

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD JANUARY 27, 2020
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:31 P.M. by Mayor Martha Burke. Present were Council members Heidi Husbands, Kaz Thea, Sam Linnet, and Juan Martinez. Staff present included City Attorney Christopher P. Simms, City Administrator Heather Dawson, and City Clerk Mary Cone.

[5:31:13 PM](#) call to order by Martha Burke

Mayor Burke asked if there are citizens here to discuss 5G network, to contact her outside of the meeting as she would like to put this topic on an agenda in the future, for discussion.

Linnet not present at meeting yet.

Open Session for Public Comments:

[5:32:36 PM](#) Luke Henry with Dr. Swan’s Music event, will bring another event this fall.

[5:33:00 PM](#) Kurt Mays – with “no 5G for 5B,” speaks, he wants a moratorium on the 5G network. Tomorrow, Tuesday night at Natural Grocers will be a meeting. Mays also says you can go to [protect the wood river valley.com](http://protectthewoodrivervalley.com).

CONSENT AGENDA:

- [CA 034](#) *Motion to approve Grant Support Letter to Idaho Transportation Department’s Transportation Alternatives Program (TAP) for Mountain Rides Transportation Authority’s (MRTA) Safe Routes to School program funding ACTION ITEM*.....
- ~~[CA 035](#) *Motion to adopt Resolution 2020-016, authorizing an on-call engineering services agreement with Stanley Consultants, to provide peer review of traffic studies associated with new development called Sunbeam Subdivision ACTION ITEM*.....~~
- [CA 036](#) *Motion to approve Resolution 2020-017, authorizing agreement with Bear Cloud Software and Host Compliance for Short-term rental software for \$5,000*.....
- [CA 037](#) *Motion to approve two Special Event Permits for Hailey’s Antique & Art Show, July 3 & 4, 2020 and September 4 & 5, 2020 from 9 am to 6 pm, to be held at Roberta McKercher Park ACTION ITEM*.....
- [CA 038](#) *Motion to approve the Findings of Fact, Conclusions of Law and Decision of a Preliminary Plat Application by InnTrusted Subdivision, represented by Chris Street, HLE Inc., on behalf of Hailey FF, LLC, for a commercial building and residential units, to be located at 711 North Main Street (Lot 1A, Block 1, Sutton Subdivision). ACTION ITEM*.....
- [CA 039](#) *Motion to approve Findings of Fact for an amendment to the Hailey Comprehensive Plan to add a new section, Section 14, Public Airport Facilities, and amendments to other Chapters of the Comprehensive Plan related to airports pursuant to Idaho Code 21-504 through 21-507 Airport*

Zoning Regulations and Section 67, Chapter 65, Local Land Use Planning Act ACTION ITEM
(No documents)

[CA 040](#) Motion to approve minutes of January 10, 2020 and to suspend reading of them ACTION ITEM

[CA 041](#) Motion to approve minutes of January 13, 2020 and to suspend reading of them ACTION ITEM

[CA 042](#) Motion to ratify claims for expenses incurred during the month of December, 2019 ACTION ITEM

[CA 043](#) Motion to approve claims for expenses incurred during the month of December, 2019, and claims for expenses due by contract in January, 2020 ACTION ITEM.....

Yeager pulls CA 035

[5:35:11 PM](#) Thea moved to approve all consent agenda items minus CA 035, seconded by Martinez, motion passed with roll call vote. Husbands, yes. Thea, yes. Martinez, yes.

[5:35:35 PM](#) – Brian Yeager explains that this is for consulting engineering services by the same firm that did our Transportation Master Plan update. On Friday they updated a page of the contract, they’ve updated the billing rates change effective each April 1st. Yeager asks for consideration of contract.

[5:36:25 PM](#) – Simms speaks, the current pay rate is per the signed contract. If they want to increase rates after April 1st, they will need to propose an amendment to the contract.

[5:36:44 PM](#) Thea moves to approve Resolution 2020-016 for contract with Stanley Consultants for a traffic study on the proposed SunBeam Subdivision, Martinez seconds, Motion passed with roll call vote. Martinez, yes.

MAYOR’S REMARKS:

[5:37:12 PM](#) Mayor Burke spent the day getting to know one of the departments of the city, and she is very impressed with our employees.

PROCLAMATIONS AND PRESENTATIONS:

PP 044 Presentation from and discussion with the Idaho Department of Fish and Game regarding Interagency Administrative Guidelines related to Recreation and Wildlife ACTION ITEM

[5:38:06 PM](#) Horowitz opens this item. Allison Marks is here from Blaine County building and use services as well as Michael McDonald With Idaho Fish and Game. Idaho Fish and Game are in charge of managing fish and game not municipalities.

