

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD FEBRUARY 8, 2021
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:30 P.M. by Mayor 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.

[5:30:34 PM](#) Call to order by Mayor Burke

PUBLIC COMMENTS:

[5:31:24 PM](#) none

CONSENT AGENDA:

- [CA 039](#) Motion to cancel the March 22, 2021 city council meeting previously scheduled during local schools’ spring break and to call a special meeting to be held Monday, March 29, 2021 **ACTION ITEM**
- [CA 040](#) Motion to authorize Mayor to sign a letter to Idaho Fish and Game opposing the introduction of wolf trapping in Blaine County **ACTION ITEM**
- [CA 041](#) Motion to authorize the mayor to sign a Notice of Award to the lowest responsive bidder Century Contractors for the Hailey Fire Department seismic retrofit project **ACTION ITEM**
- [CA 042](#) Motion to approve Alcohol License Renewal **ACTION ITEM**
- [CA 043](#) Motion to approve Resolution 2021-011, declaring surplus property and authorizing staff to follow procedures of disposal of these items **ACTION ITEM**
- [CA 044](#) Motion to approve the Findings of Fact, Conclusions of Law and Decision for the Preliminary Plat of Amatopia Subdivision **ACTION ITEM**
- [CA 045](#) Motion to approve the Findings of Fact, Conclusions of Law and Decision for the Final Plat of Block 2 (Phase I) of the Sweetwater Subdivision **ACTION ITEM**
- [CA 046](#) Motion to approve minutes of January 25, 2021 and to suspend reading of them **ACTION ITEM**
- [CA 047](#) Motion to ratify claims for expenses paid in January 2021 **ACTION ITEM**
- [CA 048](#) Motion to approve claims for expenses incurred during the month of January 2021, and claims for expenses due by contract in February, 2021 **ACTION ITEM**

[5:32:04 PM](#) **Thea moved to approve all consent agenda items minus, seconded by Linnet, motion passed with roll call vote. Thea, yes. Martinez, yes. Linnet, yes. Husbands, yes.**

MAYOR’S REMARKS:

[5:32:40 PM](#) Mayor Burke celebrates with the community and our street dept regarding the snow carvings. Brian Yeager introduces this item. James LaPointe, and Nancy Arellano put many hours into this event. [5:33:58 PM](#) Yeager, there is a link of the video on our website, not sure how well the video will display tonight on this gotomeeting, but will try. We have a ballot box in the Library, for people to vote on the best snow carving and then we will see who votes the winner. The video is played on the gotomeeting session for all to see, of building the snow cubes

and the carving by the 4 teams. [5:41:43 PM](#) Yeager, encourages all to see on our website. Mayor Burke, this made the Community smile.

APPOINTMENTS AND AWARDS:

AA 049 *Hailey Police Department Officer of the Year award*
documents)

(no

Sound issues with the council chambers microphone. Mayor Burke called a 5 minute recess at 5:50 to resolve sound issues in council chambers.

[5:57:21 PM](#) Mayor reconvenes meeting, waiting on Thea to rejoin. Have a quorum, so will get started.

[5:57:44 PM](#) Chief England speaks to council. Officer Josh Latimer has already received his award and a letter of accommodation, but is present in the Chambers tonight. Early last year, command staff decided that we would follow our policy of identifying an “officer of the year,” and announced it to all officers. Officer Latimer is a BSU graduate, been in Hailey for 2 years, he rises above, willing to always take on more, willing to help fellow officers and helps with any case. No matter what the situation, willing to help out. Latimer has risen above our other great officers. 1st inaugural officer of the year. [6:01:33 PM](#) Mayor Burke we celebrate your achievement, we appreciate all you do.

PUBLIC HEARINGS:

PH 050 *Consideration of Resolution 2021-____ establishing standards for City personnel conduct concerning enforcement of Federal immigration law, inquiry into immigration status or documentation and maintaining administrative policies consistent therewith ACTION ITEM*

[6:02:33 PM](#) Simms, gives the purpose of this Resolution as engagement between community and organization, to help promote public safety, and prevent violent crimes in the community. What this is not, it does not [6:03:47 PM](#) interfere with federal law enforcement. Simms, asks Chief England to make comments and state his intentions.

