

**MINUTES OF THE  
HAILEY CITY COUNCIL MEETING  
Monday JUNE 17, 2013 \* Hailey City Hall Meeting Room**

**Present:** Carol Brown, Don Keirn, Fritz Haemmerle, Martha Burke

**Staff:** Jeff Gunter, Heather Dawson, Ned Williamson, Micah Austin, Tom Hellen, Mariel Platt, Kristine Hilt,

**Absent:** Pat Cooley

**5:30 p.m. CALL TO ORDER**

[5:33:28 PM](#) Mayor Haemmerle called the meeting to order.

**Open Session for Public Concerns**

[5:33:38 PM](#) None.

**CONSENT AGENDA:**

CA 218 Motion to approve Resolution 2013-50, authorizing Security Agreement with Blaine County regarding installation of two Parshall Flumes within Indian Creek.

CA 219 Motion to approve Resolution 2013-51, authorizing a Maintenance Agreement with Integrated Technologies for the copier equipment at the Woodside Water and Wastewater Treatment Plant.

CA 220 Motion to approve Safe and Sane Fireworks permits.

CA 221 Motion to approve special event, Color Run being held at the WRHS parking lots and designated route (Saturday July 6th from 10 a.m. to 10 p.m.).

CA 222 Motion to approve special event, July 4th Parade, Criterium Bike Race, Kids Carnival and Street Dance being held at Main Street, 1st Avenue and Hailey Square (Thursday July 4th from 11 a.m. to 10 p.m.).

CA 223 Motion to approve new beer and wine license for new business The Town Pump.

CA 224 Motion to approve new beer and wine license for Albertson's LLC.

CA 225 Motion to approve minutes of June 3, 2013 and to suspend reading of them.

CA 226 Motion to approve claims for expenses incurred during the month of May, 2013, and claims for expenses due by contract in June, 2013.

CA 227 Motion to approve Treasurer's reports from May 2013.

[5:34:00 PM](#) **Martha Burke moved to approve the Consent Agenda. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Burke, yes.**

**MAYOR'S REMARKS:**

MR 000

[5:34:35 PM](#) None.

**PROCLAMATIONS & PRESENTATIONS:**

Mayor Haemmerle moved PP 228 to the end of this section of the meeting.

PP 229 Presentation by Mountain Rides for next fiscal year funding request (5-10 minutes).

[5:34:52 PM](#) Jason Miller, Executive Director, noted the strong uses of LOT funds, safe routes, bike share, and provided an overview of regional service. He further advised Mountain Rides is

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reliant on federal and local funding as no state funding is in place. Mountain Rides requested \$78,000.00 in funding from the City. [5:44:50 PM](#) Discussion included the relationship of ridership to infrastructure improvements, and whether Hailey is in danger of losing any routes. [5:46:16 PM](#)

*PP 230 Presentation by Blaine County Housing Authority for next fiscal year funding request (5-10 minutes) (no documents).*

[5:46:24 PM](#) Heather Dawson noted that David Patrie earlier informed her he may be delayed in arriving at this meeting. Mayor Haemmerle moved on to the next agenda item until Mr. Patrie arrived.

*PP 231 Presentation by Fly Sun Valley Alliance for next fiscal year funding request (5-10 minutes) (no documents)*

[5:46:52 PM](#) Carol Waller, Director, spoke on the importance of air service to Blaine County, the progress being made on airport improvements, the reasons Hailey should invest in Fly Sun Valley Alliance, sources of LOT revenues, available air service, and a performance report. Ms. Waller further noted that private sector fundraising has been successful, and explained the Alliance's goals for future. Their funding request was for \$16,000 or 5% of LOT revenues. [5:58:15 PM](#) Discussion included outreach of FSV to Hailey businesses. Mayor Haemmerle hoped smaller businesses may be included as well as larger entities. [5:59:28 PM](#)

