case, Hailey and Bellevue have taken the position that an area of common groundwater supply must happen first – before a call can be carried out. [6:12:04 PM](#) Burke asks a question on page 100 of Hailey Water System Master Plan 2nd paragraph from bottom 1883 water right cannot be "unstacked." Burke asks why would you want them "unstacked?" [6:12:46 PM](#) Haemmerle explains stacking water rights – same place of use with varying dates. [6:13:31 PM](#) Williamson continues, we asked for a stay on the water call. We had a hearing in January 2016. Asked for a district court to determine if the ruling was correct from the Director of IDWR. This allows us to proceed in a more logical fashion. [6:16:15 PM](#) Haemmerle adds that the stay was filed by City of Bellevue and Hailey. Williamson comments. [6:17:40 PM](#) Miller discusses Hailey's approach, includes: participating in Water Collaborative, considering membership in Galena Groundwater District, conservation. Miller presents conservation projects, water meters and water rates, irrigation conservation upgrades in city parks, pilot water conservation rebate program. Projects to protect and enhance rights include: put unused rights in the bank and/or lease, Indian Springs improvements, evaluate wastewater reuse, consider recharge projects and other mitigation. [6:22:06 PM](#) Miller explains in detail the Indian Springs project and the funding from users. Next meeting is Oct. 19th, more discussion of water rates with multi-family revisions in revenue projections, and more discussion on the election of the South Valley Groundwater District - recently formed. [6:24:34 PM](#) Haemmerle comments on Indian Springs, using the entitled (full use of) water rights here will help ensure that water to houses can be kept on in Hailey. [6:26:00 PM](#) Burke asks a question. Haemmerle answers. [6:27:23 PM](#) Dawson comments that she was asked today what costs have occurred regarding water rights to date, \$37,000 in legal expenses and \$26,000 general water rights management to date (August 2015) for a total of \$63,000. [6:28:39 PM](#) Williamson closing comments. More general comments.

PUBLIC HEARINGS:

PH 409 *Consideration of Resolution 2015-85, setting user and connection fees for water and wastewater (cont'd from 9/21/15 meeting and will be continued to the October 19, 2015 meeting) no documents*

[6:30:58 PM](#) Williamson asks council to continue this item to the next meeting.

[6:31:30 PM](#) **Burke moves to continue, Cooley seconds, motion passed unanimously.**

PH 410 *Consideration of an application for a Subdivision submitted by ARCH Community Housing, of Lots 3 & 4, of Block 66, Hailey Townsite, by creating four residential condominium units and accompanying common spaces. The new subdivision is proposed to be 521 River Street Condominiums consisting of a total condominium area of 2,851.2 square feet. Current property is within the Business (B) and Townsite Overlay (TO) zoning districts. The existing structure houses four apartment units and no new construction is necessary for the condominium conversion (cont'd from 9/21/15 meeting)*

[6:31:57 PM](#) ARCH continued from last meeting. Horowitz hands out an email from Michelle Griffith of ARCH answers questions raised from last meeting regarding parking. The parking is conforming in the size and number of spaces. The non-conforming part is the approach – driving over a sidewalk to get to the parking spots.

[6:34:42 PM](#) Williamson comments – if you increase size of building or alter building use then must provide complying parking– that is not happening here.

[6:35:50 PM](#) Michelle Griffith ARCH Community Housing, gives some background. We wanted to keep the building as apartments but the funding made available to ARCH did not allow use as apartments. ARCH wanted to keep these units as affordable housing – the only way to do this was to condominiumize the units. Griffith met with many city officials, Fire Marshal, CD Director and Building Inspector. Griffith comments on the parking, her Yukon fit in the space without blocking the sidewalk – displays a picture she took today. [6:40:09 PM](#) Horowitz comments on the Street departments wishes regarding street parking in front of this building. Burke makes a suggestion. [6:40:48 PM](#) Cooley asks a question. Discussion ensued between council and Griffith.

No public comments.

[6:43:55 PM](#) Burke comments. Haemmerle asks about a parking condition if use changes. Williamson comments regarding the parking.

