

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD FEBRUARY 26, 2018
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 Colleen Teevin, Kaz Thea, and Pat Cooley. Staff present included City Attorney Christopher P. Simms, City Administrator Heather Dawson, and City Clerk Mary Cone.

Prior to the 5:30 pm start, the Mayor and Council were invited to tour the new Silver Creek Assisted Living Facility at 32 E. McKercher Blvd at 5:00 pm.

[5:36:35 PM](#) Call to order by Mayor Haemmerle

Martha Burke not in attendance.

Open Session for Public Comments:

[5:36:58 PM](#) Bob MacLeod speaks to council, Monday is Idaho Day all are welcome to stop by the Blaine County Historical Museum. And we will be having a tour of our of Biosolids plant soon when weather gets better, on March 5th Monday.

CONSENT AGENDA:

- [CA 060](#) Motion to approve submission of the Idaho Transportation Department – 2018 ADA Curb Ramp grant application for \$60,000
- [CA 061](#) Motion to approve Resolution 2018-015, amending Hailey’s Personnel Handbook to allow exempt employees to offset time periods of intense work, especially during disasters and extreme weather events, with “Relief Time..
- [CA 062](#) Motion to ratify a grant agreement with Idaho Commission for Libraries by participating in the 2018 Research Institute for Public Libraries.
- [CA 063](#) Motion to ratify a grant agreement with Idaho Commission for Libraries by participating in the Make it 2018 affiliate program.....
- [CA 064](#) Motion to approve Resolution 2018-016, ratifying a grant agreement with Idaho STEM Action Center by participating in the VR4ED Coding affiliate program
- [CA 065](#) Motion to approve Resolution 2018-017, ratifying a grant agreement with Idaho STEM Action Center by participating in the Discover Drones Expansion affiliate program.....
- [CA 066](#) Motion to approve minutes of February 12, 2018 and to suspend reading of them
- [CA 067](#) Motion to approve claims for expenses incurred during the month of January, 2018, and claims for expenses due by contract in February, 2018

[5:37:51 PM](#) Cooley moved to approve all consent agenda items, seconded by Thea, motion passed unanimously.

MAYOR’S REMARKS:

No remarks

PROCLAMATIONS AND PRESENTATIONS:

PP 068 Bob Wiedderick of Kiwanis will present a donation of Disability Accessible Picnic Tables to the Hailey City Council. The City Council will consider a motion to accept the donation

[5:38:23 PM](#) Bob Wiederrick with the Kiwanis Club, presents 5 ADA accessible picnic tables to the City for 5 parks that have Pavilions including, Balmoral Park which is getting a new pavilion – hope you accept the donation.

Mayor Haemmerle speaks to Wiederrick, you have made our parks better, many thanks to you and the Kiwanis Club.

[5:39:34 PM](#) **Thea moves to accept the donation of 5 ADA accessible picnic tables, seconded by Cooley, motion passed unanimously.**

PUBLIC HEARINGS:

PH 069 Continuation of a Public Hearing for the Consideration of a Preliminary Plat application by Quigley Green, LLC for a Large Block Plat for Blocks 1-17 and Preliminary Plats for Phase 1 of a 230.85-acre property described in Exhibit B-1 to the Quigley Farm Annexation Agreement (document on file with the Hailey Community Development Department). Phase 1 consists of Preliminary Plats for Blocks 1 2, 3, 4, 10, 11 and 15. (continued from February 12, 2018)

[5:40:24 PM](#) This item was continued from the last council meeting. Horowitz presents, that we have outlined items in the staff report as council asked for in the last meeting. On page 5 of staff report, page 134 of council packet section IV are the questions raised in the last meeting; including the agreement for sidewalk maintenance and trees, agreement from school district from block 1, discussions making progress. And 3rd, a letter from BCRD, various terms and issues related with block 10, agreement pending. The last issues are regarding Quigley Canyon easement and management as Exhibit D, and an agreement with owners at 20 Quigley Road, which must be shown on plat also. [5:42:36 PM](#) Horowitz explains what chemicals will be used in the Quigley Wastewater treatment process and that no chlorine will be used. The Mayor and council also asked about the solvency of the Homeowners Association (HOA), this is addressed in the Annexation Agreement and the Right of Way Agreement in several sections. Council asked about a drawing of the Antler drive pedestrian connection there is no drawing yet as it hasn't been designed yet by the school district. The Parks and Lands Board asked that it be pedestrian access only and there will be street parking as in other neighborhoods in Hailey. Horowitz explains the easement management documents, and how it works.