Michael McDonald – presents a preliminary document, Administrative Guidelines. In 2017 last big snow year, many had concerns about wintering wildlife on public land. It became apparent when approaching municipalities, not everyone was on the same page. This guidelines document sets an outline on wintering wildlife and public education. Don’t have anything yet with BLM, but will look forward to that in the future. McDonald can answer any questions council may have tonight.

[5:42:02 PM](#) – Thea what about BLM agreement, The Forest Service has administrative guidelines, which has a December 1st date to begin winter education. For simplicity sake, are you looking for Dec. 1st date too? McDonald, in 2017 they approached BLM on these issues, they were not supportive of a set closure date.

[5:43:45 PM](#) , John Kurtz with BLM speaks to council, they only have date closures for motorized use of trails. In 2017, there were human, non-motorized concerns, and they received verbal blessing from municipalities to put up signs on city property, so that people will see them when departing their vehicles. [5:45:13 PM](#) – 3 alternatives, 2 are hard and fast dates, should be out in March 2020, a Draft Environmental Assessment. Then BLM can enter into a more formal MOU with Fish and Game.

[5:46:11 PM](#) Horowitz, we don't have certain date needs, and would not recommend firm date in south valley due to fluctuations in weather. McDonald agreed, don't want hard set date so that you can be flexible on the season.

[5:47:02 PM](#) Date is easier for the public, Thea comments.

[5:48:05 PM](#) – McDonald comments to Thea, it is a balancing act between people using trails and protecting wildlife.

[5:49:08 PM](#) – Martinez, these are good guidelines for people to follow.

[5:49:41 PM](#) , Horowitz, received call from Allison Marks with Blaine County, they suggest that we put this on Consent Agenda with final document, after other agencies review this item.

[5:50:12 PM](#) – Thea asks another question, want to get this right. Will this regulate subdivisions and interaction with wildlife within the City? McDonald, that is entirely up to you, this is not meant to regulate the cities.

[5:51:28 PM](#) , Horowitz adds that the Police Chief feels enforcement would be challenging if regulations were added within city limits.

PP 045 Hailey Public Library Annual Presentation – Library Director LeAnn Gelskey and Board

[5:52:25 PM](#) , Library LeAnn Gelsky provided a handout at the meeting tonight. Who are we? What do we do and where are we headed? Idaho ranked number 1 in children's attendance in Children's program attendance but ranked lowest in education [5:53:18 PM](#) We no longer have headstart in the valley, another reason we've seen more activity, also why we have a kitchen in the library. Also ranked number 2 in the nation for children's materials [5:53:55 PM](#) Have 9 library employees, have a small gap in service. Gap in teen services right now. Celebrated our Centennial last year, Gelskey was nominated Librarian of the Year, an honor to be recognized by her peers. Library is open Mon – Saturday. Have a library of things, [5:56:10 PM](#) heavily involved in the community. Lots of programs and events.

[5:56:40 PM](#) Our programs planned by Kristen Fletcher, included the history of Hailey, very popular. We've had over 4,000 attendees in over 300 programs. Have an e-branch of the Library. Our Circulation has decreased a little in print format. More people are coming in for wifi and computer use.

[5:58:19 PM](#) Gelskey, we are running out of room for Library programs. The friends "committee formed to find more space," The old Barkin Basement (JJ Tracy building) is vacant, they are proposing to rent this space to sell books, and show Mallory Collection of photos, this would offer more space for the Library.

[5:59:58 PM](#) – other issues in Library, privacy is a bigger issue, fake news and fake information, find out if information is from trusted source. Homelessness is present in the valley. Gelskey happy to answer questions.

[6:01:22 PM](#) – Thea, the attendance numbers you quoted are impressive. Gelskey, our staff is dedicated to providing great service to the valley.

Mayor Burke offers congratulations.

[6:02:23 PM](#) – Simms updates council, Sam Linnet has been detained at the courthouse.

OLD BUSINESS:

OB 049 2nd reading of Ordinance No. 1255, a City-initiated Text Amendment to the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.09, Parking and Loading Spaces, Section 17.09.020.11, Minimum distance Setbacks, to modify setbacks in nonresidential zoning districts which do not abut residential zoning districts. ACTION ITEM

[6:03:23 PM](#) Mayor Burke conducts 2nd Reading of Ordinance No. 1255, by title only.