*PP 228 Presentation on Hailey Community Climate Challenge Progress Update (5-10 minutes) (no documents).*

[6:00:23 PM](#) Mariel Platt, noted the Challenge programs, projects, partners, and workshops. She advised that bike share use is up to 256 rides and the soft launch has been successful. Ms. Platt further outlined the remaining goals for the next seven months before the conclusion of the Challenge. She further noted the benefits of her attendance at the recent EPA workshop in Seattle with Heather Dawson and Becky Stokes. [6:11:14 PM](#) Ms. Stokes commented on the rewards of attending the conference, as did Heather Dawson. [6:13:08 PM](#)

*PP 230 Presentation by Blaine County Housing Authority (BCHA) for next fiscal year funding request (5-10 minutes) (no documents).*

[6:13:31 PM](#) David Patrie of BCHA apologized for his delayed arrival and introduced Nick Quaglia, BCHA's new bilingual outreach specialist. Mr. Patrie noted that the Authority's medical insurance costs had been reduced, and revenue resources had been diversified. He further provided an overview of the various people served by BCHA and noted the need for BCHA services given the difference between housing costs and wages available in the valley. [6:25:20 PM](#) Discussion included a comparison of the City's contribution last year and the amount for this year. [6:26:20 PM](#)

## **APPOINTMENTS & AWARDS**

*AA 232 Appointment to Development Impact Fee Advisory Commission (replaces Taylor Walker).*

[6:26:34 PM](#) Mayor Haemmerle appointed Craig Johnson and the Council's consensus was positive. **Carol Brown nominated Craig Johnson to the Development Impact Fee Advisory Commission. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Burke, yes.** [6:27:29 PM](#)

## **PUBLIC HEARING:**

*PH 233 Consideration of amendment to the Zoning ordinance by including the District Use Matrix, and eliminating sections of zoning code which are replaced by the Matrix.*

[6:27:47 PM](#) Micah Austin provided an overview and explanation of the Matrix, providing examples of changes implemented. He further provided specifics of the residential care facility category. [6:36:18 PM](#) Discussion included review and editing process of the Matrix.

[6:36:57 PM](#) Mayor Haemmerle opened the matter to public comment.

[6:37:04 PM](#) Peter Lobb, 4<sup>th</sup> and Carbonate, commended the Matrix as “a great idea as long as it is accurate,” and asked for a better explanation for reasons to add a residential care facility category now. Micah Austin explained. [6:39:42 PM](#) Discussion continued on whether enough public notice was given for this change. Ned Williamson advocated for a better description of such facilities. Mr. Austin noted he was satisfied with the current level of public notice.

[6:40:29 PM](#) Jay Cone, 651 El Dorado, spoke in favor of clearer language and encouraged staff to “talk to people fully” when trying to meet requirements.

[6:41:59 PM](#) Tony Evans, Idaho Mountain Express, noted that part of his job is to be informed of civic changes and that tonight’s meeting was providing him his first information about a residential care facility coming to Hailey. He opined that perhaps public notice was not adequate.

[6:43:02 PM](#) With no further comment offered, the Mayor closed the public comment section of this matter. Council discussion included hospital use as compared to residential care facility use, adequacy of public notice, and the definition of a residential care facility. Consensus was in favor of the Matrix, but Council asked for a better definition. [6:47:28 PM](#) It was agreed to hear the matter at the next meeting and Council will consider waiving one of the three meetings.

[6:48:19 PM](#) **Carol Brown moved to continue PH 233 to the July 1 meeting. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Burke, yes.**

*PH 234 Consideration of amendment to the Zoning Ordinance Section 8.2 - Electronic Message Display Ordinance.*

[6:49:20 PM](#) Mayor Haemmerle provided background and overview of the matter, noting that the Planning & Zoning commission “gave an emphatic recommendation of denial.”