[5:44:17 PM](#) Haemmerle has some questions, on page 75, attachment A which is the Right of Way Agreement, in tonight's packet. Haemmerle is concerned about the HOA solvency issue, what power does the city have if insolvent, attaching a lien to property, this doesn't give the City any recourse if maintenance things don't happen. What is our immediate recourse, Haemmerle asks?

[5:45:43 PM](#) Simms, there will be no recorded plat if obligations aren't met. Haemmerle asks what if they record the final plat and then become insolvent.

[5:46:09 PM](#) Jim Laski, replies to Haemmerle's question. Laski explains how it set up these concerns in the agreements is the same as in the Annexation Agreement, if for some reason, the HOA cannot handle the Wastewater services then the City has the right but not the obligation to take over the Wastewater system. Laski explains that the HOA has the ability to assess homeowners the money a year in advance of services needed, if not done, in advance then the City has the ability to lien for the assessment, no right except by taxes.

[5:47:28 PM](#) Do we have the right to bill the properties for maintenance services, Haemmerle asks? Laski, replies yes if you take over the Wastewater services. Haemmerle, you have in advance funding? Laski, replies yes.

[5:48:08 PM](#) The Idaho Department of Environmental Quality (DEQ) requires funding in advance adds, Dave Hennessey.

[5:48:26 PM](#) Laski, maintenance in the Right of Way (ROW), in winter it's snow removal of sidewalks and irrigation of landscaping within the ROW in summer. Haemmerle, how do we do this? Laski first you would make a demand, formal complaint that HOA is not conforming to the agreement and say that they are not plowing the sidewalks as set forth in the agreement; [5:49:11 PM](#) the HOA will contract with someone to come through after the City snow plows the streets, if doesn't happen you can lien the property.

[5:49:56 PM](#) Simms, adds Quigley Green owners is partner to the agreement and suggests another agreement to be executed now rather than later.

[5:50:38 PM](#) Cooley asks if the HOA is responsible to report to the City any DEQ violations?

[5:50:59 PM](#) Laski replies, it is not in the agreement now, but it can be in the agreement, we can spell that out. Cooley wants the City to be notified in the future if there is a DEQ violation,

[5:51:40 PM](#) Haemmerle adds, it needs to be a full indemnity clause here.

[5:52:01 PM](#) Dave Hennessey received letter from Howie Royal, regarding Block 1, and water rights, they have no issues with this. They've asked for a connection to city water and sewer for the restroom, which they are okay with. But we have gone back and forth whether Block 1 is part of HOA, Hennessey, would prefer it to be part of the HOA not for financial considerations but for Design Review and the rules of HOA. [5:53:12 PM](#).

[5:53:33 PM](#) Haemmerle, any idea on what the fees would be? Hennessey, we are looking at about \$100-\$150 per quarter.

[5:54:18 PM](#) Thea what would be included in the HOA dues. Hennessey, ROW maintenance, plowing snow and maintaining sidewalks and alleys in the summer.

Public comments:

John Gaeddart speaks on behalf of the school district, the school [5:55:26 PM](#) is okay with water rights language that Howie proposed in his letter and water and wastewater hookup for the restroom, they would like it in the conditions of approval, minor points that didn't get addressed, there is a blanket easement for Idaho Power that is in the works, similarly there is a public access easement school is asked to provide, they are happy to provide a defined easement they may

need to move the well depending on the future design, but the location may need to be moved based on the sports field design, Gaeddart asks to please revise on this on the findings. HOAs come in all shapes and sizes, we have no idea what this looks like, what our (school district) percentage would be won't be defined until build out is complete. School will take care of the maintenance, this isn't a discussion about \$600/year, none of our schools pay HOAs, when it comes to the water rights? The school district needs to irrigate at night and that would not adhere to the HOA, and would want the water from water rights transferred to the existing well at the high school stadium. [5:59:34 PM](#) A lot of HOAs are not friendly, Gaeddart states, this land is an amazing gift to the public, we will do what is best, please exempt us from the HOA, he finalized.

