

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD FEBRUARY 10, 2020
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at _____ 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.

CALL [5:29:51 PM](#) to order by Mayor Burke

Sam Linnet attended the meeting via conference call.

Open Session for Public Comments:

[5:30:21 PM](#) Bob Wiederrick Hailey resident and business owner. Has concerns about Idaho Power Franchise fee increase last fall, disproportionate cost on electric users just as himself, welding is his business, uses high arc electricity, and now pays more in fees, wants a refund of 2/3 rds of his bill, and wants a response from the City.

[5:32:19 PM](#) Richard Fife, business manager for Fiddlers of Idaho, this year's event is on Friday May 3rd and 4th, want to sell 250 or more tickets, this event has done great here in the valley, all day Saturday is the youth competition. Fife asks that Mayor Burke speak again at this year's event.

CONSENT AGENDA:

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- [CA 053](#) Motion to ratify the Mayor's signature on a letter to the Idaho Senate Commerce Committee regarding possible amendments to Idaho Building and Energy Codes **ACTION ITEM**
- [CA 054](#) Motion to approve Resolution 2020-018, ratifying City staff's authorization in the amount of \$18,070. in additional SPF Water Engineering fees for work on the Northridge water pressure report. **ACTION ITEM**
- [CA 055](#) Motion to approve Resolution 2020-019, authorizing an agreement with SPF Water Engineering for as-needed basis support in a not-to-exceed amount of \$20,000., to continue analyzing water system hydraulics **ACTION ITEM**
- [CA 056](#) Motion to approve Resolution 2020-020, authorizing the Mayor's signature on an agreement with Ben Young Landscape Architects for the redesign of Roberta McKercher Park with the inclusion of the Forest Service Warehouse Building onsite, as well as Area of City Impact Land Use projects, cost not to exceed \$6,000 (\$3,500 for the Design of the Forest Service Warehouse Building and \$2,500 for ACI Land Use Planning projects). **ACTION ITEM**
- [CA 057](#) Motion to approve agreement with Mountain West Bank and authorize city officials to sign bank account agreement for authorized signers for City of Hailey, Mayor, Clerk and Council President **ACTION ITEM**
- [CA 058](#) Motion to approve Resolution 2020-021, authorizing the Mayor's signature on the Security Agreement related to the Final Plat of Sweetwater Communities, LLC (Parcel B2, Block 4, Sweetwater PUD Townhouses) **ACTION ITEM**
- [CA 059](#) Motion to approve Resolution 2020-022, authorizing the Mayor's signature on Revocable License Agreements between the City of Hailey and Christopher & Co. (W. H. Watt Bank) for a narrative plaque to be installed on the historical buildings **ACTION ITEM**

- [CA 060](#) Motion to approve a special event, Trailing of the Sheep, to be held at Roberta McKercher Park (October 9th from 8:00am until 7:00pm and October 10th, from 10:00 a.m. to 7:00 p.m.) and Lions Park (October 8th through 11th, 2020) **ACTION ITEM**.....
- [CA 061](#) 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**.....
- [CA 062](#) Motion to approve Summary 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**.....
- [CA 063](#) Motion to approve minutes of January 27, 2020 and to suspend reading of them **ACTION ITEM**.....
- [CA 064](#) Motion to ratify claims for expenses incurred during the month of January, 2020 **ACTION ITEM**.....
- [CA 065](#) Motion to approve claims for expenses due by contract in February, 2020 **ACTION ITEM**.....

5:34:09 PM **Thea moved to approve all consent agenda items as presented, seconded by Martinez, motion passed with roll call vote. Husbands, yes. Martinez, yes. Thea, yes. Linnet, yes.**

MAYOR’S REMARKS:

5:34:55 PM To celebrate recent HPD successes, Steve England presents to 3 officers, first is a basic certificate for Idaho Peace Officers Training, to Joshua Latimer, he came in 2019 from Seattle, went to the 14 week academy in 2019, and he also taking last semester of his degree with Boise State, where he played lacrosse, applause by room.

5:36:56 PM Marty Pallas recognition, he came to us in 2019, raised in Jerome, came to Hailey in 2012, put himself through EMT school. Went to POST in September and graduated in Dec 2019, applause by room.

5:38:13 PM Master certificate presented to Shawna Wallace, it is an experienced certificate. England reads certificate, at the Heart of law enforcement. Wallace has been with us for 2 years, started in Nampa in 1998, and is a school resource officer.

Applause by room.

Room clears out.

