

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD NOVEMBER 21, 2016
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:30 P.M. by Mayor Fritz Haemmerle. Present were Council members Colleen Teevin, Don Keirn, Pat Cooley, and Martha Burke. Staff present included City Attorney Ned Williamson, and City Administrator Heather Dawson

[5:28:55 PM](#) Meeting called to order by Mayor Haemmerle

Open Session for Public Comments:

No public comments were made.

CONSENT AGENDA:

- [CA 407](#) Motion to hold special city council meeting on Thursday, December 1, 2016 at 5:30 p.m.
- [CA 408](#) Motion to ratify grant application to FEMA for Assistance to Firefighters Grant for an \$800,000 aerial ladder truck for Hailey Fire Department, with a 5% match requirement of \$40,000, authorizing city officials to sign all required grant application documents.....
- [CA 409](#) Motion to approve an application for re-certifying Hailey as a Tree City USA community
- [CA 410](#) Motion to approve an application to the Idaho Power Foundation for a contribution to Balmoral Park improvements
- ~~[CA 411](#) Motion to approve Resolution 2016-139, authorizing the mayor to sign Amendment No. 1 to the Idaho Water Resource Board Water Conservation Grant Agreement.....~~
- [CA 412](#) Motion to accept 2017 annual rate for employee health benefits from Delta Dental of Idaho, which increases premiums for dental insurance by 2%
- [CA 413](#) Motion to accept 2017 annual rate for employee health benefits from VSP Vision Insurance, with no increase to premiums for vision insurance.....
- [CA 414](#) Motion to approve Special Event Turkey Trot 5K Run & Walk, to be held on November 24, 2016 from 10:00am to 12:00pm
- [CA 415](#) Motion to approve the Findings of Fact from the October 3, 2016 Council meeting regarding an application for Preliminary Plat approval for a seven-unit, cottage-style townhouse subdivision called Sonitalena Cottages, to be located on Lot 2, Block 4, Old Cutters (261-281 CD Olena).....
- [CA 416](#) Motion to adopt Resolution 2016- 140 to expand a bus loading zone in front Albertson's, and Hailey Hotel eliminating one parking spot in front of each location for a total of (2) parking spots to allow safer egress of buses.....
- ~~[CA 417](#) Motion to approve minutes of October 17, 2016 and to suspend reading of them (not approved in last meeting).....~~
- [CA 418](#) Motion to approve minutes of November 7, 2016 and to suspend reading of them.....
- [CA 419](#) Motion to approve claims for expenses incurred during the month of November 2016, and claims for expenses due by contract in December, 2016
- [CA 420](#) Motion to approve Treasurer's reports for October 2016.....

[5:29:19 PM](#) Mariel Miller pulls CA item 411; Martha Burke pulls CA item 417 to abstain.

5:29:42 PM Don Keirn moved to approve all consent agenda items minus CA item 411 and 417; seconded by Martha Burke; motion passed unanimously.

5:29:53 PM CA 417 – Burke pulled CA item 417 to abstain, as she was absent from discussion.

5:30:09 PM Keirn motioned to approve minutes of October 17, 2016 and to suspend reading of them (not approved in last meeting); seconded by Cooley; motion passed with roll call vote. Cooley, yes, Keirn, yes. Teevin, yes.

5:30:23 PM CA 411 – Miller explained this item and noted that the last page of the contract was signed by Mariel Miller and should have Mayor Haemmerle’s signature. Miller noted that last page would be replaced and signed by appropriate parties.

5:30:48 PM Burke motioned to approve Resolution 2016-139 (changing signature page from Mariel Miller’s to Mayor Haemmerle’s), authorizing the Mayor to sign Amendment No. 1 to the Idaho Water Resource Board Water Conservation Grant Agreement; seconded by Keirn; motion passed with roll call vote. Burke, yes, Cooley, yes, Keirn, yes. Teevin, yes.

PROCLAMATIONS AND PRESENTATIONS:

PP 421 The Chamber—Hailey, the Wood River Valley Semi-Annual Report and Presentation of 2016/2017 Budget (no documents)

5:31:27 PM Richard Stahl, Chamber of Commerce President, read the mission and vision of the Chamber, and provided background information on what the Chamber does for the City of Hailey, as well as the Wood River Valley.