[6:00:48 PM](#) Haemmerle asked for clarification

[6:00:58 PM](#) Laski responds, asks that they be allowed to work out these details outside of this agreement, we are not quite finished with their discussions. Applicant does not mind if the water is transferred to the schools well, but they don't want the school's use to impact the developments water rights usage. And the school cannot approve it until it goes to their board. Laski, we've agreed to take care of sidewalks. [6:02:04 PM](#) Laski, we are giving them what they want, suggests a condition that we have an agreement with the school. [6:02:27 PM](#) Haemmerle, clarifies. [6:02:38 PM](#) Laski responds, feels pushed around a bit, if the conditions of approval impact the developments water rights, then it doesn't work in practicality, we don't object as long as it doesn't impact our water rights. [6:03:34 PM](#) Haemmerle, it would be nice if you could come to some agreement, there may be someone else who might like the property.

[6:04:04 PM](#) Horowitz, would like to walk through all conditions of approval. If Mayor or Council have any questions about standards, she will answer those questions.

[6:04:38 PM](#) Hennessey, they checked with Brockway Engineering to ask if they need a storage water right. They do not and explains that until it comes out of the treatment system it is treated as municipal water and an equalization tank.

[6:05:08 PM](#) Cooley, asks who is going to pay the impact fees to connect to city services? Howie Royal replied, the school will pay these fees.

[6:05:49 PM](#) Thea is frustrated that the school and the developer haven't resolved their differences. Thea spoke with City Engineer, Yeager and Lisa Horowitz, she wants to have bike lanes, we should have complete streets in this subdivision, this is a great opportunity, she understands you have pathways. There will be kids riding in unmarked areas and we will be missing the mark, if we don't do it.

[6:07:39 PM](#) Horowitz refers to page 175 of council packet the conditions start at end of the staff report toward the bottom of page. First 5 conditions are standard on all subdivisions, then about the fees next two conditions, #8 standards need to be met in order to record plat, #10, #11 [6:09:01 PM](#) long term design plan, want to be involved when it comes. [6:09:36 PM](#) Teevin asked about floodplains in the first phase, Horowitz, replied there are floodplains in the phase 1 but all are outside of building envelopes. #12, addresses sheet flooding #13 is water smart checklist. #14, small clarification on the large block plat notes. There is a new note #15, regarding the irrigation

easement with 20 Quigley Road. So, the #15 in your packet is now #16 regarding ROW, street trees, sidewalks, and paths [6:10:44 PM](#), go through condition V. condition #18, is regarding the Quigley Road Fire Department gate, it is #17 in your packet. The old #18 new #19, is regarding Wastewater conditions a-l. [6:11:54 PM](#) The new #20, which is #19 in packet is regarding the water system and water tank go through conditions a-r. Next, condition regarding open space items a -e, there is a new number C, sports fields on block 1 will not be lit fields, may want to add lights now, based on comments on a call today. [6:12:59 PM](#) Nordic trails it the last condition on parks and open space. [6:13:12 PM](#) Horowitz explained that the numbering of the conditions has changed due to the new number 15, has to add an irrigation easement with owner at 20 Quigley Road, then all conditions from the old #15 are given new numbers.

[6:14:40 PM](#) Laski points out that condition #11, is not really a condition to recording the plat, Horowitz, that is not the intent of that note. Laski, please make a parenthetical note to clarify, it is intended from timing perspective. Horowitz replies, we will clarify the note as requested.

Council deliberation.

[6:15:45 PM](#) Cooley on 30-foot-wide open space and public utility easements, what is allowed in that area, he's looking at Block 3 Lots 1-4, Hennessey, those are just pathways. Are there any fences, is this area public and has no feel of privatization? Hennessey, no fences, it is open space.