PROCLAMATIONS AND PRESENTATIONS:

PP 067 Sun Valley Economic Development (SVED) informational report (no documents)

5:40:50 PM Sun Valley Economic Dev. Harry Griffith presents for SVED which is a 501c6 organization, it has been around for 10 years, one and ½ employees that work for the firm, Dave Patrie works 50% of time as does Harry Griffith. Have 14 private sector members, 6 public

members which are ex-officio, non-voting members). 60% private sector funds, see ourselves as the voice of business, raising issues. Griffith breaks activities into 5 buckets. [5:43:37 PM](#) also work with businesses on finding ways for those businesses to grow. Finding housing is an ongoing challenge. We advocate, not lobby as a general rule. We are not about growth at any cost. Try to balance growth and no-growth efforts. As our board, always looking for new members, just had a few new members join.

Griffith hands out a folder to council, on left hand side, advertising pamphlet, great place to live and work. Back in packet, economic profiles, each city has a profile, will do 2019 report in the next 6 months. A sponsor of the Sun Valley Culinary Institute, working on this for 6 years, it is a year-long training program, discusses the flyer, and will be recruiting students next week, looking for 10-12 students. Looking for local students and from outside the area, the education is reasonably priced. Education forums, 3rd week in March, new changes in tourism, chamber, visit Sun Valley – signature thing is our annual summit. Bring in great speakers and talk about the future. Hailey has been a supporter in the past, would love to have Hailey’s support in the future.

APPOINTMENTS AND AWARDS:

AA 068 Tree Committee Appointment of Mike McKenna filling the space left by resigning board member Nelson Mills, term expires December 31, 2020 ACTION ITEM

[5:51:59 PM](#) Thea moves to approve Resolution 2020-23, appointing Mike McKenna to the Tree Committee, seconded by Martinez, and Martinez thanks McKenna for volunteering, motion passed with roll call vote. Husbands, yes. Thea, yes. Martinez, yes. Linnet, yes.

PUBLIC HEARINGS:

PH 069 Consideration of draft Ordinance language extending the term of Hailey’s Local Option Tax during the May election ACTION ITEM

[5:53:46 PM](#) Dawson covers this item, ordinance for your consideration and review. LOT must be put before voters in the form of a ballot, summarizing the ordinance. The electors enact the ordinance, council would “rubber stamp” it. This ordinance language would extend the law to another 30 years. Dawson explains, the 1% for air. , [5:55:47 PM](#) Dawson reviews the car rental and lodging categories, gives a basis for discussion tonight.

Thea, asks question, new numbers, Dawson replies. Method of payment for taxes,

[5:58:26 PM](#) Linnet comments, in the heading it references 3%, should it be 4%? Dawson will change this to 4%.

Public comments:

[5:59:16 PM](#) Bob MacLeod, Hailey resident, this is working, increasing the categories might be detrimental to our economy (at the risk of it not passing with voters).

[5:59:43 PM](#) Jane Drussel Hailey resident and business owner, we've talked about putting across the board increase, would rather see general increase on retail, 1 – 2% not a big deal, than see any of the existing categories increased.

[6:00:49 PM](#) Mike McKenna, LOT is vital to our community, a lot of this is paid from visitors, it is vital to us (Chamber), it is approx. 25% of our budget at Chamber, we would like to see a set percentage annually instead of a set amount. Great that we are thinking about this.

[6:02:09 PM](#) Bob Crosby, with the board of realtors, clarify, 2nd section 2, if the Sun Valley Air Services Board goes away, how would the money be spent? Dawson, will amend the language to be clear, it would go towards existing identified categories eligible for spending.

[6:03:57 PM](#) Thea, the language is not extending LOT for air? Dawson, yes it is. Thea, it is not clear that LOT for air is going for another 30 years. Dawson, replies. The intent of the language, can discuss with Thea offline to make the language clearer. 30 years seems to be a good timeframe to extend. We should maintain it, should we add hockey center 1% increase, asks Thea. She would be open to expanding the categories, but don't want to be burdensome on any one population.

[6:07:27 PM](#) Martinez, the extension of time is key for him. This should be a visitor tax, and what we have now, is very fair. Martinez appreciates Drussel's comments on the retail tax idea. Extending the time gives us better planning. Martinez would like to increase categories but hesitant to risk it right now.

[6:08:57 PM](#) Husbands, would like to see increase in food and alcohol. But okay with lodging or slight increase. Okay by keeping categories as is and just extending the timeframe, as she wants this to pass.

[6:10:08 PM](#) Martinez recounts Carol Wallers comments from last meeting regarding our lodging tax.

[6:10:59 PM](#) Linnet is in agreement with other council members. Add, additional tax categories later, for now put in front of voters to extend the timeframe.

[6:12:02 PM](#) Burke summarizes, then we will have until 2050 to modify categories if under 10,000 population.

Ballot language will be presented to council in the next meeting for their review and potential approval for a May election.

[6:13:13 PM](#) Simms gives summary, he will look at language for clarity, staff will bring back in next meeting.