OB 050 3rd Reading of Ordinance No. 1256, a recommendation by the Planning and Zoning Commission regarding a City-Initiated Text Amendment to the Hailey Municipal Code, Title 16, Chapter 16.03.030: Final Plat Approval, to clarify that required improvements shall be substantially in place prior to Council hearing on the Final Plat, and amendments to Chapter 16.04.110: Development Standards, Parks, Pathways and other Green Spaces, Subsection H: In-Lieu Contributions, to allow Council consideration of in-kind contributions in-lieu of park land dedication ACTION ITEM

[6:04:26 PM](#) Thea moves to approve Ordinance No. 1256 authorize Mayor to sign and conduct 3rd reading, read by title only, Husbands seconds, motion passed with roll call vote. Husbands, yes. Thea, yes. Martinez, yes.

[6:05:18 PM](#) – Mayor Burke conducts 3rd Reading of Ordinance No. 1256, by title only.

Mayor Burke calls for a quick recess [6:06:23 PM](#) until 6:15 p.m.

Dawson just heard from Sam Linnet, he expects to be done with his hearing and arriving between 6:30 and 6:45 tonight.

[6:15:25 PM](#) Mayor Burke, brings meeting back in session, will discuss LOT next.

NEW BUSINESS:

NB 047 Discussion of 2020 Census potential effect on Hailey's Local Option Tax ACTION ITEM

[6:15:47 PM](#) Dawson gives overview of item. Hailey's Local Option Tax (LOT), 10 more years of collection before our 20 year period is complete. 2020 is a census year, don't know what population number will bring. If we exceed 10,000 population, we will not be able to take this to voters any longer. [6:17:33 PM](#) Dawson, LOT funding is very important to Hailey. It has funded many items, including snow removal equipment, Mountain Rides Transportation, and Police officers, a complete list is on page 167 of packet. [6:19:10 PM](#) The potential of exceeding 10,000 is a possibility, the packet document is an overview of this item. We will discuss this in February again. Carol Waller is here tonight as 1% LOT funding goes towards air service funding at the airport.

[6:20:13 PM](#) Thea asks, under 2, pg. 166, correction, would remain in place until 2030? That is a typo right? Dawson, confirms yes it is a typo. So, when are we going to find out about the population number? Dawson, finds out late fall. Thea advocates to going to voters in May 2020.

[6:21:43 PM](#) Simms are able to keep existing LOT which expires in 2030 if we did not go to voters before the next census. If 2020 census goes beyond 10,000, which would mean a 17% increase in population, we will not have opportunity to extend.

[6:22:53 PM](#) Husbands, School district will go to levy vote in May.

[6:23:18 PM](#) Burke if we amended LOT to go out to 2075, we can keep LOT funding.

[6:23:51 PM](#) Dawson, recommends May 2020 ballot.

[6:24:06 PM](#) Simms, suggests just change duration not terms.

[6:24:28 PM](#) Burke, if it fails, we have existing LOT until 2030 year.

[6:24:39 PM](#) Thea, if we only change the date, is it still 60% voter approval? Dawson, yes it is.

[6:25:06 PM](#) Martinez this gives us opportunity to extend revenue, it is working for us in many ways. This seems to be a no-brainer.

[6:26:24 PM](#) Husbands, asks, where are population estimates on Census website.

[6:30:43 PM](#) Thea thinks we should expand the revenue source.

[6:31:10 PM](#) Horowitz comments on current legislature, they are not inclined to raise the 10,000-population threshold.

[6:32:37 PM](#) Thea most of LOT revenue comes from tourism, that puts stress on our community. We should be open to discussion on more ways to bring in revenue.

[6:34:17 PM](#) Linnet arrives to meeting.

[6:34:39 PM](#) Dawson clarifies, we cannot take this to voters once we've reached 10,000 in population. Dawson asks to address Husbands question, possibility of voter ballot question in May 2020, should we amend the tax itself, and should we turn to voters at same time school district property tax levy. Consistent answer from the public has been that they want to see a balanced and diversified revenue stream for the city, balance of revenues, property tax increase and LOT, don't rely on just one. City Council in 2006, had to declare we are a resort community, we have only taxed a few items, car rentals, hotel rooms, restaurant and liquor by the drink. [6:37:35 PM](#) Any other food businesses, it may benefit us to add them but the discussion becomes more complex. This is the discussion in front of us now.

[6:38:19 PM](#) Burke, Thea wants to extend categories as well as time, which could impact our success. The other component, if we are over 10,000, more people will affect these numbers already in place. May 2020 is the right time, Burke comments. Direct staff to move towards May, seems a logical move.

