

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD NOVEMBER 18, 2013  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:36 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.

*Note: The timestamp feature malfunctioned during the recording of this meeting. All times of conversations are indicated as to when they happened. However, the timestamp link is not present. This malfunction did not affect the recording of the meeting.*

**MAYOR’S REMARKS:**

**5:36 pm** Mayor Haemmerle congratulates Don Keirn and Martha Burke for prevailing in the election. Mayor thanks Walt Denekas and Geoffrey Moore for having the courage to run in our democratic process.

**5:37 pm** – Bob MacLeod Hailey resident speaks to council representing the Blaine County Museum in Hailey. MacLeod announces that in the early 1980’s the Museum and City of Hailey partnered and got some storage space at the Friedman Memorial Airport, last month the Museum was notified that they need to move out of the space due to Airport expansion needs. If anyone knows of any cheap space for rent or of anyway to acquire adjoining property, let him know.

**5:38 pm** Jane Drussel representing the Hailey Chamber of Commerce spoke to council regarding the Halloween Hoopla event. Some businesses closed early (at 5 pm) after handing out over 2,000 pieces of candy, she stayed open and ran out of candy and was giving away candy off of her store shelves (she had approx. 4,000 pieces of candy for the event). Drussel thanked the City for the involvement in the Halloween Hoopla.

**5:40 pm** Walt Denekas, Hailey resident thanked all for support of Local Option Tax (LOT) 1%. Denekas cannot think of anything that will do more for this valley than the additional 1% LOT. He is happy to help in support of this in anyway. Denekas Congratulates Don Keirn and Martha Burke for winning and running clean campaigns. And Denekas apologizes for anything he may have said during the heat of the campaign to offend anyone – he takes it all back, smiling. Now that the LOT election is behind us, Denekas supports Hailey in sewer treatment plant process and upcoming election, the City can count on support from Marketron as well.

**CONSENT AGENDA:**

- CA 440 Motion to approve Resolution 2013- 77, 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 tax funding ... 1
- CA 441 Motion to approve Resolution 2013-83 authorizing contract amendment with Delta Dental of Idaho, to align waiting period language within the dental insurance contract with the Hailey Personnel Handbook ..... 11

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| CA 442 | <del>Motion to reject all bids for Woodside Roundabout Planting Project, which were conditionally approved in September contingent upon budget considerations by Mayor</del> ..... | 15 |
| CA 443 | Motion to approve alcohol license for Bear Grass LLC DBA Cowboy Cocina.....  | 17 |
| CA 444 | Motion to approve Taxi Business license renewal for 2014.....  | 19 |
| CA 445 | Motion to authorize an amendment to the Flex Spending Account (FSA) terms under new federal rules .....  | 23 |
| CA 446 | <del>Motion to approve minutes of November 4, 2013 and to suspend reading of them</del> .....  | 27 |
| CA 447 | Motion to approve claims for expenses incurred during the month of October, 2013, and claims for expenses due by contract in November, 2013 .....                                  | 37 |
| CA 448 | Motion to approve Treasurer’s monthly reports from October 2013 and Treasurer’s unaudited financial reports from Fiscal Year Ending 2013 .....                                     | 77 |

**5:42 pm** Brown pulls item CA 446 – for a correction.

Mayor Haemmerle pulls CA 442.

**Burke moves to approve Consent Agenda items minus CA 442 & CA 446, Keirn seconded. Motion passed with roll call vote. Brown, yes. Keirn, yes. Cooley, yes. Burke, yes.**

**5:43 pm** CA 442 - Haemmerle explained the situation. The City will save approximately \$30,000 by accepting this volunteer’s offer - Sally Hansen.

**Burke moved to reject all bids for the Roundabout landscaping contracts, motion seconded by Keirn. Motion passed with roll call vote. Brown, yes. Keirn, yes. Cooley, yes. Burke, yes.**

**5:44 pm** CA 446 – Brown asked to amend the minutes from November 4<sup>th</sup> to reflect that Police Chief Jeff Gunter was in attendance that night.

