

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD MARCH 27, 2017
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, City Administrator Heather Dawson, and City Clerk Mary Cone.

[5:29:44 PM](#) Call to order by Mayor Haemmerle

Open Session for Public Comments:

No public comments

CONSENT AGENDA:

- [CA 075](#) Motion to ratify the Mayor’s signature and approve the bill of sale for a 2008 Ford F-150 for the Parks Division
- [CA 076](#) Motion to approve Resolution 2017-020, authorizing an independent contractor agreement with Samantha Stahlnecker for contract planning services in the Community Development Department for an amount not to exceed \$10,800 and authorize the Mayor to sign the agreement.
- [CA 077](#) Motion to approve Resolution 2017-21 ratifying the Mayor’s signature and approving an Agreement with Alta Planning to fund a Colorado Gulch/Broadford Road transportation analysis to be reimbursed by CGP, LLC
- ~~[CA 078](#) Motion to approve Resolution 2017-22 authorizing the Mayor to sign an agreement with Bauer to allow the City to filter and drain snow melt water onto private property adjacent to Lions Parks.....~~
- ~~[CA 079](#) Motion to approve Resolution 2017-23 and authorize an agreement with Western States Equipment to purchase forks for the front end loader.....~~
- [CA 080](#) Motion to approve Special Event, Trailing of the Sheep Festival, to be held at Roberta McKercher Park (October 6th and 7th, 2017, from 10:00 a.m. to 4:00 p.m.) and Lion’s Park (October 5th through 8th, 2017, from 8:00 a.m. to 4:00 p.m.).....
- [CA 081](#) Motion to approve minutes of March 6, 2017 and to suspend reading of them
- [CA 082](#) Motion to ratify claims for expenses paid in March 2017.....
- [CA 083](#) Motion to approve claims for expenses incurred during the month of March, 2017, and claims for expenses due by contract in April, 2017
- [CA 084](#) Motion to approve Treasurer’s Reports for February, 2017.....

[5:30:10 PM](#) Miller pulls CA 79, and Williamson pulls CA 78

[5:30:52 PM](#) **Burke moved to approve all consent agenda items minus CA 78 and CA 79, seconded by Keirn, motion passed unanimously.**

[5:31:15 PM](#) CA 79 – Miller updated agreement, dates of agreement are revised and handed out tonight at meeting.

[5:31:56 PM](#) **Burke moves to approve amended agreement handed out before meeting, seconded by Cooley motion passed unanimously.**

[5:32:19 PM](#) CA 78 Williamson asked to move this item to the next meeting, he is waiting to hear from Bauer on the terms of the agreement.

PROCLAMATIONS AND PRESENTATIONS:

PP 085 Presentation by Hailey Arts and Historical Preservation Commission pertaining to painted crosswalks and Carbonate Street

[5:32:50 PM](#) Lisa Horowitz opened this item. Errin Bliss and Morgan Buckhardt will present proposal for painted crosswalks in Downtown Hailey. Call for Artists at Carbonate and Main Street. Farmers market is moving to street between Brewery and Christopher and Company between Main and the alley. ITD regulations require a muted paint color, we are looking for several artists to utilize graphics and history. Buckhert explains the selected artist will be paid \$500 for Main street crosswalks and \$1,000 for the Carbonate Street crosswalks.

Mayor Haemmerle asks a question. Horowitz responded hopefully about \$2,000 for materials. Art will be installed by June 10th.

[5:40:27 PM](#) Mayor Haemmerle feels this adds vibrancy to our city.

PUBLIC HEARINGS:

PH 086 Consideration for the following: an Amendment to the Hailey Comprehensive Plan Land Use Map by the City of Hailey to change the designation for Lot 14, Block 46, Woodside Subdivision #11, from "Other Public Green Space" to "Traditional Residential" and consideration of a Zone Change Application by City of Hailey for an amendment to the City of Hailey Zoning District Map. Proposed changes would rezone the Lot 14, Block 46 Woodside Subdivision #11, from Recreational Green Belt (RGB) to General Residential (GR) (continued from Feb. 27, 2017)

[5:41:24 PM](#) Mayor Haemmerle opened this item.

[5:42:07 PM](#) Horowitz gives an overview of this item. Based on public comment from Feb. 27th council wanted to wait to discuss the project until ARCH held the public meeting with neighbors. That meeting was held March 16, 2017.