[6:50:41 PM](#) The Mayor opened the matter to public comment. Jane Drussel, opined “there is nothing wrong with these signs as long as the use is for schools, and we need one at the Welcome Center.”

[6:51:26 PM](#) Peter Lobb, 4<sup>th</sup> and Carbonate, noted most schools are in neighborhoods and he was not in favor of lighted signs in neighborhoods. He further reminded this was not in keeping with the Comprehensive Plan as lighted signs would change the nature of neighborhoods. He went on to stress, “This is a really, really bad idea.” Mr. Lobb also noted no one from the school district has been present at hearings of this matter to support the idea, and he strongly asked the Council to adhere to P&Z’s recommendation.

[6:53:38 PM](#) Jay Cone, 651 El Dorado Lane, noted that thinking of these signs in terms of school use may have been commendable, but “definitions and terminology will have us with these signs all over town.” Mr. Cone was not in favor as he considered enforcement issues.

[6:55:06 PM](#) With no further comment offered, the Mayor closed the matter to public comment. Martha Burke suggested a compromise of allowing a single and central sign at the rodeo arena to replace the old high school sign that was removed, and that the sign would be used only for

community information. Ned Williamson advised that uniformity issues will be problematic. [6:57:18 PM](#) Discussion continued on safety and traffic concerns as the sign changes, and concerns about “cherry-picking ordinances.” Consensus was that no one wanted a proliferation of these signs. Jeff Gunter spoke in favor of a central sign for safety matters. Agreement was reached to remand this back to Staff, and then to P&Z, for consideration of one sign in a central location. Ned Williamson [7:02:00 PM](#) noted a rezone will be necessary under this plan. Council asked that options and recommendations be presented to them. [7:04:23 PM](#)

*PH 235 Consideration of amendments to the Subdivision Ordinance Sections 1.2, 3.1.1.1, 3.4.1, and 4.5.5 and Zoning Ordinance Articles 2, 4.12.3.4, & 6A.5B allowing Interior Lots in the SCI-I zone.*

[7:04:28 PM](#) Micah Austin provided overview and introduction, and reasons for considering this change. He advised that the applicant has proposed some additional amendments to what is in Council packets for reasons of addressing language and P&Z concerns. Council discussion included common area maintenance, and clarity of the concept.

[7:10:03 PM](#) Mayor Haemmerle opened the matter to public comment. Jay Cone, 651 El Dorado spoke on behalf of Jim Whitney (Portage Bay) applicant, providing a detailed explanation of this business property ownership form, and reasons to support the idea.

[7:13:30 PM](#) Tony Evans, Idaho Mountain Express, asked if this would increase density. Mayor Haemmerle advised that this was a time for comment, not question.

[7:14:09 PM](#) Bruce Smith, Alpine Enterprises Surveying, spoke on behalf of Jim Whitney and all surveyors in general, explained differences between condominium and townhome ownership. He noted examples in Ketchum. Mayor Haemmerle asked about Ketchum’s minimum lot size requirements. [7:16:37 PM](#) Mr. Smith continued on the benefits for financing and marketing properties. Mayor Haemmerle asked him to address common areas and whether property lines would run through structure walls. [7:21:30 PM](#) Mr. Smith explained to the Mayor that a minimum lot size would be 162 square feet. Discussion continued on that lot size, reasons for it, and any benefits. [7:27:03 PM](#) Jay Cone, 651 El Dorado Lane, contributed to the discussion by providing a detailed explanation. [7:29:08 PM](#) Council members expressed confusion over several points including liability in common areas, and how the 162 sq. ft. size was decided upon. [7:33:09 PM](#) Discussion continued on P&Z concerns, accessory dwelling units, permitted uses, a better connection between allocated parking and interior building use, and possible unintended consequences. [7:38:09 PM](#) Further concerns discussed included density issues, parking, enforcement matters, the Conditional Use Permit level of this process, meeting bulk requirements, ways to circumvent the bulk requirements, and setback requirements.