[6:41:41 PM](#) Linnet asks question, extending time frame?

[6:42:52 PM](#) Burke the goal today, should we extend? And when to vote?

[6:43:12 PM](#) Thea, why not look at this.

[6:43:51 PM](#) Carol Waller answers Husbands question, Hailey's hotel tax is higher than Ketchum and Sun Valley's hotel tax.

PUBLIC HEARINGS:

PH Consideration of a recommendation by the Hailey Planning and Zoning Commission for a City-initiated Text and Map Amendments to the Hailey Comprehensive Plan and the Comprehensive Plan Land Use map to include additional lands in the Hailey Area of City Impact AND Consideration of a recommendation by the Hailey Planning and Zoning Commission for ordinances related to amending the Blaine County/Hailey Area of City Impact pursuant to Idaho Code Section 67-6526:

- *Proposed Ordinance No. _____ identifying a map that defines and establishes geographic boundaries modifying the existing Blaine County/Hailey Area of City Impact as adopted by Hailey Ordinance 649 (adopted November 14, 1994) and amended by Ordinance 731 (adopted June 23rd, 1999). The geographic boundaries take into account trade areas,*

geographic factors, and areas that can reasonably be expected to annex into the City in the future **ACTION ITEM**

- *Proposed Ordinance No. _____ providing for plans and ordinances for the Area of City Impact.* **ACTION ITEM**

[6:44:26 PM](#) Horowitz presents goals for tonight’s meeting, decisions, amendments to the comp plan use map and adopting ord.

What is Area of City Impact (ACI), [6:45:48 PM](#) cities must identify ACI with their respective counties before annexation can occur. Also it identifies areas that will affect us as well as growth areas.

[6:47:11 PM](#) Linnet, question, ACI, county zoning applies right? Horowitz, correct. ACI is a way for cities and counties to plan together.

[6:47:53 PM](#) Horowitz many ideas for doing ACI planning, including protect property rights, ensure adequate public facilities, encourage development within cities, prevent urban sprawl. Horowitz displays Hailey Growth Trends, since 2010, we’ve been growing at .9% in Hailey not what is in the staff report.

[6:49:47 PM](#) the County and city have been working on the ACI, been working on all directions, previous Mayor proposed southern ACI map. First step in ACI, governing board asks questions, series of working maps, lands left in ACI area, lands in conservation easement. Have spent quite a bit of time discussing the southern area of ACI, will come back to that later. City of Bellevue map is displayed, fair to say that Hailey and Bellevue do not agree on ACI between our cities, Bellevue would like to have their city limits next to Hailey city limits.

[6:52:44 PM](#) Simms, there are no particular agreements regarding an overlap map agreement between the cities.

[6:53:14 PM](#) Horowitz, talks about Trade Area , applies to lands in or around Hailey that are not currently in the Hailey ACI. (where customers are derived from)The Planning and Zoning Commission, thoughts on trade area, folks to north, likely to use Hailey as trade area, east and west, same Hailey as trade area. Southern area, may shop in Hailey or Bellevue. West, Hailey trade area. Are there geographical factors that would direct the Hailey ACI Boundary? On west side, traffic light at Woodside and the highway. Planning and Zoning Commission suggested that part of the sweet potato ranch should be considered in the ACI. [6:58:19 PM](#) Horowitz hands over discussion to Brian Yeager about water pressure in Hailey. Generally speaking, there is plan to remedy the pressure issues in Hailey (Northridge) working with a consultant on the water pressure.

[6:59:40 PM](#) Horowitz, are there areas that can reasonably be expected to be annexed into the city in the future. reasonably proposed 41 acres in Hailey side of line and? 64 acres in the Bellevue ACI.

[7:01:16 PM](#) Horowitz, we may get questions from the County.

How much vacant developable land is remaining in current Hailey ACI?, we will give this number to the county. Population projections can vary widely. Hailey growth rate spiked in 2001, dropped in 2010, growth of .9% as of late. Hailey age categories, 19 and under population is the largest growth category.

[7:05:11 PM](#) Dawson, 8501 is our 2010 Census population number.

Horowitz we have had robust Hispanic numbers.

[7:05:52 PM](#) Horowitz, are water and sewer capacity available to serve the areas under question? Yeager will address this but feels we have capacity.

[7:06:38 PM](#) Yeager, discusses firm capacity, if we lose our main well, 7.3 million gallons / day, irrigation demand starts to press our firm capacity. Annual capacity, have this capacity, but need to pursue growth, and be able to expand system for future.