[5:43:25 PM](#) Williamson gives a history of this property and how the city acquired it. Deeded to City in 1989 from a Limited Partnership (GMMK) to use for public purposes only. If this property is rezoned, ARCH would lease this property from the City for a ninety-nine 99 year lease. There are 2 applications in front of you tonight, a Comprehensive Plan amendment and a rezone. Williamson reviews Idaho Law, which guides govt entities in making a decision, and the Comprehensive Plan is used to guide development. There are 17 components to the Comprehensive Plan, including a zoning map, proposed zoning map change.

[5:47:14 PM](#) letter submitted by Deb swartle, must analyze pg 155 of packet suggests that you must analyze all points made on this page. Williamson believes you do not need to address every point because some may conflict with each other. Your job is to look at these guidelines in

the Comprehensive Plan document and determine in this particular case on whether or not the land use map should be changed going forward. The Planning and Zoning Commission passed this suggestion with a 3-2 vote. On Pg 107 and 108 of packet, describes the compromise/balance that they've adopted, Williamson explains, trying to achieve both housing and open space. Williamson addresses a comment stating there was a noticing issue, Williamson explains. Make a decision on the land use map first and then make a decision on the rezone application second. There is also an allegation that the council is biased, Williamson wants council to answer some questions and base your decisions on law and not bias. [5:51:35 PM](#) Questions to council to address several allegations, that according to public statements in other meetings that council is biased and has pre-determined their decision and that staff has been discussing this project with ARCH. These questions will address these comments. Williamson asks the Mayor and council members to answer the following questions: 1) Have you discussed this with ARCH? 2) Will you have an open mind? 3) Will you apply this to existing law? 4) Have you made up your mind regarding the outcome of these hearings? Burke answered question number 1, no she has not discussed this with ARCH. Cooley replied that he attended a Parks and Lands Board where this was discussed but the only comment he made in the meeting was that their decision was just a recommendation to the Council. Williamson asked Cooley, any contact with ARCH? Cooley replied, Michelle Griffiths was at that same meeting. Mayor Haemmerle, no. Keirn, no. Teevin, no. Responses to question number 2, Burke will listen to the facts with an open mind. Cooley, has not made up his mind regarding this application. Mayor Haemmerle has not made up his mind. Keirn has not made up his mind. Teevin has not made up her mind. Responses to question number 3 (Will you apply this to existing law?), Burke, yes. Cooley, yes. Mayor Haemmerle, yes. Keirn, yes. Teevin, yes. Question number 4 (Have you made up your mind regarding the outcome of these hearings?) answers; Burke, no. Cooley, no. Mayor Haemmerle, no. Keirn, no. Teevin, no.

[5:53:26 PM](#) Williamson brings up some emails to the Blaine County Planning and Zoning Commission regarding Buttercup road development (from Kiki Tidwell), dated in 2016. Regarding ARCH, Williamson asks council to decide how much weight you want to give these comments but he believes they should be entered into the record. Regarding the applications under consideration tonight, the city owns the property, we have to make a decision on the application, and development would be subject to same review process as any other applicant.

[5:55:00 PM](#) Michelle Griffith ARCH, speaks to council. Griffith implores, we need affordable housing, 53% of renters are paying more than 30% of their income, not sustainable. Average rental is \$1,720/per month. Available rentals declined 39%. Griffith explains why Woodside needs affordable housing. In March 2012, 155 homes were foreclosed on, 15% were in Woodside, 48% of the foreclosed homes were purchased by investors, now rental prices have increased dramatically. ARCH has delivered 50 units of affordable housing, of these 2 have been delivered with permanent affordability without govt. Griffith explains what ARCH has done in collaboration with WRLT and BCRD on this property. Griffith explains how ARCH delivers and sustains affordable housing including holding a reserve for maintenance and capital improvements on their units at 7% per year. Griffith explains that the Comprehensive Plan is meant to be read in entirety. Griffith explains that the Parks and Lands Board voted unanimously twice to allow this land to be used for affordable housing. On page 19 of the Parks Master Plan, specific parcel is called out as a possible mini park, keeping the requirements of the

parks master plan. Griffith, you are being asked to embrace a compromise, not select housing over parks.

Public comments:

[6:08:00 PM](#) Anna Mathieu to read letter from Gretchen Stinnett dated March 22nd, to council. Affordable places to live are much needed in Hailey. Stinnett is a single parent and rents from ARCH. Stinnett asks council to vote for the rezone so that other families will have other opportunities that she has had.

Mathieu feels it is harder and harder for low to moderate income people to buy in the valley. ARCH provides quality living. Mathieu served on BCHA 2007-2010, continue to look for housing solutions.

[6:10:30 PM](#) Deb Ferguson, river street apartments resident. Ferguson agrees with Mathieu, and the standards are high for ARCH residents. Ferguson is the manager and resident, waiting list is for 50 people right now.

