

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD SEPTEMBER 23, 2019
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:29 P.M. by Mayor Fritz Haemmerle. Present were Council members Jeff Engelhardt, Kaz Thea, and Martha Burke. Staff present included City Attorney Christopher P. Simms, City Administrator Heather Dawson, and City Clerk Mary Cone.

Pat Cooley was not in attendance.

[5:29:37 PM](#) Call to order by Mayor Haemmerle.

Open Session for Public Comments:

No public comments

CONSENT AGENDA:

- [CA 333](#) Grant Agreements ~ Motion to Approve Resolution 2019-086 ratifying Mayor’s signature on Balmoral Park grant close-out and request for reimbursement ACTION ITEM
- [CA 334](#) Motion to approve Resolution 2019-087, appointing Bryce Ternet to the Hailey Arts and Historic Preservation Commission with for a three-year term (replaces Pete Kramer, expires 12/2021) ACTION ITEM
- [CA 335](#) Motion to approve Resolution 2019-088, reappointing Kate Wutz to Hailey Library Board for a 5-year term, and appointing Sara Felton to fill the vacated seat of Linnea Polichetti, which will expire September 30, 2022 ACTION ITEM
- [CA 336](#) Motion to approve Resolution 2019-089, authorizing Dell computer 3 year lease for Hailey Public Library for \$19,815 and authorize the Mayor to sign ACTION ITEM
- [CA 337](#) Motion to approve Resolution 2019-090, authorizing contract for services with Rick Allington for misdemeanor prosecution for FY 2019-2020, at a cost of \$46,820. ACTION ITEM
- ~~[CA 338](#) Motion to approve Resolution 2019-091, authorizing contract for services with Wood River Fire District by which City of Hailey will provide fire prevention services to WRFD for an annual amount of \$36,120, to be paid on a monthly basis during the term of the contract. ACTION ITEM~~
- [CA 339](#) Motion to approve Resolution 2019-092, authorizing contract for services with Blaine County Housing Authority for housing management services for FY 2019-2020, at a cost of \$3,000 plus bookkeeping services from City Treasurer. ACTION ITEM
- [CA 340](#) Motion to approve Resolution 2019-093, authorizing contract for services with Mountain Humane for animal shelter services for FY 2019-2020, at a cost of \$16,000. ACTION ITEM
- [CA 341](#) Motion to approve Resolution 2019-094, authorizing contract for services with Mountain Rides Transportation Authority for bus and transportation services for FY 2019-2020, at a cost of \$82,000. ACTION ITEM
- [CA 342](#) Motion to approve Resolution 2019-095, authorizing contract for services with ICRMP for property, liability and error and omissions insurance for FY 2019-2020, at a cost of \$ _____. ACTION ITEM
- [CA 343](#) Motion to approve Resolution 2019-096, authorizing the Mayor to sign Revocable Licenses for narrative plaques to be installed on historical buildings in Hailey; Cornerstone Realty at 19 West Bullion (Inchausti Home), Emmanuel Episcopal Church at 101 South Second Avenue (Emmanuel Episcopal Church), Episcopal Thrift Store at 19 East Bullion (Assay Office), Valley Tile & Floor at 108 North Main (Commercial Club Building), Wood River Land Trust at 119 East Bullion (Fox-Worswick Home), El Toro Mexican Restaurant and Café

- Della at 103 South Main (Golden Rule Building), Hailey Community Baptist Church at 200 South Second Avenue (Community Baptist Church) ACTION ITEM
- [CA 344](#) Motion to approve minutes of September 9, 2019 and to suspend reading of them ACTION ITEM.....
- [CA 345](#) Motion to ratify claims for expense during the month of August, 2019 ACTION ITEM.....
- [CA 346](#) Motion to approve claims for expenses incurred during the month of August, 2019, and claims for expenses due by contract in September, 2019 ACTION ITEM.....
- [CA 347](#) Motion to approve unaudited Treasurer’s report from August 2019 ACTION ITEM.....

