

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD JANUARY 24, 2022
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 4:31 P.M. by Mayor Martha Burke. Present were Council members Heidi Husbands, Sam Linnet, and Juan Martinez. Staff present included City Attorney Christopher P. Simms, City Administrator Heather Dawson, and City Clerk Mary Cone.

Kaz Thea not in attendance.

[5:30:54 PM](#) Call to order by Mayor Burke.

Open session for public comments:

[5:31:31 PM](#) Lili Simpson, Quigley Lane resident comments on the consent agenda BLM item, Simpson reads a letter discouraging more trails on BLM property.

CONSENT AGENDA:

- [CA 022](#) Motion to ratify support letter for Mountain Rides Safe Routes To School Program federal funding applications for 2024 -2025 **ACTION ITEM**
- [CA 023](#) Motion to approve support letter for Mountain Rides federal funding grants for operations and capital for years 2025-2026 **ACTION ITEM**
- [CA 024](#) Motion to approve support letter to the Bureau of Land Management (BLM) for support of a state grant to assist in construction of trails on BLM land around Hailey **ACTION ITEM**.....
- [CA 025](#) Motion to approve amended Agreement for FY 2022 with Blaine County Housing Authority (BCHA), detailing the terms by which office space in the City Hall building at 115 South Main Street will be leased to BCHA, effective February 1, 2022 **ACTION ITEM**.....
- [CA 026](#) Motion to approve the special event, Hailey Snow Art Carving Event, to be held on West Croy Street, between the alley on Croy Street and South River Street (Saturday, February 5, 2022 to Monday, February 13, 2022.) **ACTION ITEM**.....
- [CA 027](#) Motion to approve the Findings of Fact, Conclusions of Law and Decision of a Preliminary Plat Application by CK Property Group, LLC, represented by Galena Engineering, where Lots 14-17, Block 56, Hailey Townsite (410 North River Street) are subdivided into twelve (12) sublots. This project is located within the Business (B), Downtown Residential Overlay (DRO), Small Residential Overlay (SRO) and Townsite Overlay (TO) Zoning Districts, and is to be known as River Street Townhomes. **ACTION ITEM**.....
- [CA 028](#) Motion to approve minutes and suspend the reading from the January 10, 2022 meeting **ACTION ITEM**.....
- [CA 029](#) Motion to approve claims for expenses made in January and due in February 2022 **ACTION ITEM**.....
- [CA 030](#) Motion to approve unaudited Treasurer’s report for the month of December 2022 **ACTION ITEM**

[5:34:11 PM](#) **Motion to approve CA as presented by Linnet, Husbands seconds. Motion passed with roll call vote; Husband, yes. Linnet, yes. Martinez, yes.**

MAYOR’S REMARKS:

[5:35:15 PM](#) Mayor Burke reminds everyone, covid numbers are exceeding what we saw over 1 year ago, do what we can to protect each other. Consider getting the vaccine, wear a mask, and practice social distancing and wash your hands. Take care of each other.

PROCLAMATIONS & PRESENTATIONS:

PP 031 Presentation of gratitude to Rebecca Bundy, retiring Resiliency Program Coordinator (no docs)

[5:36:15 PM](#) Rebecca Bundy is on the call. Mayor Burke, Bundy has offered such support for our community. In 2017, had a flood in Hailey, Bundy offered to do our floodplain coordinator role since then and getting us through that period. Helped us revise our floodplain code. For the last 3 years has been our sustainability coordinator. On behalf of the city, thank you. [5:39:18 PM](#) Bundy speaks, it is an absolute pleasure working with city staff. Still involved in county efforts and on task force, will be working with city in that capacity going forward.

PP 032 Presentation of gratitude to Erinn Bliss, retiring Hailey Arts and Historic Preservation Commission member (no docs)

[5:40:04 PM](#) Mayor Burke your input has been invaluable, we are enormously grateful.