5:35:31 PM Jeff Bacon, new Executive Director of the Chamber, provided a year-end-review for Council, staff and public, and highlighted goals and business module for 2017.

PUBLIC HEARINGS:

PH 422 Consideration of a City-initiated Text Amendment to Title 17, Section 17.05, District Use Matrix, to clarify: Restaurants, including Drive-through and Restaurants which may or may not include the sale of alcoholic beverages; Parcel Delivery and Shipping Services, and amendments to Title 17, Section 17.02, Definitions to add or modify definitions related to the above (Continued from November 7, 2016 meeting)

5:43:01 PM Horowitz gave an overview of project, including details on Temporary Structure, and suggested modifying the definition of the term. Horowitz noted that a footnote was added to clarify Temporary Structure as a Conditional Use Permit, which would alleviate businesses or organizations returning to Planning and Zoning Commission and Council every year for review, as long as no changes to the structure were made.

5:45:39 PM Ned Williamson reminded Council that the Planning and Zoning Commission recommended a Not Permitted Use.

5:46:30 PM Mayor opened item for public comment. Julie Cord, property owner that leases to United Parcel Service (UPS) business, encouraged the Council to approve the term as a Conditional Use

Permit, which would allow for review and would be subject to limitations and restrictions that are currently outlined in the ordinance, and would also allow the business to continue to serve the Wood River Valley.

[5:48:18 PM](#) Mayor closed item for public comment. Mayor questioned whether or not the terminal was identified as having a Conditional Use Permit. Horowitz noted that no information or record could be found of terminal having a previous Conditional Use Permit.

[5:48:55 PM](#) Burke questioned if Temporary Structure was Not Permitted in the Business Zoning District, which the Council would be instituting, is the business grandfathered in. Williamson confirmed that the business is grand-fathered in at current location. Burke noted that as long as structure does not change, UPS could continue to operate in their current location until space no longer meets their needs. Williamson agreed.

[5:49:51 PM](#) Mayor noted that the one structure has been present for several years and as a result, would be grandfathered in; however, if UPS chooses to add a second unit or structure, a Conditional Use Permit would need to be filed.

[5:50:14 PM](#) Williamson noted that by definition, the second unit is a Temporary Structure and is only applicable for one year only. Burke questioned that if the building is no longer satisfactory, would the Conditional Use Permit dissolve? Williamson noted that it would not; however, UPS would need to reapply for a second Conditional Use Permit.

[5:51:23 PM](#) Horowitz clarified that if a Not Permitted Use was chosen for the Business Zone and UPS wanted to add a second Temporary Structure, they would not be able to do so, as it would be an expansion and considered a Non Conforming Use. If a Conditional Use was chosen for the Business Zone, UPS could amend their Conditional Use Permit to allow two Temporary Structures.

[5:52:38 PM](#) Horowitz noted that by default, the underlying building, was a permitted use, as no record or correspondence stated otherwise.

[5:52:58 PM](#) Burke suggested a Conditional Use in the Business Zone, as nothing on the property has changed and believes the City should not penalize a business for conducting business within the City for 25 years. Keirn agreed.

[5:54:51 PM](#) Teevin questioned what would happen if UPS were to leave the lot. Mayor noted that if a Conditional Use was permitted, another terminal or business could apply for a Conditional Use Permit and operate in a similar manner. If Not Permitted, no like business or trucking terminal would be allowed in the Business Zoning District.

[5:57:01 PM](#) Cooley would like to keep UPS operating as a business in Hailey.

[5:58:59 PM](#) Horowitz informed the Council that if permitted as a Conditional Use, impact, size, scope and many other factors would be examined and reviewed, and is not an automatic green light in zone.

5:59:49 PM Burke motioned to adopt Hailey Ordinance No. 1207, with the change that under Parcel Delivery Terminal, that a Conditional Use is applied in the Business Zoning District; Keirn seconded; motion approved with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.

6:01:55 PM Mayor Haemmerle conducts 1st Reading of Ordinance No. 1207, by title only.