[6:46:08 PM](#) **Burke moves to approve the Final Plat with Conditions A-K, adding a plat note requiring compliance of parking if the building use were ever changed, seconded by Cooley, motion passed with roll call vote. Keirn, yes. Cooley, yes. Burke, yes.**

[6:47:24 PM](#) Horowitz comments suggesting that the City could paint red in the street in front of the approach to the parking spaces. Miller believes that a red stripe would be possible.

PH 411 Consideration of a request by Leadership Circle, LLC on behalf of Natural Grocer for a new Private Road connecting Main Street and First Avenue in conjunction with a new specialty retail store, Natural Grocer

[6:48:16 PM](#) Horowitz points to plans in council packet, last page – site plan. Horowitz explains that these are the longest blocks on Main Street and the proposed street is offset from Kings Street by 19 feet.

[6:50:41 PM](#) Brian Yeager explains the road slope of this private road. Drainage would be benign. Yeager has had conversations with City staff regarding cross walks – agree to wait to stripe them. [6:53:09 PM](#) Williamson asks when the street would be constructed – Yeager answered at the same time as the construction of the building. Horowitz asked Yeager if he wanted to explain the bike lane. Yeager states that it is a 4 foot wide bike lane shared with curb and gutter, it is identical to the one approved during the King’s project. What this means is that the bike lane ends up being 2 ½ feet because the curb and gutter is 1 ½ feet wide. There will be 2 city standard street lights installed on the North side of the private street, Horowitz commented.

[6:57:18 PM](#) Colleen Teevin, Hailey resident asks a question. Has the use of this new private road by students been considered? Horowitz answered. [6:59:00 PM](#) Haemmerle also comments.

[6:59:54 PM](#) Burke is good with this proposed street.

[7:00:01 PM](#) Cooley asks a question about the back wall. Horowitz answers.

[7:01:25 PM](#) Haemmerle asks a question, would like to have the road only if the building gets constructed. Williamson comments. Horowitz proposes a conditional statement. Williamson comments about the idea. Williamson suggests conversations and we bring it back to council in the next meeting.

[7:04:18 PM](#) Yeager comments.

[7:06:39 PM](#) **Keirn moves to continue discussion to Oct. 19th – seconded by Cooley, motion passed unanimously.**

PH 412 Consideration of Ordinance - amendments to Title 13, Water and Wastewater, to establish a circuit breaker fee reduction for wastewater based on the meter and bond fee, to establish authority for other administrative fees and fee waivers and to modify water and wastewater fees for multiple family dwellings

[7:07:01 PM](#) Miller describes that this is the guidelines that allows us to establish fees by resolution – this is not the fee resolution. There are more administrative fees already allowed by Idaho code, this just formalizes the fee in our code – ie. NSF fee.

No public comments.

[7:09:51 PM](#) **Burke moves to adopt Ordinance No. 1189, read by title only, Keirn seconds, motion passed unanimously.**

[7:10:43 PM](#) **Mayor Haemmerle conducts 1st Reading of Ordinance No. 1189, by title only.**

NEW BUSINESS:

NB 413 Consideration of Resolution 2015-91 authorizing the Mayor to sign and adopting the Water Delivery System Maintenance and Cost Sharing Agreement with Old Cutters Homeowner's Association

[7:12:40 PM](#) Miller gives an update, final plat with Old Cutters subdivision, required an agreement with developer to share costs of the water delivery system. City's share is 55% of the cost and 45% is Old Cutters share based on property owned.

[7:14:45 PM](#) Keirn asks a question. Williamson answers.

[7:15:13 PM](#) **Keirn moves to adopt Resolution 2015-91 authorizing Mayor to sign the Water Delivery System Maintenance and Cost Sharing Agreement, seconded by Burke, motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes.**

STAFF REPORTS:

[7:15:55 PM](#) HFD Fire Prevention Week started today at the schools.

[7:17:08 PM](#) Kudos for HFD letter from Bart Lassman, Mayor Haemmerle met with Lassman and Aberbach and they are discussing even more ways of cooperation between departments in the future.

[7:17:33 PM](#) Horowitz will give a presentation at the planner convention this week in Northern Idaho.

[7:18:25 PM](#) Burke went with Stephanie Marvel to an art training in Portland Oregon, years before Hailey form the Arts Commission – we've come a long way!

[7:18:58 PM](#) **Burke moves to adjourn meeting, seconded by Cooley, motion passed unanimously.**