[5:30:03 PM](#) Engelhardt pulls CA 338

[5:30:25 PM](#) **Burke moved to approve all consent agenda items minus CA 338, seconded by Thea, motion passed with roll call vote. Thea, yes. Burke, yes. Engelhardt, yes.**

[5:30:45 PM](#) CA 338 In the Resolution, the first Whereas clause, it reads “Hailey Wood River Fire District,” strike “Hailey,” Simms describes the spot on the Resolution 1st whereas clause, 1st line, second to last word.

[5:31:42 PM](#) Burke moves to approve as corrected by Engelhardt, seconded by Engelhardt. Motion passed with roll call vote, Engelhardt, yes. Burke, yes. Thea, yes.

MAYOR’S REMARKS:

[5:32:11 PM](#) Mayor Haemmerle had the pleasure of attending the Hispanic Heritage Festival this weekend, it was well done and well attended. Haemmerle saw Thea and Burke at the event. State representatives were in attendance. A ton of vendors, it reminded in of Trailing of the Sheep event in years past, probably double the attendance from last year’s event. Hats off to Herbert Romero the event sponsor. The more diverse our community is the stronger and better we are.

PUBLIC HEARINGS:

PH 348 Consideration of proposed Ordinance No. _____, Amending Hailey Municipal Code Chapter 17.05.040, District Use Matrix to include Personal Services as a Conditional Use in the SCI – Sales and Office Zoning District, ACTION ITEM

[5:33:36 PM](#) Horowitz opened, Michele Harris an esthetician on Broadford Road is hoping to open a business in her home, she has proposed personal services as a text change to the zone, this business is allowed in other zoning districts. Harris has here HOA’s approval and blessing, wants to have a business office at some point but this is a start-up.

[5:35:46 PM](#) Michele Harris, speaks about her business, she would sell skin care products that she uses, there would not be a lot of traffic in and out of the house.

Public comments, none.

[5:36:32 PM](#) Burke, this makes perfect sense. Thea agrees.

[5:36:48 PM](#) Burke moves to adopt Ordinance No. 1250, seconded by Thea, read by title only, Engelhardt first. Mayor suggests next time, waive next reading have 3rd reading.

[5:37:28 PM](#) Mayor Haemmerle conducts 1st reading of Ordinance No. 1250, by title only.

PH 349 *Public Hearing on a final Plat application for Carbonate View Subdivision represented by Galena Engineering on behalf of W Squared, LLC for Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey. The property has received preliminary plat approval to be resubdivided into fourteen (14) single family lots, ranging in size from 7,000 square feet to 9,047 square feet. The project is located in the General Residential (GR) Zoning and Floodplain Overlay Districts. ACTION ITEM*

[5:38:37 PM](#) Horowitz, points out an error in her staff report referring to 13 single family lots and 1 duplex, it is actually 14 single family lots. What is unusual about this subdivision is the pathway connecting 2 neighborhoods, which was needed to have a 2nd egress to the subdivision, council approved design of the path (egress) in June 2019. The developer was careful about working with the city and carefully making this path through the trees. [5:40:36 PM](#) this applicant thinks he will complete all the conditions before final plat. [5:41:23 PM](#) Brian Yeager, comments that the road cuts are definitely less than 25%.

[5:41:44 PM](#) Gordon Flade representing W Squared, LLC, they are 1 week away from Idaho power and natural gas infrastructure being completed. The pathway will be about 85-95% complete this week. Catch basin is left to be done. In-lieu fees, just wrapping up the last bit of work. Flade, we tried extremely hard to follow the plans done by Galena Engineering. There are a few trees that will need to be taken out on their property at some point in the future.

[5:43:55 PM](#) Sean Flynn with Galena Engineering speaks and states he has nothing to add.

Public Comments:

[5:44:07 PM](#) Ragna Caron Hailey resident asks, how are we going to ensure that this path won't be used by cars. Who will police it, if cars use the pathway? Mayor Haemmerle, you've been privy to all of these discussions, right? Caron, yes, but how do we make sure it is not driven on?