PH 070 Consideration of Resolution No. 2020-____, 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 Ordinance ACTION ITEM

[6:13:54 PM](#) Comp plan amendment = Lisa Horowitz, first of 3 things is to amend the land use map, that we've discussed in past council meetings. Horowitz our comp plan map would extend the area to the South as commented by council member Linnet, extent of the change. Had a public hearing in the last meeting.

[6:15:35 PM](#) Simms, will always take public comments. In taking action tonight, it demonstrates to Blaine County, a decision by council.

Public comments:

[6:16:50 PM](#) Nate Hart 3210 Shenandoah, wildlife points, how is that regulated? Hart is a hunter. Horowitz, those are illustrative, generally speaking and a representational in nature. Green shaded areas are permanent conservation areas in private land, gold is BLM land.

[6:18:19 PM](#) Husbands asks, what did Linnet add. Dark green area southern buffer beyond the required Airport safety zone, to allow for greenspace if Bellevue, decides to annex close to the airport, the area is the width of 3 baseball fields,

[6:19:31 PM](#) Linnet comments, he is very happy with these changes.

[6:19:46 PM](#) Thea, asks what happens next with Bellevue. Horowitz, this is our plan, next 2 ordinances, talking about our relationship with Blaine County.

[6:20:39 PM](#) Simms, passing this comprehensive plan map tonight, we don't have the ACI agreement until both parties have come to an agreement. Kathy Grotto from Blaine County is here tonight and is moving the process along at Blaine County.

[6:21:47 PM](#) Simms, Blaine County P&Z meetings are lagging a little bit behind our process. Martinez, do we have benefit to adopting our changing first. Horowitz this plan is from 1994, we should update this plan every 10 years.

[6:22:48 PM](#) Linnet, this is an important next step. Hand off to county for them to work through their process.

[6:23:34 PM](#) **Thea moves to adopt Resolution 2020-24, adopting the proposed Area of City Impact map as presented, seconded by Martinez, motion passed with roll call vote. Husbands, yes. Thea, yes. Martinez, yes. Linnet, yes.**

PH 071 Consideration of provisions and potential first Reading of Ordinance No. _____, an ordinance identifying a map that defines and establishes geographic boundaries repealing 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) and replacing it with Map Attachment A. The geographic boundaries shown on Map Attachment A take into

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

[6:24:24 PM](#) Horowitz, we did not continue this item in the last meeting, since we know county is lagging behind us,

[6:25:08 PM](#) Simms hopes that we can gather consensus tonight and then notice later after noticing has been done.

[6:25:51 PM](#) Horowitz, explains next steps, once Hailey and Blaine County come to an agreement on the ACI area, Council will adopt the new map and the guidelines within the Ordinance.

[6:26:18 PM](#) Simms, it is one map consisting of these 2 parts.

Public comments:

[6:26:37 PM](#) Kathy grotto with Blaine County Building and Land Use Services and a Hailey resident speaks to council. Only date so far, is on February 18th where they will be considering the questions submitted that the governing body submits to the Planning and Zoning Commission, then it goes to the Blaine County Commissioners. Most likely will be a Planning and Zoning Commission meeting in March.

[6:27:59 PM](#) Bob Crosby question about process. Can anyone discuss the differences in city ACI maps Hailey/Bellevue.

[6:28:37 PM](#) Simms addresses question, according to law, there cannot be overlap with same property. That cannot happen unless Blaine County would allow that to happen, and he does not foresee that ever happening.

Will be re-noticing this for a future meeting, possibly in March.

[6:30:11 PM](#) Husbands would like to move forward with our map, having this done, want to move forward.

[6:30:48 PM](#) Linnet, thinks, a lot of time has been spent on this ACI boundary, it is a good idea to extend and wants to move forward with our statutory requirements.

[6:31:47 PM](#) Martinez is in agreement with rest of comments tonight.

[6:32:03 PM](#) Thea is comfortable moving forward, hope we can

[6:32:30 PM](#) Burke asks about the next item.

PH 072 Consideration of ordinance provisions and potential first Reading of Ordinance No. _____, an ordinance providing for plans and ordinances for the Area of City Impact. ACTION ITEM

[6:32:44 PM](#) Horowitz, reviews the proposed changes, want all of us to agree to the line, with Bellevue, have had this language in past ACI ordinances.

Next section, can have county apply our ordinances, but city cannot apply city standards in the county and our ACI. This has been confusing in our past.

[6:34:34 PM](#) Kathy Grotto, it is confusing to try to apply city standards within Blaine County, nothing precludes Hailey from asking for these standards but agrees with Horowitz, it is difficult to have county use city standards in their process.

[6:35:56 PM](#) Horowitz continues, section f, amendment of plan policies and other ordinances.

Public comments:

No public comments.

[6:36:42 PM](#) Thea, great exercise to look into the future, how it is going to grow, where is it going to grow. Very interesting to see all conservation land around Hailey. Thea was good with the ordinance.