PP 033 Presentation of annual financial statements for Fiscal Year Ending September 30, 2021 by Brady Workman, auditor, followed by city council acceptance of audited financial statements. ACTION ITEM

[5:41:05 PM](#) Dennis Brown will present. All funds are accounted for, general funds are in good shape. Unspent grants, 2.5 million increase in general fund. Utility funds had a good year also, \$250,000 each. 42 pages of information, happy to go over any questions you may have.

[5:43:31 PM](#) Dawson adds a point of clarification, general fund balance is quite high. That will roll into our capital fund for next fiscal year. Want to explain that budget amendment late in the year, we couldn't spend that revenue, a lot of that, comes in as a receivable (LOT), and it will transfer to the capital fund, it does include all the budgeted amounts from the amended budget late last financial year.

[5:45:49 PM](#) Brown, congratulates council for their oversight. Refers to minutes and grateful for questions and comments, shows that you are doing your job.

[5:47:09 PM](#) **Linnet makes a motion to accept audited financial statements, Martinez seconds. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Martinez, yes.**

APPOINTMENTS & AWARDS:

AA 034 Resolution 2022-005, setting Appointment to Sun Valley Air Services Board ACTION ITEM

[5:48:09 PM](#) **Linnet moves to approve Resolution 2022-005, for another 1-year term, Husbands seconds. Motion passed with roll call vote; Husbands, yes. Martinez, yes. Linnet, yes.**

PUBLIC HEARINGS:

*PH 035 Consideration of Preliminary Plat Application by Kilgore Properties, LLC, represented by Matt Watson, located at Block 2, Sweetwater P.U.D. Subdivision, where Phase I of Block 2 is subdivided into 12 sublots consisting of seven (7) live-work units, four (4), ten-unit condominium buildings, and a clubhouse, for a total of 57 residential units. This project is located along Shenandoah Drive, in Section 15, T.2 N., R.18 E., B.M., City of Hailey, Blaine County, Idaho, within the Limited Business (LB) Zoning District **ACTION ITEM***

[5:50:21 PM](#) Horowitz, Matt Watson is online, team thought about council's comments from 2 meetings ago. Watson will comment on these changes. [5:51:06 PM](#) Mike Bradshaw also on the call with Matt Watson. We are proposing to have Vehicle (EV) charging in the garages, and solar rough ins. Staff report, states that only currently 4 units will be available for short-term rentals, HOA will put in these requirements, still looking at what percentage that will be, market will dictate this.

Public hearing:

[5:53:15 PM](#) Wes Ayres of 2529 Grange Way, and HOA president speaks, people cannot just arbitrarily add solar, he personally thinks solar will make strides in future and allow it to be more feasible. They will make recommendations to have a cap on the amount of short-term rentals. Have good relationship with our developer. Asks what is the plan going forward about traffic, Burke not able to comment on that tonight, will have Yeager keep an eye out for this.

Council deliberation:

[5:56:11 PM](#) Linnet, Matt & HOA president, thank you for your comments and the changes and willingness to make them.

[5:56:57 PM](#) Husbands agrees with Linnet, appreciates these changes and opportunity to have solar on the roof tops. Likes the green space areas and water wise plants.

[5:58:01 PM](#) Martinez, it has been a pleasure to work with these people, important for our community, keep up the hard work.

Burke agrees with council's comments.

[5:58:41 PM](#) Linnet motion to approve phase 1, Preliminary Plat for Kilgore Properties for Sweetwater, and that conditions A-I are met, Martinez, seconds. Motion passed with roll call vote; Husbands, yes. Martinez, yes. Linnet, yes.

[6:00:34 PM](#) Matt is sharing his screen of Sweetwater's future phases. Block 5, request to address number of units we have. Adding condo units, previously? Simms interjects, not agenda/noticed. Watson and Simms discuss and suggest we notice. Horowitz will set up a future meeting.