[5:45:46 PM](#) Martin Flannes, submitted written comments last Friday, Mayor and Council has those comments. Flannes commends staff and developer during this process both have been very diligent in their efforts. Flannes asks what security you have for incomplete work, and that the transfer of parcel A happens, restoration recommendations and temporary measures. The final utilities will be done soon, Flannes understands that you don't need to repave the street after these are completed. In the near future, you'll see revisions in bond procedure. Rather than delegating it to staff, they should apprise Council and public at a hearing. [5:47:12 PM](#) Regarding the open space parcel, which is very important, plat note 9 states that it, shall be conveyed to the Land Trust, but a plat note regarding property dedication to a 3rd party doesn't convey the property. Flannes asks, what is your leverage to make sure this is done, since the City is not recipient, Flannes suggests the plat gets recorded and then the deed gets recorded immediately

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after the plat. Flannes suggests, a chain of title for this to happen. Flannes refers to the landscaping notes on page 2, [5:48:37 PM](#) which contemplates recommendations by the landscape architect, restoration and possible tree replacement, Flannes asks when this will happen and is there a requirement for addition planting to happen. It is hard to know if the trees were protected or not. Can we see something visible to know that they (trees) are being protected. [5:49:47 PM](#) Flannes adds, cars are driving through the path, he suggests road barriers. Flannes ends with thanking the developer and city staff.

[5:50:19 PM](#) Darlene Dyer nearby Hailey resident, follows-up on a comment she made earlier in the year regarding this development and the impact to families, and asks if the safe routes to school on Elm Street, will extend further west to Willow Street?

[5:51:23 PM](#) Burke talks about this and recalls conversation.

[5:51:38 PM](#) Mayor talks generally about safe routes to schools, that the City applies for grants, but this was not part of the subdivision approval process.

[5:52:11 PM](#) Sam Berg, lives on Almond Street, and is curious if developer will clean up the piles? And regarding the 90' cottonwood tree next to the asphalt, it may be damaged, he asks if there are any plans to remove this tree.

[5:53:25 PM](#) Gay Hearst, lives on Almond Street next to the path, she would like to know, part of path is paved, where is the snow going to be put besides her yard and the neighbor's yard?

[5:54:09 PM](#) applicant rebuttal, Flade speaks, the large tree, this was the "sacred tree," he tried to salvage the tree, he would have removed it. Everything will be cleaned up in October. There is more excavation work to be done, don't want to haul materials away until this is done. Flade, snow removal, we are all on the same page, Flade met with Yeager, Mogen Lyons and Galena, and all are concerned with where the snow is going to go. Flade, in the future, there will be trees that need to be taken out. They will make a determination after the first winter. As far as planting, it will be natural grasses, they have not disturbed anything beyond the 20 foot line. We have not put in the dry well yet. Flade ends with, we are doing the best we can.

[5:58:20 PM](#) Haemmerle, can this come back in October? Flade does not have a problem with waiting, as he does not want to put up more money. The title company will plan to record the plat and then the deed within the minute after the plat.

[5:59:22 PM](#) Sean Flynn, reason not to come back in October, city won't sign until all is done. Is another meeting necessary, Flynn doesn't think so.

[5:59:59 PM](#) Mayor disclosed he went to the site today with Simms. The excavation out there was surgical, it is immensely clean. Haemmerle compliments the developer. Haemmerle prefers that this come back in October. Hats off to you Flade, you are doing great, adds Haemmerle. Haemmerle closes, when we come back with this topic, issues like more paths, have been decided. The next public hearing will be focused on what is completed, what is not completed.

[6:02:10 PM](#) October 10, Oct 21st, Horowitz added or Oct. 28th adds Dawson. Flade is okay with Oct. 21st.

[6:02:44 PM](#) **Burke moves to continue this item to Oct 21st meeting seconded by Thea, with roll call vote. Engelhardt, yes. Burke, yes. Thea, yes.**

[6:03:02 PM](#) Thea comments, protecting the roadway, can we put in something more substantial? Flade, will get this done.