[6:11:49 PM](#) Becki Keefer Woodside resident, helped write the parks master plan, involved with parks since 1996. Keefer has had extensive involvement in Hailey with parks and committees. Since 2007 Keefer has been treasurer of Parks Foundation. Keefer supports this project, housing has always been an issue and is still a problem. The connection to Toe of the Hill trail is a huge asset to Hailey. This is a workable compromise and a public benefit.

[6:15:08 PM](#) John Hall a Woodside resident speaks to council. Hall has two issues, first is how close in proximity the living units are to the Builders thrift store and second, that it does not work for a living space. Hall would like this to be a park as he was told when he bought the property.

[6:18:02 PM](#) Gadrie Edmunds speaks to council and has a presentation to display. Edmunds lives close to the property in question. Edmunds talks about the Comprehensive Plan. Edmunds believes that Hailey needs more parks available to Woodside residents.. Edmunds feels that Woodside residents don't have enough greenspace available in south side.

[6:28:04 PM](#) Geoffrey Wardle attorney representing David Keir and Gadrie Edmunds speaks to council. It is unusual for a private entity to approach a city to help with a federal grant. Wardle's concern, what does Idaho code really require? Wardle discusses court case Urrutia vs. Blaine County, a subdivision case. Wardle explains why he believes there is an issue. The 5 points on page 155 in council packet, Wardle believes that Council needs to compare these to the Comprehensive Plan. Evaluate the rezone according to the Comprehensive Plan. What is the real concern, once it is gone, it is gone. It is not enough to only change the land use map. You must look at the policies you've already adopted. How do you balance the uses of this site? There will be an inherent issue with public traffic and private renters, this needs to be considered. Does this really constitute a public use to allow a non-profit to develop it for a good purpose? He believes there is a better solution. You are empowered to make decisions, do them in the right way, Wardle concluded.

[6:37:37 PM](#) Haemmerle comments. Has discussion with Wardle

[6:39:34 PM](#) Jamie Canfield Woodside resident speaks to council. Canfield had no idea that this was city property until very recently. There are kids playing in the streets and in the Power Engineers parking lot, kids could use this space and the neighborhood could come together. Canfield feels this should be kept for public use. Kids playing in the street is a safety issue, kids playing in parking lot is a liability issue. The green space would benefit the people of south Woodside. Housing would benefit only some.

[6:44:45 PM](#) Dave Keir speaks to council. Keir believes that the characterization of the lot is unsettling, it isn't a junkyard. Syringa School was using this space for some sledding this winter. ARCH is not adding a trail, the trail already exists. If we could connect Bellevue to Hailey trail this would be great to have this space as a park. Keir watches this lot, it is very valuable public space, and a buffer zone.

[6:48:20 PM](#) Doug Brown with the Sun Valley Regional Economic Development speaks to council. The business membership tells this board that lack of housing among their top projects. Low unemployment, losing employees because there is no housing, big employers are giving the same message. Brown observed the duplexes that ARCH recently built, they are high quality, please build these units, Brown asks council.

[6:49:56 PM](#) Tony Evans with Idaho Mountain Express comments to council, maybe this is a good time to identify other parcels to develop for ARCH. What other options exist for affordable housing.

[6:50:49 PM](#) Dave Patrie, former Executive Director of BCHA, speaks to council. This (housing) has been an issue that continues to be "kicked down the road." Providing housing for low income families is considered a public use. Setting up tension between neighbors is not fair and not good to do in a public meeting, Patrie objects these points. Power Engineers has employees on the waiting list at BCHA. Syringa School supports this application. The first part of your Comprehensive Plan, "don't cherry pick" encourage development of all socio-economic levels. Housing should be considered with the parks section. You have a compromise in front of you, 10,000 square feet of this property will be designated for public use, right a way to get to the trail.

[6:56:06 PM](#) Marlys Hall, Woodside resident speaks to council. This is an inappropriate place for housing next to the Industrial center. What is proposed is not large enough.

[6:57:31 PM](#) Paul Campton, Woodside resident speaks to council. There has been a decrease in parking with the school close by. This property is being used as a buffer between business and residential. We are already impacted by the industrial businesses close by. Campton asks council to give some thought to this buffer zone.

Council deliberation:

[6:59:19 PM](#) Cooley asks a question of Horowitz. Horowitz confirmed it would go through design review.

Williamson makes a suggestion.

[7:00:20 PM](#) Cooley has lived in Woodside for nearly 30 years. Cooley feels this is a workable compromise. He is fully supportive of Parks.