[6:16:27 PM](#) Teevin dog station on Antler Drive, maintained by HOA? Hennessey replied, by HOA. Simms, should address this in the agreement HOA.

[6:17:06 PM](#) Horowitz clarified on condition number 15 small t and small u were drawn from the BCRD letters, a plat note will be added to allow BCRD to use motorized grooming equipment through Block 10 and the connecting easements.

[6:17:52 PM](#) Cooley are we ready to move forward without the school agreements?

[6:18:11 PM](#) Haemmerle we did say that, we don't like moving forward without the agreements. Haemmerle suggests can add it as a condition to the final plat, it is up to council.

[6:18:34 PM](#) Haemmerle, I don't like carrying them (agreements) over in the final plat, it is council's choice.

Cooley asked for clarification on preliminary plat. [6:19:14 PM](#) Horowitz, preliminary plat allows developer to move forward with infrastructure which is a condition of final plat.

[6:19:35 PM](#) Laski replied, infrastructure, cannot do anything until we get final plat. We are in agreement with notices of DEQ violations, [6:20:19 PM](#) HOA and city, party that will be responsible, want to make sure things are finalized, things will come up that will be addressed with them. Applicant wants to be able to reach agreement with school district outside of this agreement.

[6:20:55 PM](#) Horowitz final plat is the way the city can make sure things are done. Laski replies, we must have final plat to sell lots and move forward.

[6:21:35 PM](#) Haemmerle, county does approve the final plat without recording it. Laski responds.

[6:22:01 PM](#) Teevin if it was important last time, she puts her trust in staff and council with more experience. Haemmerle's motivation was to heighten its importance and make it clear that a way of doing business is to finalize these agreements, you need to be ready to go at final plat time. If you have problems with the school then will have to take it up from then.

[6:23:16 PM](#) Thea this is significant.

[6:23:26 PM](#) Haemmerle, turning away a gift horse is stunning. When someone is giving you property and you don't want to play.

[6:23:56 PM](#) Cooley we have controlling factor – with the final plat, in the dog stations, DEQ violations, and school district agreements. Given these conditions, he is okay with moving forward with the Preliminary Plat but not with final plat until these are done.

[6:24:51 PM](#) Teevin asks, can the school back out? Haemmerle, I suppose they could but probably won't.

[6:25:29 PM](#) Hennessey the property is zoned RGB. Laski, according to annexation agreement it must be donated to the school, they would have to amend the annexation agreement to donate to another party. [6:26:13 PM](#) Haemmerle, one way or the other, this must stay as open space.

[6:26:28 PM](#) Teevin if it goes to a private landowner, then she could have problem with it.

[6:27:05 PM](#) **Cooley makes a motion to approve the Preliminary Plat application by Quigley Green, LLC for a Large Block Plat for Blocks 1-17 and Preliminary Plats for Phase 1 consisting of Blocks 1, 2, 3, 4, 10, 11 and 15 of a 230.85-acre property described in Exhibit B-1 to the Quigley Farm Annexation Agreement finding that the application meets each of the criteria for review outlined in Hailey Municipal Code Title 16, subject to conditions (1) thru (21) and subparts as stated in the meeting tonight, Thea is having trouble with that we have not met these conditions of approval yet, maybe because I'm new at this, Haemmerle there are many conditions of approval on all subdivisions. The different ones are around the agreements, these are the ones we don't like, i.e. DEQ approval. [6:30:08 PM](#) Teevin agrees with Thea. Simms replies. School district needs 2 meetings to approve anything. [6:30:46 PM](#) Laski points out listen, this is the whole point of the preliminary process., **motion seconded by Teevin, Motion passed with roll call vote, Teevin, yes. Cooley, yes. Thea, yes.****

Haemmerle let's finish this thing up.

[6:32:00 PM](#) Cooley field motion, it was added.

PH 070 Consideration of a request by PANC Investments, LLC, to resubdivide Lot 18, Block 7, Old Cutters Subdivision (611 San Badger), into two sublots, to be called the San Badger Townhomes

[6:34:14 PM](#) a number of duplex lots approved in lieu of open space. This will allow to sell as separate units. [6:34:47 PM](#) Haemmerle originally plated as townhouse. Yes, Horowitz affirmed, they are coming back through.