[6:05:18 PM](#) Chief England, as for as Police Department goes, he has worked closely with Simms, this does not prevent HPD from doing our duties and protect citizens from state, federal or local laws. With this resolution, hopefully people will feel more comfortable in calling for help from the police department. Our goal is to help every citizen. Want them to feel comfortable in contacting us and are happy to move forward with this Resolution.

Kaz Thea has rejoined the meeting.

[6:08:01 PM](#) Mayor Burke asks Simms, other comments. Simms, have other attendees, may be representative from the public defender’s office.

Public comments:

[6:09:32 PM](#) Luis Alberto Lecanda, lives in the Atelier Condos in Sun Valley, thanks, your leadership is recognized and what makes this a special place. This captures the essence of a safe community while working in partnership with the community. This will give confidence to those people who fear deportation, to report crimes. This also makes us a healthier city. [6:13:39 PM](#) asks for a yes vote this evening.

[6:13:49 PM](#) Fritz Haemmerle speaks to council, thanks for bringing this resolution to this city. Don't have a problem with the words in the Resolution. However, this creates a Sanctuary city status and he is opposed to a Sanctuary City. [6:14:50 PM](#) refers to some cities in Idaho, declaring themselves as a "Sanctuary City," Haemmerle reads from article. Gooding City, [6:15:40 PM](#) article also brought to Twin Falls, someone brought up. Idea is that cities are deciding what laws to follow and what ones to not follow. [6:16:35 PM](#) We don't get to choose the laws we follow. Right now we have many cities making similar declarations, ultimately he is against this. We've just come off of constitutional crisis, there is only one law for all of us. We need to have a strong sense of law, good, bad, indifferent. When you took your oath, that is what you swore to do. Simms states there is nothing unlawful in this Resolution, Haemmerle disagrees, and feels that paragraph 3, states the exact opposite, directly contrary to our laws, and stand opposed to this, because that states we will ignore laws. Thanks for allowing him to comment.

[6:19:35 PM](#) Blanca Romero, Hunger Coalition, Hailey resident also, mission at Hunger Coalition, everyone feels safe and has food. Support Hailey being an equitable city. Her children have to be careful about what they say. In support of the resolution.

[6:21:26 PM](#) Becky Lopez, Director at Alliance of Idaho, protects immigrants in Idaho, Safer Communities Act (SCA), making our community safer, people are less likely to report crime for fear of deportation. Many local families are living in fear of being deported and not seeing their family again. Safe community's act.

[6:24:32 PM](#) Tim Auger, new resident in Hailey. Spirit of Resolution is okay, want to continue to enforce laws. Not sure if any of those things have happened in our area. Feel it is important to call ICE, can be sued, reprimanded or fired, seems like a sanctuary city, spend more time educating. Would not want them to not be able to remove dangerous individuals in our community.

[6:26:57 PM](#) Mary Fauth, Hailey resident, representing Blaine County Charitable Fund, not a sanctuary city act, but rather Safe community Act. Fauth explains how she has had her eyes opened since starting this Charitable Fund, appreciates this Resolution, important to protect everyone in our community.

[6:29:55 PM](#) Muffy Davis, 711 Buttercup dr., a State Representative, and board member of the Alliance, with all due respect, disagrees with Haemmerle. Feels our law enforcement can still do their job and still follow Federal law. As a mother and a person with a disability, wouldn't want to not report a crime for fear of deportation, not the community that I love. Feels this could make us flourish, thanks for your time. This is a first step. Would like to see in more cities across Idaho.

[6:32:42 PM](#) Justin McCarthy, of 931 Snowflake, is the Blaine County Public Defender, he comments on immigration. A lot of clients end up in ICE custody. Address concerns, important to reference congress, Arizona vs. US 83887, preempted issue, AZ can't regulate federal issues. It is not up to municipalities to regulate Federal Laws.[6:34:34 PM](#) Thank you for allowing him to be heard., thinks this is in good order.

[6:35:15 PM](#) McCarthy comments again, there are only 2 counties in Idaho that have Memorandum of Agreement (MOA) with ICE. Blaine County does not have a MOA, thought you should be aware of.

[6:36:21 PM](#) Jacob Greenberg, Blaine County Commissioner, these are his personal comments, feels it is responsibility of all elected officials, includes equal protection, this resolution does just that.

[6:37:26 PM](#) A student at Univ. of Idaho, and undocumented, Monica Carrillo, feels like this act will comfort these families and present a safer environment for them.

