

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD JANUARY 14, 2019
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 Jeff Engelhardt, Kaz Thea, Pat Cooley, and Martha Burke. Staff present included City Attorney Christopher P. Simms, City Administrator Heather Dawson, and Deputy Clerk Nancy Arellano.

[5:29:47 PM](#) Meeting called to order by Mayor Haemmerle.

Open Session for Public Comments:

No public comments.

CONSENT AGENDA:

- [CA 001](#) Motion to ratify letter in support of Blaine County’s STP Rural Grant Application for Buttercup Road Improvements **ACTION ITEM**.....
- [CA 002](#) Motion to ratify Resolution 2018-~~161~~, authorizing a new group under Hailey’s HRA-VEBA agreement for Paid-Per-Call Firefighters, and a point system by which benefits would be earned under Hailey’s FEMA-SAFER Grant **ACTION ITEM**.....
- [CA 003](#) Motion to approve Resolution 2019-002, authorizing a grant agreement with Seagraves Family Foundation which details the terms and conditions of spending \$64,492 in grant funds on a restoration project for Hop Porter Park play structure **ACTION ITEM**.....
- [CA 004](#) Motion to approve Resolution 2019-001, ratifying the Mayor’s signature and authorizing a lease/purchase agreement for two police cars through Ascente Financial **ACTION ITEM**.....
- [CA 005](#) Motion to ratify Western States CAT Guarantee for Purchase letter on 938M Loader s/n J3R053241, associated with paperwork approved with Resolution 2018-151 on Dec. 10, 2018 **ACTION ITEM**.....
- [CA 006](#) Motion to approve Resolution 2019-003, to acknowledge the Quitclaim deed regarding the Southern 361.83 feet of the Eastern 15 feet of Lot 3 Block 1 which falls adjacent to Lot 2 of Wertheimer Park Subdivision (receiving as gift from Blaine County for the benefit of public recreational and charitable purposes **ACTION ITEM**.....
- [CA 007](#) Motion to authorize the Mayor to sign a letter to the Wood River Land Trust authorizing the Land trust to undertake stream restoration improvements at the Colorado Gulch Preserve pursuant to the City of Hailey/Colorado Gulch Easement Agreement Section 6, Notices and Approval **ACTION ITEM**.....
- [CA 008](#) Motion to adopt Resolution 2019-004, authorizing an agreement with SPF Water Engineering in the amount of \$16,700, to evaluate alternatives to increase water service pressures in the Northridge and Old Cutters area **ACTION ITEM**.....
- [CA 009](#) Motion to authorize Mayor to sign the annual E-banking Security review with Mountain West Bank **ACTION ITEM**.....
- [CA 010](#) Motion to adopt Resolution 2019-005 authorizing Pay Estimate No. 3 in the amount of \$83,718.23, and authorizing release of retainage in the amount of \$21,023.86, for work completed on the Pathways for People – Croy St. and 2nd Ave. project **ACTION ITEM**.....

- [CA 011](#) Motion to approve a Special Event permit by Blue Cow Antiques and Appraisals for an Antique and Art show at McKercher Park on July 4th, 5th and 6th **ACTION ITEM**.....
- [CA 012](#) Motion to approve minutes of December 10, 2018 and to suspend reading of them **ACTION ITEM** ...
- [CA 013](#) Motion to approve ratification of claims for expenses paid in December 2018 **ACTION ITEM**.....
- [CA 014](#) Motion to approve claims for expenses incurred during the month of December, 2018, and claims for expenses due by contract in January, 2019 **ACTION ITEM**
- [CA 015](#) Motion to approve unaudited Treasurer’s report from December 2018 **ACTION ITEM**

[5:30:29 PM](#) Mayor Haemmerle brings to attention CA 003, an approved grant from the Seagraves Foundation for \$64,492 to restore Hop Porter Park play structure. They gave the City of Hailey the full amount asked. They are really great to the City of Hailey. CA 006, Mayor Haemmerle acknowledges Blaine County. Blaine County deeded 15’ to the City of Hailey on the West side of the Campion Ice House. Mayor Haemmerle thanks Blaine County; it’ll go a long way.