PH 036 Consideration of a Planned Unit Development by Lido Equity Group Idaho North, LLC, represented by Michael McHugh of Pivot North Design, for twelve (12) apartment buildings ranging in two – three stories in height for a total of 104 residential units, with a request for waivers and proposed benefits. The proposed project is located at Lots 1-14, Block 85, Parcel EE, Woodside Subdivision #24 and Lot 1, Block 67, Woodside Subdivision #18 (940 Winterhaven Drive) within the Limited Business (LB) Zoning District. The following waivers are requested:

- 1. Waiver to the maximum density permitted in the zone district to include a density bonus of nineteen (19) additional residential units of which twelve (12) units would be rent-restricted units at 100% of Area Median Income (“AMI”). The rent-restricted units will include a mix of 1-, 2- and 3-bedroom units.*
- 2. Waiver to the maximum building height permitted in the zone district from thirty-five (35) feet to a maximum building height of forty (40) feet.*
 - 1. The Planning and Zoning Commission recommended for approval by the Hailey City Council a waiver to the maximum building height from thirty-five (35) feet to a maximum building height of thirty-eight (38) feet on December 6, 2021; however, Applicant is requesting the increase to forty (40) feet to allow for the redesign of the sewer system, as requested by the City. The proposed sewer system will connect via Copper Ranch Lane instead of Woodside Boulevard and Winterhaven Drive. To provide adequate cover over the sewer mainline, the finish road grade was raised. No changes to the building height from the finish floor elevations are proposed.*

ACTION ITEM

[6:03:43 PM](#) Horowitz, Mike McHugh and Jeff Smith, proposal for 80 units, less than allowed. As we looked at this, we wondered if there would be a way to add additional units to the site, brainstormed an idea, another room on the ground floor, accommodating a few more units, some units being 3 stories. 19 units more, developer would have 7, 12 would be rent restricted,

[6:06:45 PM](#) Mike McHugh with Pivot North Design. We decided to make 3 buildings 3 stories, have 3 buildings asking for height variance. We are also planning to have 8 EV charging stations, thinking proactively, each building will have solar access a later date and EV charging potential. Ample outdoor space, and pedestrian connections, community interaction, fire pits, fostering a good community feel. McHugh, [6:09:06 PM](#) bright blue units are the 3 story units. Trying to be cognizant of neighbors. Bedroom sizes vary. McHugh shows the elevations and renderings of the proposed units. Plan to have drought tolerant plant, only mow once or twice per year, reducing maintenance and low water usage. [6:13:14 PM](#) questions about the heating systems on the project, have a slide on that, HVAC system (heating and cooling), more upscale system, [6:13:59 PM](#) they are sleek, thinner profile and smaller but very efficient. Only 2 6” diameter holes on the outside of the building. Will be all electric, no gas.

[6:15:09 PM](#) Jeff thanks for allowing us to present, will answer any questions.

[6:15:47 PM](#) Horowitz, developer, connecting to that line, raises the ground to connect to that sewer line, thought this was the best approach, to accommodate staff’s request to connect to that sewer line. Burke, seems a reasonable response.

[6:17:09 PM](#) Linnet, asks, do the plans show the height difference? Horowitz, ground rose up, still 38' tall, remainder are 28' tall buildings. What is plan for snow removal? Horowitz, there is a plan, it passed through Design Review.

Public hearing:

Cynthia 821 unit a copper ranch, [6:18:43 PM](#) been to all the P&Z meeting, submitted a letter signed by many other people. If they raise the building level and go 2 feet higher, have they addressed flooding issues? [6:20:22 PM](#) Major concerns, Lido apartments will be separate from Copper Ranch. Space was never finished for copper ranch, phase 6 has not been closed out. Mr. Smith is head of our board and another member, Darin Potts? And John Sofro, realtor here. We have 2 of 5 HOA members supposedly independent, concerned with conflict of interest. Some concerns. [6:22:44 PM](#) also concerned about snow removal areas, what recourse do we have, if some concerns come up later on? Burke, will take other comments and then address her points.