[7:43:16 PM](#) Jim Whitney, 130 Airport Circle, provided even more explanation of checks and balances, parking and minimum lot sizes. [7:46:48 PM](#) Mayor Haemmerle expressed further concerns about ownership, liability, and taxation issues. Mr. Whitney noted how much time, attention, and consultation has gone into this. [7:50:40 PM](#) He advised this is a common practice in other areas and matters addressed include fire insurance, landscaping, snow removal, and roof repair. Ned Williamson opined the matter was problematic.

[7:52:58 PM](#) Mayor Haemmerle opened the matter to public comment. None was offered.

[7:53:11 PM](#) Ned Williamson explained a 1965 act that created condo ownership and how it works as a recognized form of ownership. He expressed concern that this is not a recognized form of ownership in Idaho. Council consensus was that details should be better worked out for the structure of liability and common utilities, and that language in the Ordinance must work

more fully than this one. Council further noted that if other municipalities have addressed this issue, Council would like to see their ordinances.

[7:59:13 PM](#) Bruce Smith asked if Council would consider continuing this matter so the applicant can address Council's concerns.

[7:59:43 PM](#) **Carol Brown moved to continue PH 235 to a date uncertain to allow the applicant to address Council concerns. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Burke, yes.**

*PH 236 Proposed Ordinance - Cross Connection annual testing/reporting requirements for irrigation and fire sprinkler systems and User Fee revisions.*

[8:00:50 PM](#) Tom Hellen addressed Council questions from the last meeting and provided additional background. He noted that Ned Williamson has reviewed the Ordinance and that Fire Chief Chapman also contributed fire code language. Mayor Haemmerle added that there has been some public criticism of annual testing requirements. Mr. Hellen noted that the DEQ required the City to move forward, but August 1, 2014 should be the target for having testing completed. Council asked how many certified testers are now in the valley. Tom advised that the one-year process would allow for training and certification of testers.

[8:05:57 PM](#) Mayor Haemmerle opened the matter to public comment. Peter Lobb, 4<sup>th</sup> and Carbonate, commented that he has installed dozens of these systems professionally and does not know one certified inspector in the valley. He pointed out this would likely be an enforcement issue, and that he expected costs to homeowners to be \$50-\$100 for inspection next year in addition to rising water and sewer fees.

[8:11:28 PM](#) With no further comment offered, the public hearing was closed. Council discussion included the City not having any choice with this DEQ mandate.

[8:12:08 PM](#) **Martha Burke moved to adopt Ordinance 1127, and to authorize the first reading by title only. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Burke, yes. Mayor Haemmerle conducted the first reading.**

#### **NEW BUSINESS:**

*NB 237 Request for Waiver of Amplified Sound Ordinance to allow amplified sound until midnight for a Friday, July 26, 2013 Professional Bull Riders Event and Concert at the Arena.*

[8:13:45 PM](#) Judd Mortenson, representing PBR and Silver Spring Ranch, opined this event is an excellent business advantage to the City, and that he would like to make this an annual event. He praised the new rodeo grounds, and apologized for being unaware of Hailey's sound ordinance. He requested forgiveness and a waiver for this one time as he has already printed tickets and marketed the after-rodeo. Heather Dawson advised that she made several calls to citizens to check their opinions, and noted that the one-time only waiver made some sense to most of them. Discussion included whether a waiver was allowed by the ordinance, and the necessity of addressing amplified sound waivers for the arena at some point. Council further pointed out that firmly adhering to any extended sound cut-offs must be respected. Mayor Haemmerle suggested creating a waiver provision for the arena, moving this matter to the next agenda and waiving the three readings. Council encouraged thoroughly educating the public prior to the event to help manage expectations.

[8:24:16 PM](#) Mayor Haemmerle opened the matter to public comment. Jane Drussel, owner of Jane's Artifacts, expressed her pride in the Council's consideration of the waiver, and encouraged continued teamwork.