**Brown moved to approve as modified, seconded by Keirn, motion passed with roll call vote. Brown, yes. Keirn, yes. Cooley, yes. Burke, yes.**

**PUBLIC HEARINGS:**

*PH 449 Airport Issues – Discussion of Friedman Memorial Airport expansion outside the fence*

**5:44 pm** Haemmerle started out discussion in talking about past discussions regarding safety modification to airport. Mayor references options in past discussions, he believes that expanding the airport would be a violation of the Joint Powers Agreement (JPA) with the County. Williamson, City Attorney is in agreement with this belief. Federal Aviation Administration (FAA) says new airport relocation is too expensive, so an option is to have Friedman expand in its current location. Haemmerle states that the FAA can live with Alternative Number 3 regarding taxing planes. Is Hailey going to stick to the JPA with or have a discussion with County on the proposed expansion and property acquisition?

**5:51 pm** Williamson refers to the Amended and Restated JPA, recorded instrument number 589295 from July 2011 which is in the council’s packet, page 130. Williamson clarifies, you can amend the JPA, but you cannot expand the airport before an amendment happens, if so, it is in violation of the JPA.

**5:53 pm** Susan McBryant, Hailey’s representative on the Friedman Memorial Airport Authority (FMAA) speaks to council and refers to unforeseeable circumstances at the airport and all of these should be considered before discussing this topic.

**5:54 pm** Peter Lobb, Hailey resident – if you want to expand the airport, then do it as a last resort but you must change the JPA before buying land. Lobb would resist expanding.

Donna Serrano a Bellevue resident speaks to council. Serrano references an email from the FAA in Helena WA, states that Alternative Number 3 is acceptable solution to the FAA. Serrano believes there would not be problems with the JPA if you go with this option because you would not have to expand outside the fence. Serrano concludes that it seems like a strait forward answer.

**5:55 pm** Walt Denekas, Hailey resident – asked are there significant deficiencies between Option 3 and Option 1 that would suggest a reason to renegotiate the JPA? Haemmerle answers, Option 3 looks funky but that is about it.

Council discussion:

**5:56 pm** Keirn is discouraged that we did not hear about this before the last meeting. Don’t know why we are looking to go outside of the fence.

**5:58 pm** Burke asked a question about the property that is being discussed to purchase. The justification to purchase the property is to adjust the runway approach, what is the approach if land is not purchased. Haemmerle answers.

**6:00 pm** Cooley is inclined to change the JPA to enforce compliance between tower and pilots.

**6:01 pm** Haemmerle explains option 3. Burke would entertain a special meeting just to get a visual on the solution.

**6:05 pm** Haemmerle suggests before the next FMAA meeting to have Williamson send a letter to the county, stating that they will not change the JPA to allow for the purchase of property.

*PH 450 1% Air LOT Implementation..... 145*

- Adoption of Resolution No. 2013-82 canvassing election for Hailey City Council Seats 1 and 2, and 1% Air LOT
- First Reading of Ordinance 1133, adopted by voters on November 5, 2013
- Discussion of implementation of JPA; establishment of criteria for Air Service Board appointments

**6:08 pm** Williamson refers to the memo in tonight's council packet. Suggests to council steps for them tonight, to pass resolution 2013-82, proclaiming results of election, conduct a public hearing on proposed ordinance for adoption, and thirdly, parties should adopt criteria for Hailey's position.

Haemmerle suggests making motions on Ordinance No. 1133 and Resolution 2013-82 first, then the rest of the discussion.

No public comments

**6:10 pm** Motion to adopt Ordinance No. 1133, by Brown and conduct 1<sup>st</sup> reading by title only, seconded by Keirn, motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Brown, yes.

**Mayor Haemmerle conducts 1<sup>st</sup> Reading of Ordinance No. 1133, by title only.**

Resolution motion

**6:12 pm** Keirn moves to approve Resolution 2013-82 and authorize mayor to sign, seconded by Burke, motion passed with roll call vote. Brown, yes. Keirn, yes. Cooley, yes. Burke, yes.

Discussion regarding the implementation of JPA – page 147 of packet, Williamson asked council to look at this page. Williamson suggests that this position may not have substantial duties/responsibilities, and not time consuming.

Brown asks a question **6:15 pm** how does someone get removed from this position? Williamson states that he thinks you can appoint or unappoint this position. Haemmerle asks when we need to make the appointment. Dawson suggests an appointment in a December meeting.