[6:23:49 PM](#) Page Granger 1820 copper ranch lane, understands height topic, what does this mean for aesthetics and drainage. Proposing to connect to copper ranch lane, in front of her house, what does that mean. Will there be a down time for her? These are her concerns.

Julie Donally, 811 D Copper Ranch, has same concerns, unanswered questions. Woodside Blvd. is super busy now. This is a huge development, many questions about how the area will take this development.

[6:27:16 PM](#) council deliberation / applicant responses.

[6:27:35 PM](#) Horowitz, engineer, drainage plan on this property. Simms comments, HOA concerns, City cannot help with those concerns. City staff will respond to any concerns that they may have.

[6:29:28 PM](#) Husbands, asks Horowitz, 12 units. We've been looking at the top lines, not sure what the 5% ones, will go to the packet. Middle table. 1 bedroom, \$1,195 affordable unit.

[6:32:07 PM](#) Linnet are deed restrictions in perpetuity? Horowitz, confirms, yes. Mentions naming of BCHA if they are no longer around, what about a future housing entity, or similar authorized organization. Horowitz will make those changes in agreements.

[6:33:15 PM](#) Husbands short-term rentals, are they possible for market units. Jeff, don't believe there will be any short-term rentals, not conducive to this area. Don't allow sub-leasing.

[6:34:32 PM](#) Martinez, used to live in 1940 copper ranch unit D. had similar density concerns. Love having Thea on these conversations. Great questions and public comments. Seems that developer is willing to work with Hailey. Excited for the area, makes sense for this area.

[6:36:26 PM](#) Linnet, question about traffic. Michael McHugh responds, originally access on Woodside, and Winterhaven. Staff didn't want woodside connection. Winterhaven, 2 accesses and connect to Copper Ranch Lane. Mike Baledge is on the call, Horowitz stated. Baledge,

code requirement for 2 remote distances, the Winterhaven accesses did not meet this requirement. [6:39:07 PM](#) Linnet has general question for Brian Yeager, any stoplights on Woodside? Yeager, no, none planned. Discussing future needs for stoplights? Want to look ahead, adds Linnet, would like to look at this. Yeager, can look at this, but may not be close to triggering need for traffic light.

Burke we can move forward with our quorum tonight, appreciates desire to have Thea present. Simms confirms, council can move forward.

[6:43:18 PM](#) Linnet talks about PUD and having to go to design review in the future as well. This is a good trade off, getting these 12 restricted rent units. Sympathize with HOA comments tonight. Unfortunately, private organizations, don't think this is proper to have City get involved in the private matters; there are many organizations to help people navigate through these issues.

[6:45:59 PM](#) Martinez, has a few more questions and concerns. High school and other schools are getting more populated, and more place for kids activities. Traffic at 8 am, school traffic.

[6:46:56 PM](#) Husbands, concerned about utilities, but like the HVAC solution proposed. Appreciates the 12 rent restricted units proposed and drought tolerant grasses, likes the fire pits. Hope HOAs can work things out.

[6:48:28 PM](#) Horowitz, points to a mistake, 2b building has proposed height of 40 feet instead of 38'. And states that we can add language "Or similarly approved organization, BCHA."

[6:49:04 PM](#) **Linnet moves to approve Lido equities, with conditions 1-8, and 2b are met and amended to max height of 40' as discussed tonight, allow for deed restriction agency as mentioned, with Resolution 2022-006, Martinez seconds. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Martinez, yes.**

*PH 037 Consideration of the Fourth amendment to the Planned Unit Development Agreement to Copper Ranch, LLC. Copper Ranch development agreements do not include completion dates. The 4th amendment would require the applicant to commence construction of a building on the foundation located at Copper Ranch Condo #1, Parcel A5, Phase 6 by September 1, 2022 or, in the alternative, to demolish the foundation and reseed the area where the foundation was located by October 31, 2022 **ACTION ITEM***

[6:51:20 PM](#) Horowitz, reviewed all agreements made with Copper Ranch. One area, a foundation laid, but not finished. Will complete these buildings or remove foundation by a date certain.