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**8:25:28 PM Council granted approval to extend the sound deadline to 11:30 p.m. for this one event, to properly inform the public, and to formally address the matter at the next meeting.**

*NB 238 World Music Festival requests waiver of fees for Arena Use on July 20, 2013.*

**8:25:53 PM** Heather Dawson introduced Danny Walton, Mountain Ice Productions, who outlined his previous successes in promoting shows here, and added that his ticket prices are half what is currently offered in the valley by other entities. Because of that, other cities are helping his cause by waiving fees. Mr. Walton further explained his ad campaign, public relations efforts, and reminded that this is the only reggae festival in Idaho. In response to the Mayor's question of why this waiver is deserved, Mr. Walton explained that the return on investment would be excellent marketing of the City.

**8:29:41 PM** Peter Lobb, 4<sup>th</sup> and Carbonate, noted he is generally opposed to waiving fees, but was in favor of reasonable attendance fees. He commented that he does not attend many local concerts anymore due to rising ticket prices. Instead, he drives to Boise for better prices.

**8:30:58 PM** With no further comment offered, the meeting was closed to public comment. Discussion included cleaning, damage, security/EMS personnel on standby, and whether it was possible to waive some fees rather than all. Ned Williamson asked if Mr. Walton was clear about the use agreement and the insurance requirements. Council expressed concern about the City's not losing money on any event, but their willing to work with Mr. Walton to achieve success and to have an informal 2013 policy to promote new events.

**8:35:44 PM Carol Brown moved to have Staff work out a waiver for this event. Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Burke, yes.**

*NB 239 Introduction of Acceptance of Art Policy for the City of Hailey and **Hailey at Night** donation.*

**8:36:38 PM** Heather Dawson noted the photograph was donated by Bob Wiederrick to the Arts Commission, but the Commission does not have an acceptance policy in place yet. Carol Brown noted the importance of a family-friendly policy in accepting art work, and referred to the recent outcry around a sculpture sited in Seattle. Consensus was reached to encourage the Arts Commission to develop a good acceptance policy, and to gratefully accept Mr. Wiederrick's photograph for display in City Hall. **8:39:48 PM**

#### **OLD BUSINESS:**

*OB 240 3rd Reading Ordinance No. 1125 – Limiting building permit extensions to 4 over a 3 ½ year period.*

**8:40:20 PM Don Keirn moved to conduct the reading by title only, and to authorize the Mayor to sign. Carol Brown seconded. Roll call vote: Brown, yes; Keirn, yes; Burke, yes.**

*OB 241 2nd Reading Ordinance No. 1126 - to annex Parcel 4 of a Replat of Maurer Subdivision into City Limits.*

**8:41:15 PM** Mayor Haemmerle conducted the 2<sup>nd</sup> Reading by title only of Ord. No. 1126.

#### **WORKSHOP: Staff Reports Council Reports Mayor's Reports**

*SR 242 2014 Budget Adoption Timeline.*

*SR 243 Report of Material Financial Event to Idaho Bond Bank regarding increase in wastewater rates.*

*SR 244 Amplified Sound Permit for the Sun Valley Brewery and Special Events List.*

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[8:42:06 PM](#) Micah Austin announced the Cottages of Sun Valley, a residential care facility, was in the application process, and would be located at the corner of McKercher Boulevard and Highway 75. He noted this project will have 34 beds and will bring more jobs to Hailey.

[8:43:22 PM](#) Heather Dawson reminded that budget discussions would begin at the next meeting.

**[8:44:00 PM](#) Martha Burke moved to go into Executive Session for matters of Pending & Imminently Likely Litigation (IC 67-2345(1)(f)). Don Keirn seconded. Roll call vote: Brown, yes; Keirn, yes; Burke, yes.**

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Fritz X. Haemmerle, Mayor

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Mary Cone, City Clerk