PH 423 Consideration of a City-initiated Text Amendment to Title 17, Section 17.02, District Use Matrix, to clarify: Dance, Martial Arts, Fitness Facilities, Health and Fitness Facility, Performing Arts Center, Studio, Artist, Recreation Facility, Commercial Indoor Recreation Facility and Commercial Outdoor Recreation Facility

6:02:47 PM Horowitz noted that the Planning and Zoning Commission would like to clean language and definitions, and collapse phrases of terms to have things read more clearly and concisely.

6:03:28 PM Mayor opened item for public comment, there were no comments.

6:03:43 PM Burke motioned to adopt Hailey Ordinance No 1208 with the 1st Reading of Ordinance No. 1208, by title only. Cooley seconded; motion approved with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.

6:04:18 PM Mayor Haemmerle conducts 1st Reading of Ordinance No. 1208, by title only.

PH 424 Consideration of an amendment to Hailey Municipal Code Title 15.12, to adopt the 2015 International Fire Code, 2015 International Fire Code Standards and 2015 International Wildland-Urban Interface Code

6:05:51 PM Mike Baledge informed the Council that the State is in line to adopt the 2015 International Fire Code this year and noted that no significant changes were made to said code. Baledge also noted that new code will not impact City's current ordinance.

6:06:54 PM Mayor opened item for public comment, there were no comments.

6:07:04 PM Burke motioned to adopt Hailey Ordinance No. 1209. Keirn seconded; motion approved unanimously.

6:07:08 PM Mayor Haemmerle conducts 1st Reading of Ordinance No. 1209, by title only.

NEW BUSINESS:

NB 425 Consideration of Resolution 2016-142 authorizing a one year contract for services agreement with The Chamber – Hailey, the Wood River Valley to provide special event support and marketing, visitor services, improvements and business development for an annual amount of \$65,000 and Consideration of Resolution 2016-141 authorizing renewal of the annual Lease Agreement which allows The Chamber – Hailey, the Wood River Valley to occupy the City of Hailey's Welcome Center at Werthheimer Park

6:08:03 PM Williamson reviewed the existing contract with The Chamber and noted the Hailey Chamber of Commerce has decided to change name to The Chamber – Hailey, the Wood River Valley. Williamson also noted that an issue has come up about whether or not LOT monies are being used to fund Hailey purposes. Williamson believes this is two-prong issue in that 1) are the monies being used for public purposes, or 2) are the monies being used to fund the purposes delineated in the Local Option Tax Ordinance. After meeting with The Chamber, Williamson believes the monies are being used for public purpose, as well as being used for purposes specified in the LOT Ordinance.

6:10:03 PM Williamson also noted that the new Contract of Services is different from the previous one in that The Chamber will also conduct Business Development Services.

6:10:24 PM Williamson informed the Council of a discussion concerning fireworks between him and The Chamber. Williamson noted that the total cost each year for fireworks is \$15,000. Language was written in the contract that states the City of Hailey and The Chamber will collaboratively raise funds of \$15,000 each year to support the fireworks display. Williamson informed the Council that The Chamber would like to revise this language in their contract to state, “The Chamber and the City shall conduct fundraising with the intent to raise \$15,000 per year for the July 4th fireworks display.”

6:13:01 PM Dawson questioned whether or not The Chamber has adopted budget for the year. Bacon confirmed that budget has already been adopted. Dawson would like to see an exhibit to service that includes adopted budget, to show where The Chamber is spending \$65,000. Burke agreed.

6:13:43 PM Mayor questioned whether or not The Chamber was in agreement to attach the budget to the contract. Bacon agreed.

6:13:40 PM Discussion ensued about the costs of the fireworks display, as well as how The Chamber plans to raise funds for next year’s fireworks display.

6:23:59 PM **Burke motioned to adopt Resolution 2016-142 authorizing contract and adding Chamber’s budget as Exhibit “A” to contract; Keirn seconded; motion approved with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.**

Motion to approve Resolution 2016-141 authorizing Mayor to sign Lease made by Keirn, seconded by Burke, motion passed with roll call vote. Teevin, yes. Keirn, yes. Cooley, yes. Burke, yes.