[7:08:12 PM](#) Horowitz, will the land uses proposed for the areas be compatible with airport issues.

[7:09:07 PM](#) Linnet asks a question for clarification. The black line is the suggested line between Hailey and Bellevue. Horowitz answers.

[7:11:11 PM](#) Horowitz, Hailey has very limited light industrial area left, talks about east side and south side of ACI uses.

[7:13:10 PM](#) Horowitz discusses contiguous ownership, Peregrine Ranch when recommending a boundary, this was put in to ACI.

Council questions?

[7:14:41 PM](#) Mayor Burke, overarching question, how much input do we have when we turn this over to county? Simms, addresses this question., have been working with the county along the way. Kathy Grotto is here tonight from Blaine County. Want to look at the Land Use Map in the next Hailey council meeting. The lines that we've put on the map seem reasonable.

[7:16:54 PM](#) Burke, feels the success in Bellevue effects the success of Hailey. If Bellevue thrives, Hailey thrives. Let's not think of Bellevue as the "step child." The county needs to look at both cities in this process. West side, plenty of delineation, on the East side, this is not as clear. Bellevue is struggling. Burke wants to make sure that the land owner doesn't pull their deal with Bellevue, as a result of Hailey.

[7:20:00 PM](#) Martinez, looks at the ball fields as a coach and what that would look like. The ballfield connects us all and protects the open space between the cities.

[7:20:44 PM](#) Thea, when does discussion with Bellevue start? Horowitz, the statute contemplates a two-party agreement between the city and county.

[7:22:00 PM](#) Horowitz, our current agreement says we will not annex outside of our ACI. This is in our draft agreement with the county. It is not currently in Bellevue's draft agreement with the county.

[7:22:27 PM](#) Simms, we can pass an ordinance that is not an agreement, don't suggest doing this.

Public comments:

[7:22:52 PM](#) Lili Simpson, county resident on Quigley Lane, comments to council. Comments on areas of contiguous ownership, have many acres within the ACI. The lots currently state that the lots are not subdividable but this still makes Simpson nervous. Bike plan path next to Hiawatha canal. [7:26:01 PM](#) Simpson comments on greenways/pathways, has concerns with imminent domain, and concerns for wildlife. Simpson is not interested in being annexed. These areas are important for enabling sheet flooding. [7:28:15 PM](#) Airport Hazard area south of Hailey, glad to see this ACI area as open space.

[7:29:27 PM](#) Martha Bibb, Hailey resident comments on the airport, interjection of comments, we all know the airport needs to move. How would the airport go away? Burke responds, what we are doing is adding to our Comprehensive Plan. [7:31:40 PM](#) Burke responds, if the airport would be to move, we would rezone the airport property.

[7:33:07 PM](#) Kathy Grotto planner, with Blaine County, tomorrow the commissioners will be seeing the ACI documents, tentatively looking at Feb. 11, 2020 for county board to submit questions to the county Planning and Zoning Commission. Then the county Planning and Zoning would reasonably look at this at their first meeting in March 2020. When would Bellevue and Hailey speak to each other, could be arranged, yet to be planned, possibly heard in the spring.

[7:35:52 PM](#) Linnet wonders if we can expand the ACI south, jagged black lines, should we reserve more for in flight path. Suggests we need more buffer between Woodside and Bellevue. Linnet describes where he is talking about adding ACI.

[7:40:21 PM](#) Simms comments on Thea's concern of the area south of the airport, in the Runway Protection Zone. We are bound by FAA contracts, Bellevue is not contractually bound by the same documents.

[7:41:30 PM](#) Linnet, if this area is not in ACI, then we won't have a say in the development.

[7:43:10 PM](#) Linnet has concerns for open space, as this map is drawn, don't see protection of open space. Horowitz will make those changes for the next meeting.

STAFF REPORTS:

[7:45:58 PM](#) Mike Baledge, we have hired Kevin Ditmore new employee starts Friday,

[7:46:35 PM](#) Horowitz, very good first Public Hearing on Sunbeam subdivision, the developers are changing plans based on public comments from the meeting.

Mayor Burke discloses that her neighbor, Janet Carter approached her and asked what was going on with this (SunBeam) project and she responded, she did not know.

[7:47:46 PM](#) Dawson Thursday is big night, training, snack and work session for goal setting. All boards and commissions have been invited to training.

[7:48:56 PM](#) Thea moves to adjourn, Linnet seconds, motion passed unanimously.