[5:31:30 PM](#) **Burke moves to approve the consent agenda as presented seconded by Cooley. Motion passed with roll call vote, Cooley, yes. Burke, yes. Engelhardt, Yes. Thea, yes.**

MAYOR’S REMARKS:

[5:32:09 PM](#) A picture of the new Welcome to Hailey sign located on Aviation Way is displayed followed by a picture taken at night. Mayor Haemmerle describes the sign and its different backlighting effects. Its purpose is to welcome visitors into the City of Hailey coming in from Friedman Memorial Airport.

PROCLAMATIONS & PRESENTATIONS:

PP 016 Hailey Public Library Centennial Celebration Proclamation ACTION ITEM

[5:34:21 PM](#) Library Director, LeAnn Gelskey speaks. She gives thanks and gives background to the first official library in City of Hailey. The City of Hailey was established in 1881 and the first official library was established in February 19, 1919. It was destroyed in a fire and the library has had several different locations since then. Present at the meeting are Friends of the Hailey Public Library. Gelskey is grateful for their assistance. Gelskey is grateful for the Library board and staff; grateful for the City of Hailey and their support.

[5:36:12 PM](#) Mayor Haemmerle, every quality town has a quality library. Libraries need volunteers and they need Friends. Make the town the great town it is. Volunteer at the library. Mayor Haemmerle reads the Centennial Library Proclamation. He brings attention to the names on the Proclamation. The names are those of the fore founders of the City of Hailey, the Mallory family, the Ensign family, and the Fox family. They were instrumental in the creation of our City. Haemmerle thanks Gelskey.

PUBLIC HEARING:

PH 017 Consideration of a Preliminary Plat Application for Carbonate View Subdivision, represented by Galena Engineering on behalf of W Squared, LLC, where Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey is resubdivided into thirteen (13) single family lots, ranging in size from 7,000 square feet to 8,534 square feet and one (1) duplex lot of 9,035 square feet. All of the lots will have frontage

on W. Chestnut Street. Parcel B is proposed as a 60' wide public right-of-way, dedicated to the City and containing a public pathway and fire access lane, subject to future reconstruction for use as a local street (extension of Almond Street) upon undergoing a public hearing process and determination of need by the City Council. This 60-foot wide Parcel B connects to Parcel A within the Sherwood Forest Subdivision, thereby connecting Carbonate Street and Robin Hood Drive. The project is located in the General Residential (GR) Zoning and Floodplain Overlay Districts ACTION ITEM

[5:39:58 PM](#) Engelhardt recuses himself as he participated in the discussion when he was on the Planning and Zoning Commission. Simms, there might have been some exparte communication and would like to address any communication that may have taken place. Burke, I did before and I can repeat them. Thea, no exparte communication.

[5:42:14 PM](#) Horowitz opens. This project is continued from the Dec. 10th meeting. Horowitz gives a summary about the 60' foot right of way. The feedback given to the applicant in the last meeting was to modify the plat and increase the right-of-way to be 60' feet. There has been extensive neighborhood input. Other items that have been suggested in the staff report and recommended in the conditions of approval: general parameters, workshops, and clarifying the city's intent that the improvements in this area happen at the same time. Horowitz explains the modifications to the plat.

[5:46:57 PM](#) The park space would be transferred to the Wood River Land Trust who would manage the parcel as part of the greater preserve.

[5:47:27 PM](#) Haemmerle asks Horowitz on the behalf of the public, the zoning is General Residential? Horowitz, yes. Haemmerle, the minimum square footage for GR lots is 6,000 sq ft.? Horowitz, yes. Haemmerle, these are 7,000sq. ft. or more? Horowitz, yes. Haemmerle, are you aware of any deviations how this project deviates from our current zoning requirements? Horowitz, I am not.

[5:48:13 PM](#) Haemmerle opens to public comment and reminds the public to keep comments at 3 minutes.

Public Comments:

[5:49:47 PM](#) Alan Dupuis lives on Willow and Chesnut streets, adjacent to the new subdivision and is here with his family. Dupuis, the density is high but not opposed to it but is opposed to duplexes. Having two duplexes on two sides of his home is devastating. The setback is too close. Dupuis requests to the applicant, keep lot 1 as a single-family lot and to increase the easement to the South of his property from 10 feet to 20 feet. A disadvantage to the duplex at the corner is that the street gets congested. During the winter, city plows push snow on that corner so it could be problematic. Also, this time of year it gets icy there. Cars drive fast and slide off into that lot.