[6:39:01 PM](#) Mark Davidson, Hailey resident, supports the Safe Communities Act, people we are talking about are his friends, personally know people that have experienced these situations discussed tonight. Kind of community I want to live in is one that accepts all. Here to support this Resolution.

[6:41:01 PM](#) Herbert Romero, Hailey resident, thanks council for their courage and compassion. Many times we don't want to confront this topic. He experienced this in 1979, general ICE raid, now years later, still seeing this situation. Romero asked his children to limit their outings, even though they are citizens. Imagine families in different situation, many families don't have comfort, fear is out there. This impacts the Census, impacts the free lunches. We need to take a stand on this Act, to ensure their safety and health.

[6:46:48 PM](#) Mayor asked if council wants to deliberate. Thea and Linnet agree.

Council Deliberation

[6:47:11 PM](#) Thea thanks Luis for bringing this to us, thanks Chief England, and feel this won't conflict with Federal law, follows the constitution, won't take away federal enforcement, Safe Communities Resolution makes our community safer. This prevents police from reporting to ICE undocumented citizens that have not committed a crime. This is the right thing for Hailey. Agree with Davidson, want to live in a safe community.

[6:50:22 PM](#) Linnet, use of local law enforcement to enforce federal laws does not make people feel safe. This resolution lets everyone know that they can feel safe in our town. Our local government should not enforce federal and civil enforcement of laws. [6:51:45 PM](#) Criminal 87 program, local govt. informally work with ICE, no legal requirement to participate. This is not unconstitutional. We are not going to do the federal government's dirty work. In support of passing this resolution.

[6:53:45 PM](#) Husbands, trusts our attorney Simms and Chief England to protect all our citizens in our community. Monica was one of her students, believes people don't report crimes for fear of being deported. Feels this does not conflict with federal law, support this resolution.

[6:55:08 PM](#) **Martinez moves to approve Resolution 2021-012, fairness to process, right thing for cities, this will establish a trust with our community, seconded by Linnet. Motion passed with roll call vote. Thea, yes. Linnet, yes. Martinez, yes. Husbands, yes.**

[6:57:18 PM](#) Dawson point of clarification, this is not an Act or Ordinance, but a Resolution, which governs the city staff.

PH 051 Consideration of Emergency Health Order 2021-01, extending the requirements of Health Order 2020-08 which required masks and group size limits consistent with Idaho Stay Healthy Stage 2 Order ACTION ITEM

PH 052 Consideration of proposed Ordinance No. _____, extending terms of Emergency Health Ordinance No. 1226 ACTION ITEM

[6:58:13 PM](#) Simms, in the interest in brevity, intent, is to maintain the status quo, order as proposed and drafted, see a typo on agenda it should be updating ord. no. 1266, not ord. no. 1226, please include this in your motion.

Mayor can we discuss both items at same time? Simms sounds fine with 2 separate motions.

Public comments on PH 051 or PH 052:

[7:00:47 PM](#) Martha Bibb is in support the continuation of these items, because we have limited vaccinations and high number of older citizens, continue this ordinance.

Council deliberation

[7:02:59 PM](#) Simms, motion language is on pg 133 of packet, first motion on page 125, shown on screen

[7:03:39 PM](#) **Thea moves to approve Emergency health order 2021-01, seconded by Linnet, Thea, yes. Linnet, yes. Martinez, yes. Husbands, yes.**

Thea, moves to adopt Ord. No. 1277, waive 1st and 2nd readings conduct 3rd reading by title only, authorize the Mayor to sign, seconded by Husbands, motion passed with roll call vote. Husbands, yes. Martinez, yes. Linnet, yes. Thea, yes.