Council deliberation.

[6:35:41 PM](#) Cooley makes motion to approve the Final Plat of Lot 18, Block 7, Old Cutters Subdivision (611 San Badger) into two sublots to be called the San Badger Townhomes, seconded by Thea, motion passed with roll call vote. Teevin, yes. Cooley, yes. Thea, yes.

[6:36:03 PM](#) There were no public comments.

PH 071 Consideration of a request for a zone change by Bill Gooding on behalf of the owners of the Hailey Business Park South Condominiums, Units 1-15 located at 1120 Bradford Road. The request is to change the zoning from Technological Industry (TI) to SCI- Sales and Offices (SCI-SO). The stated purpose of the rezone is to allow owner/workers to live above their work units. The Planning and Zoning Commission has recommended approval of this zone change

[6:37:07 PM](#) Horowitz has displayed an Arial view of South Hailey Business Park Townhomes, and the owners have hired Jim Zarubica with Galena Engineering to represent them.

[6:38:01 PM](#) Jim Zarubica speaks on behalf of applicant, asking to be same zone as property to the South instead of the property to the north. Great zone change, staff has recommended for your approval, to do a plat note, that stipulates something already in code, units can only be occupied by someone that works in the business or owns the business or owns the unit. [6:39:48 PM](#) Horowitz nice to add it to the plat but understands this is an added cost to the owners.

Jim Zarubica adds the major concern is that there are leases about to expire, so it is a time concern, not so much the expense, it would be good to not have to replat.

Public comments.

[6:40:39 PM](#) Bob MacLeod, assumed when they were being built, they were this way.

[6:41:01 PM](#) any health concerns? Haemmerle asks. Horowitz said no concerns. [6:41:20 PM](#) Baledge inspected years ago, this building is sprinklered, offices and living above, commercial sprinkler system is set for residential living, they will need to meet residential living codes.

[6:42:18 PM](#) Haemmerle asks, did we look at this years ago? Yes, Horowitz, it was, not sure what happened.

No other comments.

[6:42:49 PM](#) Cooley discloses a working relationship with Bill Gooding, and states it is not a financial one.

[6:43:06 PM](#) Teevin is zoning change, is city liable for anything if an issue with. [6:43:36 PM](#) Simms responds, they are always regulated by other areas, [6:44:08 PM](#) Horowitz has sprinkler system as mentioned by fire marshal.

[6:44:36 PM](#) Craig Aberbach, brand new buildings, we can't control what they do either.

[6:44:50 PM](#) Thea great idea.

[6:44:56 PM](#) Cooley condition A, building permits and inspections must be applied for within 6 months. Does this exclude a sale of a unit and the next owner cannot? Are they excluded from converting their unit? Has to happen within a year? Horowitz, trying to imply, have put in a full kitchen, must get squared away with building department, is the intent, with this statement.

[6:46:14 PM](#) Simms what page, on page 239, replied Cooley.

[6:46:29 PM](#) no benefit to have it on the plat? Thea asked. [6:46:42 PM](#) Horowitz it is a buyer beware, no issue to the city to have it on the plat. It is expensive for the owners to amend the plat.

[6:47:04 PM](#) Teevin is okay with scratching c.

[6:47:15 PM](#) Simms has one more issue, need to amend the language regarding Cooley's concern with someone already living in one of these units. Simms suggested language adding if someone currently living when the plat is amended and within 6 months, need to come into compliance with the plat. Simms, it should read in addition to the current language in condition a, "or at such time as new residency occurs therein."

Thea, so the 6-month timeframe is for someone who already lives there. Horowitz, confirmed yes.