[7:02:34 PM](#) Keirn feels this would meet the Comprehensive Plan as written.

Cooley feels housing is huge.

[7:03:41 PM](#) Teevin asks a question. Williamson responds, it would change the land use map in the Comprehensive Plan, to change from public use to traditional residential. Teevin is okay with the map change.

[7:07:22 PM](#) Burke, the Comprehensive Plan is our guiding document that the city uses to develop. We look at the entire document to get this guidance. We have been given direction from the Parks and Lands Board to develop it as a combined use property, allowing open space and living. Burke feels this is the best compromise for this property.

Haemmerle speaks to the Comprehensive Plan and Kathy Grotto's public comments. Grotto quotes from the Comprehensive Plan: "Planning for parks and recreation must be sensitive to the stresses and complexities of growth, flexible to changing conditions..." Haemmerle, we've owned this property for almost 30 years, and there has not been an outcry for this parcel, only until now. [7:14:46 PM](#) Haemmerle speaks.

[7:16:14 PM](#) Teevin asks a question of Williamson, regarding the deed restriction. Williamson replies. Restriction "public purposes only." Not specifically identifying a park use. Teevin asks question about Comprehensive Plan map.

[7:18:43 PM](#) Lisa Horowitz adds public comments to the record, items received since packet was made last week and before tonight's meeting.

[7:19:26 PM](#) Burke talks about Woodside development, originally it was proposed as a gated community "French Laundry."

[7:21:42 PM](#) **Cooley moves to approve Resolution 2017-24 authorizing the land use map to "traditional residential", seconded by Burke with discussion, discussion ensued. Teevin, no. Keirn, yes. Cooley, yes. Burke, yes. Motion passed.**

[7:24:06 PM](#) Williamson references pages 109 and 110 in packet, there is better guidance for council on this item. First item, is the amendment in accordance with the Comprehensive Plan?; items A-1 through A-4.

[7:25:23 PM](#) Voting on A-1 Burke believe yes, it is in accordance with Comprehensive Plan. Keirn, yes. Cooley, yes. Teevin, no. A-2, Burke, yes, Cooley, yes. Keirn, yes. Teevin, yes. A-3. Proposed uses compatible? Burke, yes, Cooley, yes. Keirn, yes. Teevin, yes. A-4, health safety? Burke, yes Teevin, no. Cooley, yes. Keirn, yes.

[7:27:23 PM](#) Williamson gives guidance.

[7:28:08 PM](#) **Burke moves to adopt Ordinance No. 1214 authorize Mayor to conduct 1st Reading by title only, seconded by Cooley, motion passed with Teevin voting against.**

[7:28:47 PM](#) **Haemmerle conducts 1st Reading of Ordinance No. 1214, by title only.**

PH 087 Mobility Design hearing for East Croy Street and 2nd Ave Pathways for People projects (continued from Feb. 27, 2017)

[7:30:36 PM](#) Miller recaps, have held 4 public hearings on this item, last one on 2/27/17 and it was continued to tonight's meeting. Construction beginning after July 4th and wrapping up late September. Miller, identifies changes since initial design and comments. Changes include removing, tubular vertical markers from the design, rumble strips, and adding a sharrow by the angled parking. [7:34:59 PM](#) for tonight's decision, Alta Planning will present design changes tonight.

One Public comment received after packet made from Ken and Ginna Lagergren and since last meeting.

[7:37:18 PM](#) Don Kostelec with Alta Planning presents to council. Separated bike lanes are shown to be safer. Rumble strips could suffice in place of any vertical dividers, Kostelec announces after discussing this with his engineers due to the low traffic and low speeds of Croy street. Kostelec shows an example of the proposed separation path. Kostelec shows an example of white markings of an intersection in Montana, more simplified markings. 2nd Ave, propose dashed lines on both sides for bikes, where cars could use the space if no bicycles were using the area. Rumble strips could be costly to bring equipment in, currently checking into what this cost could be.

Ron Taylor makes [7:48:44 PM](#) public comments to council. Taylor is concerned with pedestrian traffic on both sides of 2nd Ave. Haemmerle responds.

[7:50:23 PM](#) Bob MacLeod comments that rumble strips are worth a try, not sure how effective they would be at slower vehicle speeds.

[7:51:10 PM](#) Clayton Parkhill Hailey resident close to this area, looks at picture by Baptist church. The proposed treatment is interesting, not sure if effective. Rumble strips would be a good idea and glad they removed the vertical separation treatment. Comments on use of Jimmy's Garden and Alturas Plaza, are these compelling arguments to have path on North side of street? What is the proven logic of traffic? Consider the path on the north side of the street.