[7:05:44 PM](#) **Mayor Burke conducts 3rd and only reading of Ordinance No. 1277, by title only.**

PH 053 Discussion of Recycling options and plan under consideration within new rubbish hauling franchise agreements (continued from January 25, 2021 and February 4, 2021 meetings/workshops) ACTION ITEM

[7:07:31 PM](#) Rebecca Bundy will present to council. Bundy has a presentation, will also discuss meeting with City of Ketchum, Blaine County and Hailey City Council on Feb 3rd, 2021. Many options have been discussed and considered in the discussions with Clear Creek, a list is displayed. Last November, council discussed 4 preferred options and cost benefit, looking at compostable collection, single stream, could have positive impacts, a challenge for multi-family living areas. Ketchum gave up all recycling and went to all dumpsters because they (recycle bins) were all contaminated, and ending up in the landfill anyway. [7:12:25 PM](#) Southern Idaho Solid Waste audit for Blaine County, food waste is 23% of landfill, 18% is recyclables not being sorted, textiles are 11%. Food and yard waste collection, no issue with sending methane? Winns Composting has capacity to support this volume. It costs less to dispose of compost, than to put into the landfill. Costs are reasonable, but there are associated costs with new programs, and needs 100% participation. Single Stream recycling, would double amount being recycled but would be mixed and require sorting, 11% would be waste. Clear Creek, cardboard would be able to add to curbside recycling, better fit for multi-family. It is very expensive, new carts, new labor, new rates. The County is looking at many options, not sure if they want to go to single stream, this is up in the air at the moment. It would require recycling center improvements. It is tough to get people to conform to recycling efforts, cardboard is often contaminated by leaving Styrofoam inside cardboard boxes. Ketchum, just replaced their dumpster, it has smaller slots, taller dumpster, less contamination. Glass cannot be included in single stream. Spoke to Clear Creek about a cardboard compactor, could help alleviate some of the mess. Would require city improvements to accommodate machine. Drop off sites are not working well, how can we make this better. Bear-proof containers, substantial costs though, maybe a voluntary program for those that really need it. Staff would recommend that it is a voluntary program. Could Clear Creek pick up trash at all city parks and cans around the city, would need to upgrade the trash cans making this process more efficient.

[7:23:03 PM](#) staff recommendation, 2 phased, roll in options, 2nd phase dependent on County option. Recommend new franchise, no change to existing garbage, add a cart for organic and food waste composting, continue glass as doing now.

[7:24:29 PM](#) At some point in the future, single stream alternate single stream every other week for residential pick up. Would be less expensive than what is being done now.

Current price estimates; [7:25:33 PM](#) add \$6.25/monthly cost of garbage, about \$12.00 32 gallon cart, and price goes up for larger carts. If leave cardboard as is, extra \$1.03, with compactor \$1.55 more.

[7:28:03 PM](#) Bundy, next steps, all commissioners were not in favor of single stream. Future discussion.

[7:28:48 PM](#) Linnet asks to see previous slide.

[7:29:04 PM](#) Mayor Burke, is Lamar Waters on this call. Burke was contacted by Waters, on 1/25/21, have notes from the call. Before we were to make a decision, suggest a tour of facility as he's been doing this for 10 years. [7:30:35 PM](#) Mayor Burke makes a few remarks about discussion with Waters, product used locally, paper goes to Twin, used locally. Plastic goes to Salt Lake, big money is in metal and tin. Single stream, difficult to keep it uncontaminated. The more we recycle, the more energy is made from the methane from Milner Butte land fill. Glass has no value, nothing toxic in glass. Single stream is less responsible. If you buy it, you have to figure out what to do with it. Waters thinks we are doing it right, now.

[7:35:37 PM](#) Jacob Greenberg, commissioner Fosbury has been sitting in on these meetings. Greenberg and McCleary have not. Cost is a concern with initial start-up, costs to county, contamination considerations, and ongoing costs, don't have enough information to make a decision on single stream right now.

[7:37:11 PM](#) Linnet, do the phases consider curbside cardboard pick up. Bundy, will let Mike Goitendia address that comment. Bundy, great capturing methane at Milner Butte, but not a 100% capture at the landfill.

[7:39:04 PM](#) Mike Goitendia, Clear Creek, it is possible to pick up curbside, but it would require same equipment and labor in the single stream numbers, would have less weight, could look at that for a future meeting. However, in order to keep letting other recyclables, have an extra route for current recyclables, then another pick up for cardboard with compostable. Can look at this.

[7:41:11 PM](#) Dawson, emphasize, recommendation 1st phase, tangible good deeds within the City of Hailey, within 4-6 months. Then phase 2 larger conversation with community, single stream would remain to be seen. Idea of compost food and yard waste.

[7:42:31 PM](#) Thea asks, would food waste be collected in same container as yard waste? Bundy and Goitendia, confirms, yes.