NB 426 Consideration of Blaine County Recreation District’s request to exchange land within Parcel BB on Fox Acres Rd

Williamson gave an overview of this item as a plat was displayed to the council showing this parcel. Blaine County Recreation District (BCRD) has approached the City and asked if we could swap property to enable further development of the Fox Acres barn. The current access to the City well is from Fox Acres and BCRD is proposing that the City deed the existing access off Fox Acres to access from East Sunrise Dr. If so, BCRD would also give pole access adjacent to the currently owned pole access to the City.

After some discussion, the council made a motion.

Keirn moved to authorize the Mayor to execute the attached Quitclaim Deed conveying title to Hailey for the deeded access to the well site located on Parcel CC, with the condition that the deed be recorded simultaneously with the recording of the deed from BCRD to Hailey for Parcel BB2 and with the recording of the lot line shift plat, seconded by Burke. Motion passed with roll call vote. Teevin, yes. Keirn, yes. Cooley, yes. Burke, yes.

OLD BUSINESS:

OB 427 2nd Reading Ordinance 1206, which adds a new chapter, Chapter 10.44 to Hailey Municipal Code authorizing a traffic safety program

6:33:44 PM Mayor Haemmerle conducts 2nd Reading of Ordinance No. 1206, by title only.

EXECUTIVE SESSION: Real Property Acquisition (IC 74-206(1)(c)), Pending & Imminently Likely Litigation (IC 74-206(1)(f)), and/or Personnel (IC 74-206(1)(a/b))

6:34:49 PM Burke moved to go into executive session; seconded by Cooley; motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.

6:55:24 PM Mayor Haemmerle and council came out of Executive Session

NEW BUSINESS:

NB 428 Consideration of a request by the Wood River Land Trust to add the City of Hailey as the grantee on conservation easements for 153.44 acres described as Lots 1A and 2A, Block 1, Stevens Family Ranch, LLC, according to the official plat thereof (no documents)

6:56:08 PM Williamson presented the project and noted that two conservation easements were granted to the Wood River Land Trust; one on the east side of the river and one on the west side of the river. Williamson noted easements are designed to improve conversation purposes, such as wildlife preservation and protection, riparian protection, etc. Williamson noted that the Wood River Land Trust has the opportunity to buy the underlying land and would need a qualifying charitable organization to serve as the assignee of the conversation easement, which would be the City of Hailey. Williamson believes this is a great idea and would like to see the City move forward on this project. Williamson noted that the Wood River Land Trust will improve access along the river, which the public could have access to, and will be incorporated in to the MOU.

6:59:52 PM Keri York informed the Council that the primary purpose of purchasing the property would be to provide access and improve management strategies, and look at future river restoration opportunities in area.

7:00:21 PM Mayor agreed with York and believes this project is an incredible opportunity for both properties,

7:00:37 PM Mayor Haemmerle asked Ned Williamson, City Attorney, if motion would be needed for approval. Williamson noted that a motion to approve an assignment agreement and an

assignment in an MOU, subject to the review of the City Attorney, City Administrator and the Mayor, would be needed.

7:00:44 PM Burke motioned to approve City Attorney, Ned Williamson's, statement, subject to the review of the City Attorney, City Administrator and the Mayor; Keirn seconded; motion approved by roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.

NB 429 Consideration of Pay Request No. 16 in the amount of \$127,302.55 from CNI for Biosolids construction project

7:02:26 PM Burke motioned to approve Pay Request No. 16 in the amount of \$127,302.55 from CNI for Biosolids construction project; Cooley seconded; motion approved by roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.

STAFF REPORTS:

7:03:16 PM Aberbach informed the Council that the Fire Department will be attending trainings to further their professional development in the field of Airport Operations. Fire Department will be responsible for any aircraft, fire or rescue at the airport, and to better perform and accommodate the airport's needs, Hailey Fire Department staff will complete basic training courses over the next few years.

7:04:19 PM Dawson noted that the City's Christmas party is currently scheduled for December 15, 2016 at Muleshoe Tavern.

7:05:09 PM Cooley moved to adjourn meeting; Keirn seconded; motion passed unanimously.