Council deliberation.

[7:55:28 PM](#) Haemmerle comments and gives a little history of the decision on placement of the path being on the south side.

[7:57:38 PM](#) Cooley asks a question regarding the resident commenting on the 2nd Ave design. Don Kostelec responds. Miller comments on the budget.

[8:01:50 PM](#) Teevin asks for clarification about the striped buffer. Kostelec explains.

[8:03:27 PM](#) Motion to approve the preliminary design as shown tonight made by Burke, seconded by Keirn, motion passed with roll call vote. Teevin, yes. Keirn, yes. Cooley, yes. Burke, yes.

[8:04:29 PM](#) Miller asks for clarification of paint color. White paint in residential area, green close to business area.

PH 088 Consideration of a Park Ordinance to provide certain restrictions consistent with the current signage at Jimmy's Garden and the Skatepark

[8:05:17 PM](#) Williamson suggests to move to next meeting.

Motion to move this to the next meeting made by Burke, seconded by Cooley, motion passed unanimously.

PH 089 Consideration of proposed Ordinance prohibiting Toxic plants within the City of Hailey

[8:05:49 PM](#) Williamson explains that it is a violation to deliver, sell, toxic plants. Williamson explains options to council on their discussion of this item.

[8:07:27 PM](#) Bob MacLeod, great idea to do this.

Council deliberation.

[8:07:59 PM](#) Haemmerle brings up fine up to \$1,000 and six months in jail.

[8:08:21 PM](#) Jeff Gunter comments.

[8:09:43 PM](#) Burke moves to approve Ordinance No. 1215 with fine of \$1,000 and up to six months in jail and authorize Mayor to conduct 1st Reading by title only, seconded by Keirn. Motion passed unanimously.

[8:10:02 PM](#) Mayor Haemmerle conducts 1st Reading of Ordinance No. 1215 by title only.

NEW BUSINESS:

NB 090 Discussion on various Public Works ordinance amendments affecting public trees, water service lines and encroachment and banners fees

[8:10:35 PM](#) Miller discussed this item. Tree Committee suggests adopting recommended standards for people working on public trees, protecting public trees when development occurs and may be appropriate to find places to add tree related ordinances within design review code. Hailey Tree guide revised? Clarifying language with DEQ language and clarifying when main lines are city responsibility and when not city responsibility. And finally clean up on backflow testing date. Encroachment fees and banner fees, recoup costs when hardware is missing. Encroachment inspections, reinspect, need to recoup costs.

OLD BUSINESS:

OB 091 2nd Reading of Ordinance No. 1213, amending the Hailey Zoning District Map to rezone 404 and 410 Bluebird Court, (Lots 1 and 2, Block 1, Blue Bird Subdivision) from Limited Residential 1 (LR-1) to General Residential (GR)

[8:17:13 PM](#) Mayor Haemmerle conducts 2nd Reading of Ordinance No. 1213, by title only.

STAFF REPORTS:

[8:17:46 PM](#) Craig Aberbach comments received back from fire agencies. Working on mounting equip to new truck will be in use in next couple of weeks.

[8:18:40 PM](#) Miller gives snow removal update, a little over on removal, salt and slightly under fuel budget. Miller also met with ITD again, now they think the project will happen in 2021 instead of 2018, won't know until June when they do testing.

[8:20:58 PM](#) Lisa Horowitz announced that the Planning and Zoning Commission is busy

[8:21:10 PM](#) Williamson announces that council needs to amend the agenda.

[8:22:31 PM](#) **Burke moves to amend the agenda by the late addition of the Settlement Agreement on NB 097, seconded by Cooley, motion passed unanimously.**

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

[8:23:20 PM](#) **Motion to go into Executive Session for Real Property Acquisition (IC 74-206(1)(c)), and Pending & Imminently Likely Litigation (IC 74-206(1)(f)) made by Burke, Keirn seconds, motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.**

Mayor and council came out of Executive Session to discuss next item on agenda.

NEW BUSINESS:

NB 097 Consideration of Settlement Agreement and Release and Pay Request # 18 for CNI in the amount of \$105,368.47 for the Woodside Wastewater Biosolids Project

8:27:46 PM Cooley moves to approve Settlement Agreement and Release and Pay Request #18, seconded by Burke, motion passed with roll call vote, authorizing Resolution 2017-25 with Settlement Agreement and Release and authorize Mayor to sign. Motion passed with roll call vote, Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.

Cooley moves to approve claim for payment \$105,368.47, Burke, seconds. Motion passed unanimously.

Burke moves to adjourn meeting, seconded by Keirn, motion passed unanimously.