No Public comments:

Brown **6:17 pm** has heard from some citizens that they think it should be an appointed official to fill this position.

**Burke moves to adopt the criteria as defined in the packet, seconded by Brown, motion passes with roll call vote. Brown, yes. Keirn, yes. Cooley, yes. Burke, yes.**

*PH 451 Public Hearing and consideration of a City of Hailey initiated text amendment, amending Hailey's Zoning Ordinance, Ordinance No. 532, by amending Section 8.2.2 to amend the definition of animated sign and to add the definition of electronic message display by amending section 8.2.6 of the Zoning Ordinance to delete animated signs as a prohibited use, and by amending 8.2.11(I) of the zoning code to provide for standards for electronic message displays and animated signs(Continued from October 7, 2013 meeting and will be continued in 11/18/13 meeting) (no documents)*

*PH 452 Public Hearing and Consideration of a City of Hailey initiated text amendment, amending Hailey's Zoning Ordinance, Ordinance No. 532, by adding a new Section 4.15 which creates an Information Overlay District, by amending Section 5.4 to add electronic message displays and animated signs as permitted or conditionally permitted signs in the Information Overlay District and by amending the Official Zoning Map for the City of Hailey to include the Information Overlay District (Continued from October 7, 2013 meeting and will be continued in 11/18/13 meeting) (no documents)*

PH451 & PH452 – will be discussed at the same time tonight

**6:19 pm** Haemmerle asks Micah Austin to present these items. There are no documents in tonight's packet. We are not comfortable with the existing ordinance, in process of setting up a sign committee to iron out these proposed ordinance issues.

Austin asks for a motion to continue to Dec 2<sup>nd</sup> meeting.

Public Comments:

**6:21 pm** Peter Lobb Hailey resident comments to council, it is always a good idea to get more information, if you look at this from an informational sense, we have more options than ever before to get information, is this something nice to have or do we need it? This costs money to do, is it necessary considering other larger items such as conjunctive management, sewer treatment plant upgrade, to name a few. Do we really need this, is this more attractive? Safety is also a concern with these signs. Lobb hopes that you take his comments into consideration when rewriting this or just drop it.

Council comments:

**6:27 pm** Haemmerle comments that we used to have a sign, he thinks it was a good thing, advertising local events.

**6:28 pm** Burke suggests putting back a vinyl letter sign, not electronic, then we would not have an issue. Austin states that council has approved the vinyl letter sign last year. Brown would like to see all options before making a decision.

**6:32 pm** Brown moves to continue PH451 & PH452 to the December 16th meeting, seconded by Keirn, motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Brown, yes.

*PH 453 Public Hearing on Resolution 2013-84 , which will lower wastewater rates for the billing month of November, and post facto for October, 2013, which rates were designed to be collected for a five month period from May-September, 2013*

**6:33 pm** Haemmerle starts discussion regarding Wastewater rates for 5 months – increase for engineering costs. We billed these rates for 6 months, this resolution reduces the rates for the 6<sup>th</sup> month, since rates were not adopted after the 5 month was billed.

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No Public Comments:

**6:36 pm Cooley moves to approve Resolution 2013-84, seconded by Brown, passed with roll call vote, Burke, yes. Cooley, yes. Keirn, yes. Brown, yes.**

*PH 454 Public Hearing on Water and Wastewater proposed ordinance to set the procedures for determining Water and Wastewater Department fees under a new rate structure – Third Reading of Ordinance 1139 and Approval of Summary of Ordinance 1139*

**Burke moves to approve 3<sup>rd</sup> reading of Ordinance No. 1139, authorize the mayor to sign, approve Ordinance No. 1139 summary, seconded by Brown. Motion passed with roll call vote. Brown, yes. Keirn, yes. Cooley, yes. Burke, yes.**

**6:37 pm Mayor Haemmerle conducts the 3<sup>rd</sup> Reading of Ordinance No. 1139 by title only.**

*PH 455 Public Hearing and adoption of Resolution 2013-85 setting base water rates, metered water rates, and connection and other water fees according to new rate structure set out in Ordinance 1139, above, to be effective on November 25, 2013*

Regarding Resolution 2013-85 Hellen explains that these base water rates would be effective November 25<sup>th</sup>, 2013

No public comments.