NEW BUSINESS:

*NB 350 Ratification of letter to Blaine County signed by Martha Burke on behalf of Mayor Haemmerle dated September 19, 2019 regarding Area of City Impact (ACI) process between City of Hailey and Blaine County and to authorize Mayor and staff to begin deliberations with Blaine County for lands south of Hailey and South Hailey Area of City Impact **ACTION IT***

[6:05:08 PM](#) Haemmerle begins, the Area of City Impact (ACI) has not been considered as much as he believes it should. The ACI, omits the area adjacent to Eccles ranch and on the other side East side of Hailey. Mayor displayed a map of a proposed annexation into Bellevue on the East side adjacent to the South East border. City of Hailey finds it unbearable to have city borders touch. Haemmerle met with the Bellevue Mayor about 2 weeks ago, [6:08:40 PM](#) and suggested that both city staff meet and work together on an ACI map which is agreeable to both cities. Hailey's interest is in maintaining some separation between the cities, Haemmerle proposed that Bellevue take 65 acres of the East side and Hailey take 55 acres. He told Bellevue that Hailey is maintaining most of the area as green space, the city borders touching is just wrong. Lisa Horowitz reached out to the Bellevue planner and received no response. There was no response, instead, the Mayor penned a letter dated Sept 18, 2019, to Blaine County Commissioners, stating that negotiations have reached an impasse. Haemmerle disagrees with this statement. [6:12:25 PM](#) what needs to happen now, we need to move forward with ACI discussions, and ratify the letter that Martha Burke signed. Thoughtful planning needs to happen to protect our interest in openspace. [6:13:11 PM](#) The other problem that we have now is that Bellevue is considering some development North of the Chanterelle Subdivision. Attending the FMAA board meeting, we have lots of Chanterelle Subdivision residents concerned with the airport, discussing their concern for airport noise. Provides no end to the consternation and what baffles Haemmerle's mind is why Bellevue City would consider putting even more houses North and next to the airport. We now need to move forward with our interests for the City of Hailey, which has always been in protection and separation. If we reach some agreement with Bellevue so be it, if not, so be it. That is what we hope to do, move forward with the County.

[6:14:35 PM](#) Burke asks Haemmerle to explain why an ACI is needed before annexation. Haemmerle, the law allows for 3 types of annexations, one requires an ACI before you can annex property. That is what we are seeking to start in October? Horowitz, yes, we are starting this in October.

[6:15:44 PM](#) Simms asks council to ratify the letter first.

[6:15:53 PM](#) **Burke makes a motion to ratify ACI letter to Blaine County, seconded by Thea, Motion passed with roll call vote. Thea, yes. Burke, yes. Engelhardt, yes.**

[6:16:32 PM](#) Simms refers to the land use planning title 67, and title 50 that work together. The ACI is mandated by state law and are pre-requisites to annexation of land. If there is no underlying ACI then no land can be annexed. If ACI, you can annex property even if the property is not within the ACI. [6:17:54 PM](#) Simms believes that an ACI agreement needs to be in place before an annexation can occur. [6:18:18 PM](#) Haemmerle refers to 2 letters on dated Dec 9, 2014, from Blaine County Commissioners to Bellevue Mayor Chris Koch, and another year later December 30, 2015 to the Bellevue City generally, authored by Jacob Greenberg, both letters indicated that the county wanted ACI discussions to begin and that an ACI must be in place before they could annex property. [6:19:02 PM](#) Simms adds, also we in Hailey believe that an ACI is sound planning and it should be integrated with the Comprehensive Plan and future land use plan.