[5:52:41 PM](#) Julia Dupuis, lives next to the proposed subdivision. Dupuis, this is our first time at the meeting. In the beginning of the applicant's proposal, it stated to be a single-family lot. Dupuis is sad to see the open space developed with high density but recognizes the need for more single-family dwellings. The applicant is now proposing a duplex next to her home. There are 8 duplexes behind her home all of which are renters. They have at least 4 cars per duplex and one runs a car detailing

business operating at all hours of the day including weekends. Dupuis can't imagine more duplexes 10 feet from her property line.

[5:55:15 PM](#) Janeen Dupuis, lifetime resident of the valley. Dupuis is opposed to the duplex. Dupuis cannot open her bedroom window due to the loud noise. A 20-foot setback instead of 10 feet would allow for more privacy.

[5:56:30 PM](#) Darlene Dyer, retired educator. Dyer has two concerns. Potential impact for children in the neighborhood. More children will walk on Elm St heading to school across Main St. An increase in families means more car traffic. Dyer worries for the safety of children walking to school especially with an increase in traffic. Dyer urges improvement on sidewalks. Elm St is the street children must use to cross because it is the only monitored crosswalk on Main St. Secondly, the preliminary plat includes a park for children. A community park would be better located in the center where parents can see their kids. Safety for the younger members of the community should be paramount.

[5:59:25 PM](#) Haemmerle, agrees with improving sidewalks and thanks Darlene for the sidewalk comment.

[6:00:11 PM](#) Martin Flannes, on Jan. 3rd submitted comments related to the design of the pathway. Flannes encourages minimal impact. Encourages workshops for input. Minimize the impact for the wildlife habitat. Lastly, 11A, 12A, and 13A, the Land trust didn't like an entrance to the preserve from the park so now there's no entrance to the park. Conclusion, urges new plat notes, clarify intention of ownership of the park, and add the 3 lots back to the park.

[6:04:13 PM](#) John Shank, understands the applicant has met city requirements but questions parcel A. The intent of the open space is to reduce the cluster effect. A better use closer to parcel B to separate the density.

[6:05:23 PM](#) Sue Bashista, is opposed to the road between China Gardens and Sherwood Forest. Opposes motorized vehicles. Wildlife will suffer. Silver Star, Robinhood, Cedar St intersection must be improved. The Hailey Transportation Master Plan called for a new intersection several years ago. The nonconforming intersection is dangerous as it is. A plat note should be added to the emergency pathway in Carbonate View subdivision. Bashista, we are investing tax dollars and would appreciate more details prior to construction. The floodplain states no new roads in the floodplain which parcel A is in.

[6:08:24 PM](#) Steve Crosser, the park space / open space is not serving the people as it is now. Crosser has questions about parcel B. Will the houses and the accessory dwelling units be facing Chestnut St.? Will the houses on either of the 60-foot parcel B be subject to street setbacks? Will the homeowners be able to use Parcel B in any way, Parking, storage, construction, etc.? Will the trees on the emergency pathway be left?

[6:10:36 PM](#) Haemmerle, the way this is proposed there's a condition H. Any pathway or road will have public input.

[6:11:18 PM](#) Ellen Shultz, comments on the Dupuis sympathizes with their situation because they are surrounded by multi-family units. Shultz, comments on the land dedicated to the park. City code states any new subdivision needs to have a park. It should not be deeded, should be inviting to the public and not be located in the wetlands. The property dedicated to the Land Trust is deeded, it is not inviting, it is not visible, and it is in the floodplain. Is the Land Trust going to make a path to this park? She brings attention to an error in calculation if counting the duplex.

[6:14:03 PM](#) Peter Caldara, reinforce the issue on the thought on the park. Caldara has an empty lot next to his house. For years children would play on the lot. If there's an open space / park it needs to be accessible to the children to have a place to play.

[6:15:10 PM](#) Wade Vagias, lives in Sherwood Forest and for 40 years of Sherwood forest existence there have been no issues. Vagias fully supports the status quo. There is no need for a street connecting the neighborhoods. For 40 years there hasn't been any issues despites floods and fires. Vagias has snow removal concerns, it is a skating rink in our neighborhood, the city won't remove snow or sand. Vagias agrees with Bashista, he welcomes the chance to be involved in its design.

[6:18:29 PM](#) John Cvetich, supports, Flannes' and Vagias' sentiments regarding snow removal. It is unsafe. Cvetich appreciates Council listening and the chance for public comments. Leave it as it is. For the last 40 years, it's worked.