**Keirn moves to approve Resolution 2013-85, seconded by Brown, roll call vote, Brown, yes. Keirn, yes. Cooley, yes. Burke, yes.**

*PH 456 Public Hearing and adoption of Resolution 2013-86 setting Wastewater rates, and connection and other Wastewater fees according to new rate structure set out in Ordinance 1139, above, to be effective on November 25, 2013*

**6:40 pm** Regarding Wastewater fees there have been many discussions in the past several months.

No public comments.

**Burke moves to adopt Resolution 2013-86, seconded by Cooley, motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Brown, yes.**

*PH 457 Wastewater Biosolids Project – Decision on selection of equipment to enable engineers to design plant to the equipment*

**6:41 pm** Hellen points to his agenda item summary in the packet where he posed to council their options to move forward.

[6:44 pm](#) Brown asks a question about another option not clearly explained – alternative #3. Hellen answered that that option would entail buying the equipment after a bond is passed by voters but would put project behind schedule.

[6:46 pm](#) Williamson wants to clarify, can we write specifications for the bidding process now and then wait until bond election, can we still build same specs now? Hellen answers that there are engineering design challenges with this option.

No public comments:

[6:47 pm](#) Burke wants to pursue Williamson's suggestion.

Council is in agreement that they do not want to pre-purchase equipment before bond is put to voters.

### **NEW BUSINESS:**

*NB 458 Building and Fire Code ordinance*

[6:47 pm](#) Austin opens up the discussion and outlines the changes proposed in this ordinance. Austin then discusses a proposal for requiring fire retardant roofs.

[6:51 pm](#) Mike Baledge Hailey Fire Inspector, speaks to council and give an overview of the changes upcoming.

[6:55 pm](#) Cooley asks about remodels, shake roof structures. Austin answers that they would have to put on an acceptable roof. If under 250 sq ft. an exception.

[6:57 pm](#) Peter Lobb comments that the fire retardant treatment on shake roofs doesn't last long, so same risk after 5-10 years. Why let shake roofs in Hailey?

Council discusses – don't let new shake roofs in Hailey. Austin and Baledge discuss.

### **OLD BUSINESS:**

*OB 459 2nd Reading Cross Connection Ordinance No. 1140*

[6:59 pm](#) Mayor Haemmerle conducts the 2<sup>nd</sup> Reading of Ord. 1140 by title only.

### **STAFF REPORTS:**

[7:02 pm](#) Austin report on Green Economic Dev. Plan – hold off on this right now but will eventually incorporate into a larger Strategic Economic Development Plan - which will meet requirements of EPA grant.

**7:03 pm** Holiday Square – Austin plays the video of the town Christmas tree created by city employee Kristine Hilt, the video covers the acquisition of the tree and moving the tree into the City of Hailey. Dec 7<sup>th</sup> – will set up a projector and play this video. Give this video back to the people involved with the donation of the tree. Advertising is out there for the festivities, vendors are excited about the new location.

**7:11 pm** New snowflake decorations on Main Street, Jane Drussel of Jane's Artifacts offered the fundraising to pay for the purchase of them. These were the suggestion by employee Becky Stokes. Council is excited about the new snowflakes on Main Street.

**7:12 pm** Craig Aberbach, Hailey Fire Chief gave a presentation comparing the national average firefighters statistics to the Hailey fire fighters. Aberbach explains that the statistics are encouraging, we can do more with less compared to the national average, the age group is in line with national average, in line with national averages with regards to Emergency medical services.

**7:18 pm** Hellen gave an overview of this ADA requirement. There is an opportunity to incorporate ADA upgrades with a grant for River Street improvements. Haemmerle gives council an update, we will begin updating various poor conditioned sidewalks, a little at a time as budget permits.

#### **EXECUTIVE SESSION:**

**7:21 pm** Brown moves to go into Executive Session to discuss Real Property Acquisition (IC 67-2345(1)(c)), and Pending & Imminently Likely Litigation (IC 67-2345(1)(f)), **seconded by Burke, motion passed with roll call vote, Burke, yes. Cooley, yes. Keirn, yes. Brown, yes.**

Mayor Haemmerle and council came out of Executive Session and concluded the meeting at 7:30 P.M.