[6:52:33 PM](#) Smith speaks, there are 38 units left to build on those foundations, will meet the agreement. But, if not built by that date, will remove foundation and re-seed the area.

Public hearing:

[6:53:21 PM](#) Cynthia Shearstone Copper Ranch condo owner speaks, has a question about the wording on the amendment. By the end of October, one foundation is built on or taken out. Does that address the entire area or only that 1 foundation? [6:54:29 PM](#) Horowitz, Cynthia is correct, remedy is on the foundations that exist. We do not have agreements with unbuilt phases for developments. [6:55:26 PM](#) Cynthia responds to this response. If not finished what recourse HOA, do members have, since developer is still in control? [6:56:53 PM](#) Burke responds, we can only address the foundation topic, not the HOA challenges. Simms is happy to discuss with Ms. Shearstone.

Council deliberation:

[6:58:25 PM](#) Linnet, not a lot we can do about the HOA, but sympathetic to them. To have conclusion dates is a bad idea. Without a trigger or sunset clause, we open ourselves up to risk. As a matter of practice, would like to see a sunset clause, to safeguard against stalled projects like this foundation. Linnet, ideally, we include a sunset clause, project meets an additional project milestone, if too complicated right now, just want to be candid, taking a risk, we don't have recourse. [7:02:49 PM](#) Simms, we have addressed that impact in this proposed PUD. Recognize and share Linnet's concerns.

More discussion about Linnet's concern. Horowitz, this is more complicated discussion, want to move forward with this proposal. Linnet understands.

[7:06:33 PM](#) Husband concurs with Linnet, but ready to move forward.

[7:07:08 PM](#) Martinez ready to move forward.

[7:07:21 PM](#) Linnet moves to approve Resolution 2022-007, 4th amendment to PUD agreement to Copper Ranch, seconded by Martinez. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Martinez, yes.

PH 038 Motion to direct Precision Engineering to proceed with final design of the East Croy St. Pathway TAP project locating the pathway on the north side of Croy Street ACTION ITEM

[7:08:26 PM](#) Mayor Burke opens this item. Would like to revisit where we are and listen to public comments of neighbors tonight.

[7:09:57 PM](#) Yeager will give background on this item. Dec 2020, accepted TAP grant for pathway, Joel is on call from Precision Engineering, went into preliminary design, starts to evaluate where issues might be, then host a workshop to get comments, 5 people attended the workshop. 3 graphic exhibits, shows to audience, similar to what is on Croy street to bike path. 2nd alternative, Eastridge, to connect to Sunbeam path recently constructed. At the end of the workshop, wondered if South side was optimal for path or should we consider North side path. Last week, wanted council to discuss options. [7:13:58 PM](#) Husbands spoke with 2 neighbors on Croy. Should path be on North or South side? At a future meeting, we would need to get LTHAC approval to move it to the North side, they might need to do an environmental study would take about 1 months-time. [7:15:48 PM](#) The green area is the conceptual path. The path

would have to cross Eastridge and there is a path that would need to connect? Cross at the red area, not a good place to cross, not viable or safe option, south path option. North path option, blue line, north bound Eastridge, slow down traffic. In addition to that, considered another North side path. Instead of widening asphalt to North, add asphalt to south, but still have path on North side. The intersection at North East 8th and Quigley, originally applied for a roundabout, if funding falls through. Quigley farms phase 2 may pay for the mini roundabout. Please collect comments on which side path should be on, and then discuss with council. Pathway on North side of road, impacted more for house closest to bike path because their parking is in the right-of-way. [7:21:18 PM](#) with a 4 foot buffer and 10 foot path, total right of way, 23.5 feet to right of way, fence would need to be moved back 5 feet. [7:22:43 PM](#) Linnet asks, is the fence in city right of way? Yeager, yes. House on East, ITD, BCRD owns easement, common to get easements for this, the white fence is 6 feet into city right of way, and another house down the street same issue with fence.