[7:43:10 PM](#) Bundy clarifies, Hailey's portion of the added cost, anticipate added cost to county.

[7:43:46 PM](#) Thea, will that compost go to clear creek or Winn? Bundy, it would go to Winn. Winn separates food and yard waste on site. Goitendia, Winn invites all food waste he can get. He has a lot of other green waste, food waste makes higher quality compost. [7:46:04 PM](#) Goitendia, Winn is okay with us combining food and yard waste.

Public comments:

[7:46:44 PM](#) Rob Lonning, Hailey resident, opposed to single stream, but interested in the new dumpsters in Ketchum. Refers to the Hailey recycle center, people treat it like a city dump. If we have slots, will have more compliance, feel we should look at this in Hailey.

[7:48:16 PM](#) Elizabeth Jeffrey, can you offer curbside compost by subscription? Bundy, asks Goitendia to comment.

[7:49:07 PM](#) Goitendia, cardboard, great idea to have slots to breakdown cardboard. Many communities use them. In our community, we would have bigger problem outside of the bins, and bins would prematurely get full. Cost to do this service is across all city, reduces rate to service everyone, “opt-in” service would be more expensive, need to see by survey to get idea of cost.

Council deliberation:

[7:53:01 PM](#) Thea, was not able to attend the Feb. 3rd meeting, but listened to it later, personally have limited availability to us by May deadline. We should do what we can, and work on fulfilling the rest in a more robust program for our community. Likes the roll off container that Ketchum uses, but would like the compactor machine. Likes the compost/yard waste pick up, should be doing. Thea does not like single stream, it is lazy. Reduces flexibility. Other things we should be doing other than single stream. Bear proof garbage cans are a worthy cause, maybe not ready in Hailey yet. Causes lots of problems. We should be consistent across the valley, more efficient for Goitendia. Thinks there is a limit in what we can do by May in our franchise agreement.

[7:58:25 PM](#) Husbands, poses question to Goitendia. How contaminated is the Hailey recycling? Same as in Ketchum. If you look in the big boxes, find packing peanuts, or bubble wrap. Husbands, thinks we should have a compactor. Agree with Thea, single stream is lazy. For compost of food/yard waste. Thinks bear proof cans are good also, start in Ketchum, moving in that direction is key.

[8:00:50 PM](#) Martinez, different points, single stream, contamination, lack of education or outreach, key partners could educate to change and make this better. Talked in the past of better areas for recycling containers. Notes from meeting, staffing, transportation is an issue, suggest maybe a bi-weekly pick up, might benefit our community. Overall takeaways, need better partnerships with decision makers, for bold action.

[8:04:08 PM](#) Linnet, composting yard waste is a good idea. Compactor for cardboard in favor of this. Feels single stream is better way to go? Bundy question, price estimate, \$32 gallon more than half 68 gallon can, why? Bundy, refers to Dawson. [8:05:51 PM](#) Goitendia answers, pricing is a continuation of the program that we have now. Larger carts subsidize the smaller carts. When we started, only had 2 cart sizes, later 68 gallon was introduced, placed in-between, not weighted as heavily as 96 gallon cart. Moving forward we can weight the larger cans more, but once we decide, we might see a large shift in size of carts. Say if everyone dropped to small carts.

[8:08:34 PM](#) Linnet, suggests slightly more expense large cart.

[8:08:58 PM](#) Bundy appreciates direction from council. In process of scheduling meetings with Lamar Waters and other partners.

[8:09:32 PM](#) Thea would love to have a tour of the facility and even Winn’s Composting. Education is huge.

Discussion about reducing contamination at cardboard recycling area in Hailey.

OLD BUSINESS:

OB 054 2nd Reading of Ordinance No. 1276, Street light standard drawings amendment to Chapter 18.14: Standard Drawings, Section 18.14.014: Miscellaneous ACTION ITEM

[8:11:58 PM](#) **Mayor Burke conducts 2nd Reading of Ordinance No. 1276, by title only.**

STAFF REPORTS:

[8:13:07 PM](#) Martinez, thanks for the information on solar panels on street lights.

[8:13:27 PM](#) Husbands, library has open hours, curbside service, can browse for 30 minutes, can use computer for 30 minutes, and also helping people schedule covid appointments.

[8:14:33 PM](#) **Martinez moves to adjourn, Linnet seconds, motion passed unanimously.**