[6:19:24 PM](#) Martin Flannes, public comments, about 15 years ago he was hired by Blaine County at the start of moratorium on subdivisions, to study ACI, he was surprised to find only 3 ACI existed, Hailey, Sun Valley and Ketchum. It is an odd statute, Flannes agrees with Hailey city attorney's interpretation. All 3 ACI studies are outdated. [6:20:49 PM](#) The question is, do you have one, is it stale? If you look at the actual agreement. In your current document, states that you will not annex what is outside of your ACI. Flannes will send Hailey a copy of his report, adds things to consider, joint planning, zone it together with the county. [6:22:17 PM](#) Haemmerle, thanks Flannes for his comments.

[6:22:26 PM](#) Horowitz, points out a line, the dashed line considers open space, for the FMAA the South protection zone as open space is very important.

[6:23:19 PM](#) Haemmerle, suggests discussing in October.

[6:23:34 PM](#) Thea, asks a question, does Chris Pomeroy suggest that we add a zone? Horowitz, yes, we should have an airport overlay zone.

OLD BUSINESS:

OB 351 2nd or 3rd Reading of Ordinance No. 1249 amending Hailey Municipal Code Section 12.12.040 to include Kiwanis Park as a city-wide park and other minor housekeeping amendments ACTION ITEM

[6:24:54 PM](#) **Burke moves to approve Ordinance No. 1249 waive the 2nd reading conduct the 3rd reading by title only and authorize the Mayor to sign, Engelhardt seconds, motion passed with roll call vote. Engelhardt, yes. Burke, yes. Thea, yes.**

[6:25:12 PM](#) **Mayor Haemmerle conducts 3rd and final reading of Ordinance No. 1249, by title only.**

STAFF REPORTS:

[6:25:48 PM](#) Dawson, Chief Aberbach called her from the fire line and wanted to relay the message that, had he been here at this meeting, he would be thanking the Mayor, Council and the public for his 6 years of service at the City of Hailey and he will be at his party at 7 pm tonight.

[6:26:17 PM](#) Simms adds that Aberbach was first to respond to fire out Croy Canyon approximately 1 ½ miles West of the City boundary. It is a private land fire.

[6:26:49 PM](#) Horowitz reports, as part of our Floodplain compliance, Hailey has updated our emergency operations plan as required and Council will be seeing this in October.

[6:27:09 PM](#) Haemmerle congratulates Yeager on his engineering around Della View, can't wait to see it in work. Yeager the 2018 are terminating now, projects are fully funded by approximately 50% each by Idaho Resource Board and Blaine County Flood Control District.

[6:27:50 PM](#) Haemmerle if you haven't seen Hop Porter Park lately it looks amazing, great improvements.

EXECUTIVE SESSION:

[6:28:19 PM](#) **Thea moves to go into Executive Session to discuss Real Property Acquisition (IC 74-206(1)(c)), and Pending & Imminently Likely Litigation (IC 74-206(1)(f)), seconded by Burke, motion passed with roll call vote Engelhardt, yes. Burke, yes. Thea, yes.**

[6:43:42 PM](#) Mayor and Council return from Executive Session.

[6:44:03 PM](#) **Thea moves to adopt Resolution 2019-097, motion seconded by Engelhardt. Haemmerle states that the nature of the document is an MOU between City of Hailey and the Blaine County School District (BCSD), it is an exchange of property and water rights and cash, the proposal is for the BCSD to obtain the water right area and well near the Middle School, Northridge, they would obtain the real estate and the improvements to that well and the water right with that, 11.98 acres of water at \$20,000/per irrigatable acre, the Cemetery and City has over 400 acres of that water right. In exchange, the City of Hailey would obtain the snow storage area out Croy Canyon and obtain \$127,000 in cash. This is under the condition that Blaine County will give City of Hailey a Conditional Use Permit (CUP) for snow storage at that site. This would allow the City of Hailey to have a new snow storage area and would allow us to improve the Lions Park area, which we've been trying to do for a long time. There was no vote on this item.**

[6:46:21 PM](#) **Thea moves to adjourn meeting, Engelhardt, seconds motion. Motion passed. Engelhardt, yes. Burke, yes. Thea, yes.**

Fritz X. Haemmerle, Mayor

Mary Cone, City Clerk