[7:25:46 PM](#) Linnet within the city right of way, potentially add 7 feet on each side or another combination? Yeager, yes we can do that but there are ramifications, if touching both sides, cost increases significantly and need to keep track of crown on road.

[7:27:04 PM](#) Husbands, south side of street are there similar barriers? Yeager, if get further to East less impacts to trees. [7:28:29 PM](#) Hether Holter contacted Linnet asking what he thought of the project, he is not biased, disclosing conversation.

Burke disclosed a meeting this morning with Heather Dawson, Yeager and Horowitz, and with 2 property owners, and did a site study at 8th ave.

Public hearing:

[7:30:36 PM](#) Kristen Barr, 503 E Croy, most impacted house to path on the North. Feel really blindsided by this path. No notices until found out today. It would mean that she would not have parking from her home. Bought her home 7 years ago, teacher and single mother. Would lose landscaping that she put in if fence had to move. She likes bike paths but seems like it should be continued on the south side of the road. Please take this into consideration.

[7:35:24 PM](#) Hether Holter, live at 505 E Croy, purchased house and didn't know fence was on city property until this morning. Concerned for Kristen also. Wanted to also say thank you to Brian for diagrams, very helpful. She runs on North side of Croy street, around Eastridge, almost get run over many times. Also, have 2 crossing options, one at bike path and 2nd on 8th streets. [7:38:07 PM](#) haven't looked closely at north vs. south impact to properties, run off, there would be more build up, would have to have more drainage mitigation effort needed if path would be on North side.

[7:39:15 PM](#) Paul Ries Hailey resident comments, this may be his fault, because this was his idea to put the path on the north side. From a trail perspective, feels north side is best location. This will be a tough decision for all involved. Submitted comments last week. Appreciate Brian's response to his letter.

[7:40:44 PM](#) Jim Phillips, Quigley Road resident, comes mainly as user of intersection. Real point of concern, chaotic intersection of Croy/Eastridge/8th/Quigley streets. Points to safest area, north path is safest. Long term public safety must be considered, council should adopt it.

[7:43:52 PM](#) Joel Cater of 610 East Croy speaks, and is okay with path on either side. Want to encourage pedestrian traffic, better transition if path was on the North. Recommend stop signs on wood river trail. Make sure lanes are 11 feet wide.

[7:46:00 PM](#) Burke asks to show the purple route, shifting pavement to south and bike path on North. We discussed a T intersection? Would that be the design if we couldn't afford a roundabout? Yeager responds, yes would could change to T intersection. Pink road concept lines. Looking at yellow lines, city is trying to create Croy as more of a pedestrian street. If go with yellow, vehicles may encroach on this area. [7:49:30 PM](#) Burke asks council, give Yeager 3 weeks to think about another solution, believe we are close but no quite there.

Linnet is okay with giving more time, thanks public and staff for time spent on this project. Want to make the best decision on this path. Like north path, but concerned with the conflicts on the North side. Linnet brainstorming about long-term solution, possibly moving path existing on Croy from south side to North side.

[7:54:16 PM](#) Husbands, agrees with Linnet. Would like a roundabout, get more public comment, would like to table to continue discussion. Simms, we can continue, or table, not sure Yeager 's timeline.

[7:55:18 PM](#) Yeager would prefer, continue to next council meeting, too far would compromise schedule, to bid in May and start construction this fall. Will try to get the most public involvement as possible.

[7:56:26 PM](#) **Motion to continue to February 14th by Linnet, Husbands seconds. Motion passed with roll call vote; Husbands, yes. Martinez, yes. Linnet, yes.** Simms, we've lost a quorum. Dawson once quorum has been established, can continue.

[7:58:56 PM](#) Yeager, pleasure to work on this project with everyone.

Staff reports: none

[7:59:21 PM](#) **Linnet motions to adjourn, Husbands seconds, motion passed unanimously.**