[6:19:41 PM](#) Pam Gammon, agrees with Vagias, Flannis and Cvetich. Keep it a status quo. Agrees with those who spoke before.

[6:20:12 PM](#) Jenna Vagias, has commented on almost all meetings on this topic. As a taxpayer, it saddens Vagias to spend money on something that is not a problem. Putting more kids in a neighborhood on unsafe streets. The city needs to provide safe routes to school. Vagias, spend tax money in a way that is going to protect children.

[6:21:41 PM](#) Charles Webster, when Webster purchased his home, it was in the floodplain, required to buy flood insurance. The neighborhood will flood eventually. A park that's underwater part of the year, does it meet the zoning requirements? Status Quo is wonderful, but if we are adding density, let's use that property to lessen the impact.

[6:24:57 PM](#) Chris, Gammon, has heard others talk about the park flooding. In 20 years, Gammon has never seen water on the property.

[6:25:24 PM](#) Thatcher Marsted, agrees with Flannes and Vagias. A traffic study is needed. Marsted has called the police dept. to get snow removed.

[6:26:34 PM](#) Gay Hurst, agrees with the City in keeping the 60 foot easement. A huge problem is icy streets and agrees with those comments. Hurst, comments about child safety and ice and questions the duplex addition.

[6:28:20 PM](#) Bill Leavell, agrees with Flannes. No sense of what is going to happen. Concerned about the lots 11A, 12A, and 13A. He's fortunate to not have flooding but neighbors have. Disappointed

that the pocket park disappeared. Would like to see it back. Would like to hear Councils thoughts on 11A, 12A, and 13A.

[6:30:54 PM](#) Barb Spallino, Robin Hood resident, agrees with Vagias, Flannis, and Cvetich. Supports the Dupuis in their decision in keeping a single-family home vs duplex. The noise is terrible in summertime it's even worse.

[6:32:25 PM](#) Horowitz mentions public comments handed out tonight at meeting, one from Joel Graff and the other from Steve Crosser and Ragna Caron. Simms reads comments from Caron submitted today January 14, 2019. Caron is generally against the 60 foot right-of-way and believes it is not needed and will pose more risk to children if allowed.

[6:35:37 PM](#) Burke, found email from Ann Fuller in the packet. Burke reads her public comment.

[6:36:43 PM](#) Dawson reads second page of the public comment from the Joel Graff, 430 Robinhood dr. Incomplete comment handed out before meeting.

[6:42:41 PM](#) Ed Lawson, representing the applicant, two points, there is an existing unobstructed public right of way across what is now designated parcel B. The other is the suggested conditions of approval needs to be discussed.

[6:45:17 PM](#) Thea hangs up from the conference call.

[6:45:47 PM](#) Lawson continues. He's not sure what Council is envisioning regarding the public hearing process in coming up with a design. Last comment is, suggestion of a bond in lieu of doing the work, will work. It needs further discussion.

[6:47:18 PM](#) Haemmerle asks Lawson, in Lieu of bonds, Lawson answers written word or release of lien. Remedy of breach of contract. Lawson answers.

[6:49:08 PM](#) Haemmerle, starts with the Duplex. Is it permitted? Horowitz, answers there looks to be ample room for a 20-foot setback. Haemmerle, the duplex was created at the last meeting when the 60 foot right of way was required which lessened the building space? Horowitz, correct.

[6:50:28 PM](#) Gordon Flade, speaks in regards to the duplex. He will do away with it to get the project going.

[6:54:02 PM](#) Haemmerle discusses the park land. Accessibility, how to get to it? Horowitz, it is accessible as part of the greater preserve.

[6:55:09 PM](#) Simms, Flannes gave comment. Staff found it well founded. Simms, we have suggested a plat note regarding ownership. Parcel A shall be transferred to the Wood River Land Trust. That would address that concern.

[6:55:57 PM](#) Haemmerle, discusses lots vs parcels, accessibility to the park, testimony to the duplex, and timing. Discussion ensues.

[7:02:55 PM](#) Burke, firstly refers to the last meeting minutes, don't give away streets, don't give away easements, don't give away rights-of-way. Burke prefers the pathway not be asphalt. Burke is not in favor a of a duplex when one home is surrounded by multiple duplexes [7:05:52 PM](#) Secondly, Burke asks Flade, does the subdivision have sidewalks? Flade answers, planned on giving an in-lieu fee to be used constructively in other areas of the city. Burke, Elm St needs sidewalks and lighting. Thirdly, it is not a park, it won't have any amenities or playfield. It is part of the Wood River Land Trust. Burke, is in favor of leaving it as much of natural habitat as possible. If we want a park, let's make it a park. Otherwise call it open space.