[6:48:31 PM](#) **Thea makes a motion to approve the request by Bill Gooding on behalf of the owners of the Hailey Business Park South Condominiums to amend the Hailey Zoning District Map by changing the zoning for Units 1-15 located at 1120 Broadford Road from Technological Industry (TI) to SCI- Sales and Offices (SCI-SO), finding that the change is in accordance with the Comprehensive Plan, essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, the proposed uses are compatible with the surrounding area, and the proposed amendment will promote the public health, safety and general welfare, subject to conditions (a-b) and the amendment proposed by Attorney Simms, seconded by Teevin, motion passed with Teevin, yes. Cooley, yes. Thea, yes.**

PH 072 Consideration of Ordinance No. _____ amending the Parks Section of Hailey Municipal Code, prohibiting use of city parks for commercial sales unless a recreational or community purpose is served

[6:50:48 PM](#) Simms, this was brought up as New Business to council in the last meeting in response to councils concerns last year with out of town businesses coming to our parks for retail sales.

[6:51:37 PM](#) Bob MacLeod Hailey resident, it is about time to do this, thanks for doing this.

[6:52:21 PM](#) **Motion to approve Ordinance No. 1230, authorize Mayor to conduct 1st reading by title only, Cooley, seconded by Teevin, motion passed with roll call vote. Teevin, yes. Cooley, yes. Thea, yes.**

[6:52:59 PM](#) **Mayor Haemmerle conducts the 1st Reading of Ordinance No. 1230, by title only.**

NEW BUSINESS:

NB 073 Consideration of agreement and Resolution 2018-____ with Harmony Design & Engineering for additional services for the Hailey Greenway Master Plan in response to public comments and council discussions, on new orientation of Lions Park ballfield and various various floodplain analyses; cost not to exceed \$10,500

[6:53:54 PM](#) Horowitz there are 3 parts to this, we received lots of public comments, technical nature of these comments, felt too technical to respond inhouse, decided to have contractors respond. WRLT will split costs. 2nd, cost \$700, ballfield. [6:55:08 PM](#) 3rd, cost is actually \$5,800 not as shown in packet, LIDR study 3 areas in flooding, remove tennis courts, 3 house by Heagle Park close to river, softball field at Lions Park, what would changes impact floodplain. Task 3 did not include the 3 house by river, felt another \$1,000 would be good to add to study, different than what is in the packet, WRLT would not share in the \$1,000 cost.

[6:57:06 PM](#) Yeager what you are looking at is....will not make the model more accurate.

[6:57:31 PM](#) Horowitz \$7,400 total cost to the city, WRLT would reimburse their part. [6:57:57 PM](#) Yeager comments on berm discussion will be a more accurate model to help determine impacts.

[6:58:33 PM](#) Teevin asks, assuming that as river continues to change this will still do us some good? Yeager replies, if river changes, then some would be obsolete. We need something for regulatory purposes now. Some of this exercise such as modeling, one time deal, what if scenario, may not apply going forward.

[7:00:06 PM](#) Thea will help us make a decision. Yeager, replied yes and explained why, can help determine what impacts could happen.

Simms helps you decide.

[7:01:35 PM](#) Cooley announces the ball field will be “285 feet” not “185 feet.” Horowitz confirmed.

Cooley moves to approve Resolution 2018-18 authorizing an agreement for additional scope of services with Harmony Engineering for the Greenway Master Plan, seconded by Thea, motion passed with roll call vote. Teevin, yes. Cooley, yes. Thea, yes.

OLD BUSINESS:

OB 074 2nd Reading of Ordinance No.1229, amending various Titles in Chapter 12.20 that address City trees in the public right of way, creating new standards and amending existing language to reflect recommendations made by the Hailey Tree Committee [7:02:36 PM](#) *ord no. 1229 2nd reading*

[7:02:57 PM](#) **Mayor conducts 2nd Reading of Ordinance No. 1229, by title only.**

STAFF REPORTS:

[7:04:29 PM](#) Dawson announces that Mountain Rides plans on replacing bus stop signs throughout the city by funding from a grant, they have applied for encroachment permits to do so. Thea remarked that they have installed them in Ketchum already, they are space aged looking.

Simms announces that no Executive Session is needed tonight.

[7:05:37 PM](#) Dawson reminds all that from 4-5 pm tomorrow at the senior connection event with civic leaders.

[7:06:03 PM](#) **Cooley moves to adjourn, Thea seconds, motion passed unanimously.**

Fritz X. Haemmerle, Mayor

Mary Cone, City Clerk