[6:38:02 PM](#) Linnet, would like to point out to council, this exercise has shown, paradigm shift, our boundaries are restrictive. And should make our planning needs to change, how will we grow, this is an issue now.

[6:39:10 PM](#) Martinez, looks forward to seeing this, goes to great work of staff in preparing this. job well done.

Horowitz will present again in March.

NEW BUSINESS:

NB 073 Overview of background on Accessory Dwelling Units and general discussion (no action on this item)

[6:40:09 PM](#) ADU, Horowitz, Brittany Skelton is working part-time for Hailey to put together workshops and studies for Hailey on this topic. Will be moving through the process at Hailey Planning and Zoning Commission and will bring forward to council after that. Feb 27th is first workshop at P&Z., Horowitz displays other cities ideas.

[6:42:24 PM](#) Linnet would like to see staff and P&Z remove the min. lot size for ADU's, minimum lot size is overly restrictive. Setback requirements are too large, if we allow smaller lot sizes then more homeowners will be able to take advantage of having ADU's. Linnet would like to see if other areas have tried this and the outcome.

[6:44:23 PM](#) Husbands does not like short-term rental, thinks it removes opportunity of long-term rentals.

[6:44:55 PM](#) Thea asks Simms, he responds it is challenging to regulate. Idaho Code §67-6539, places limitations on our ability to prohibit short-term rentals.

[6:46:56 PM](#) Simms reads code, and states that it might meet muster to require full-time living at house before allowing for ADU to be rented for short-term rental use but may not be possible to limit within whole zoning districts or prohibiting, may not pass muster. [6:48:05 PM](#)

[6:48:17 PM](#) Horowitz, Sandpoint took about 2 years to regulate short-term rentals. Horowitz suggests that council may not get all they want with short-term rentals and have ADUs in a timely manner.

[6:50:26 PM](#) Horowitz talks about percentages of short-term rentals in Hailey, there are approximately 80 short-term units listed online.

[6:52:22 PM](#) Martinez, thinks short-term rentals don't hurt our housing issue. By allowing more dwelling units, may have the market even itself out. Martinez would like to live in an ADU as some of his friends would like this as well.

[6:54:14 PM](#) Thea, another discussion is about parking with ADU's. could we turn some area into parking, reduce watering, as an idea? Thea agrees with Linnet, with reduced lot size requirements.

[6:55:08 PM](#) Martinez, agrees with Linnet and lot size comment.

[6:55:22 PM](#) Burke, looks forward to hearing what Planning and Zoning Commission will recommend. Almost leaning to CUP way right now, feels need to address parking, right-of-way and snow removal. Likes the idea of one building being owner occupied, greater sense of community.

OLD BUSINESS:

OB 074 3rd 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

[6:57:04 PM](#) ob 074 – 3rd reading

[6:57:28 PM](#) [6:57:41 PM](#)

[6:58:01 PM](#) **Husbands moves to approve Ordinance No. 1255, authorize the Mayor to sign and read by title only, Martinez seconds, motion passed with roll call vote. Linnet, yes. Husbands, yes. Thea, yes. Martinez, yes.**

[6:58:40 PM](#) **Mayor Burke conducts 3rd Reading of Ordinance No. 1255, by title only.**

STAFF REPORTS:

[6:59:33 PM](#) England, they are moving forward with new hire process, oral interviews and physical fitness tests. Officer Ward is in field training now and will be on his own, soon. Officer Murphy, allowed to go to drug recognition testing, 3-week training, it is tuition free through the state. Colson Dittmeier will be back soon, been a long year with him gone in the military. Brad Gelskey officially has given notice at the end of the school year, he is retiring.

[7:01:26 PM](#) Horowitz will have contract work soon, as Robyn Davis will be having her 2nd baby soon.

[7:01:44 PM](#) Dawson, JPA Fire Board meeting is Wednesday February 12th at 4:30 pm. Also ask council members to report their meetings during staff reports.

[7:02:54 PM](#) Thea attended the Wildlife Friendly Community Meeting, non-profits, cities, citizens, Fish and Game was present, an interest, entire valley could sign to be a wildlife friendly community, mountain lions, killing of mountain lions. There is a small committee, refining and submitting a proposed resolution to all jurisdictions, includes education and steps that we can take to have less conflict with the wildlife. An example, better to not put garbage out the night before than the morning of pick-up, to reduce chance of conflict with bears. Resolution is being drafted after other models.

[7:05:44 PM](#) Martinez attended Mountain Rides Marketing Committee meeting, pilot program in sending a bus to the Suns Hockey game.

Linnet will see Burke at JPA Fire Board meeting on Wednesday.

[7:06:53 PM](#) Emily is our new reporter from the Idaho Mountain Express, moved here in August from Chicago.

[7:07:37 PM](#) Thea moves to adjourn, Husband seconds, motion passed unanimously.