[7:07:51 PM](#) Cooley speaks. A lot of his questions have been answered. Cooley agrees the park isn't a park; it's open space. Call it as such. Cooley asks about the emergency access road and signage. Horowitz answers yes there will be signs and details vetted out with the neighborhood. Cooley thanks the public for their input.

[7:11:54 PM](#) Haemmerle, talks about sidewalks. Haemmerle agrees with the need for safe walk to school sidewalks. All agree.

[7:13:25 PM](#) Haemmerle, two council members agree it is not a park but rather open space. Haemmerle, does open space satisfy park requirements? Simms, it can as a discretionary matter. Needs deliberation among council.

[7:15:48 PM](#) Discussion ensues to make sure council agrees on all points discussed.

[7:19:47 PM](#) Cooley, proposes condition of no duplex lots be allowed in the subdivision.

[7:20:36 PM](#) Condition U, parcel A shall be transferred to the WR Land Trust.

[7:21:38 PM](#) Haemmerle summarizes the proposals, adopt those findings, add on Condition M the words "lots" be replaced with "parcels". Add a Condition T, no duplex lots. Add Condition U, the parcel currently identified as parcel A, shall be conveyed to the Wood River Land Trust (to the public in perpetuity).

[7:22:05 PM](#) **Burke moves to approve seconded by Cooley. Cooley asks if we should add the tax lot in the motion? Horowitz confirms, yes. Cooley amends the motion to approve the Preliminary Plat Application for Carbonate View Subdivision represented by Galena Engineering on behalf of W. Squared, LLC, (Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey), located at West Chestnut Street, address TBD, seconded by Burke. Motion passed unanimously.**

PH 018 Consideration of a Flood Hazard Development Permit Application pursuant to Title 17, Section 17.04J, for Carbonate View Subdivision represented by Galena Engineering on behalf of W Squared, LLC located at West Chestnut Street, address TBD, Hailey (Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey Townsite. Portions of this property are located in the Flood Hazard Overlay District ACTION ITEM.....

[7:23:26 PM](#) Horowitz opens, this application is required to accompany any subdivision that has floodplain lands within it. Summarized the amended plat at the beginning. One condition recommended for approval any future design and development within parcel B be subject to an additional floodplain permit.....

[7:24:19 PM](#) Open session for public comment. There are none.

[7:24:34 PM](#) **Burke motions to approve the Flood Hazard Development Permit Application for Carbonate View Subdivision presented by Galena Engineering on behalf of W Squared, LLC located at West Chestnut Street, address TBD, Hailey (Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey Townsite), finding that the Application meets all City Standards (Title 17, Section 17.04J), and that Condition (1) is met seconded by Cooley. Motion passed, all in favor.**

NEW BUSINESS:

NB 019 Introduction of Amendment to FY2019 Budget, including CIP Amendment for Northridge water system pressure improvements, new grants and other infrastructure ACTION ITEM.....

[7:28:28 PM](#) Dawson speaks, the current budget for FY19 is 13,633,526 proposes to amend it to 15,466,946, an increase of \$1,833,420. Dawson describes the additional revenue to appropriate for infrastructure projects.

Cooley asks for clarification. Yeager, made an estimate on what kind of infrastructure would be necessary. There is pressure deficiency in Northridge. To build this summer, preauthorization is needed for the outcome of the engineering recommendation. [7:34:04 PM](#) Haemmerle clarifies, this is just to authorize future notice of public hearing and ultimately comes back before Council.

[7:35:23 PM](#) **Burke motions to adopt a tentative budget of \$15,466,946, authorizing future notice of public hearings on the CIP and FY 2019 budget amendments seconded by Engelhardt. Motion passed, all in favor.**

STAFF REPORTS: Staff Reports Council Reports Mayor’s Reports

[7:36:05 PM](#) Aberbach informs Council the next JPA Fire Board meeting is on Wednesday.

Simms announces no executive session is needed tonight.

[7:36:49 PM](#) **Cooley motions to adjourn meeting seconded by Burke. Motion passed unanimously.**