

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD FEBRUARY 14, 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, Kaz Thea, and Sam Linnet. Staff present included City Attorney Christopher P. Simms, City Administrator Heather Dawson, and City Clerk Mary Cone.

[5:05:09 PM](#) call to order by Mayor Burke.

Juan Martinez not in attendance tonight.

**EXECUTIVE SESSION:**

[5:05:33 PM](#) Linnet moves to go into Executive Session for Pending and Imminent Likely Litigation under Idaho Code (IC 74-206(1)(f)), Thea seconds. Motion passed with roll call vote; Husbands, yes. Thea, yes. Linnet, yes.

Mayor and council depart to go into Executive Session.

[5:33:59 PM](#) Mayor and council reconvene after Executive Session.

**AFTER EXEC SESSION:**

[5:34:41 PM](#) Simms makes a suggestion, Idaho Dept. water resources settlement, motion to authorize term sheets, Wood River term sheet and interveners. [5:35:38 PM](#) Thea moves to authorize Michael Creamer to sign agreement and the term sheet specific to the City of Hailey, Linnet seconds. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes.

**MAYOR'S REMARKS:**

[5:36:43 PM](#) Mayor Burke turns to James LaPointe to give update on snow carving event. Lots of fun this weekend. Wanted to get the most people involved as possible. Voted winner of the contest was the fish carving by Bob Wiederrick.

**Open session for public comments:**

[5:41:32 PM](#) Phil Rainey spoke on behalf of business alliance, saying thank you, horns honking outside city hall, want to get back to normal.

**CONSENT AGENDA:**

- [CA 040](#) Motion to approve Resolution 2022-009, authorizing an MOU with City of Ketchum which defines Hailey’s participation in the cost and activities associated with keeping the Idaho legislature informed of the needs of resort cities throughout the 2022 legislative session. **ACTION ITEM** .....
- [CA 041](#) Motion to approve Resolution 2022-010, authorizing an MOU by which Blaine County will fund costs for installing recycling infrastructure (compactor and glass roll-off) in Hailey **ACTION ITEM** .....
- [CA 042](#) Motion to approve Resolution 2022-011, authorizing a contract for service with Sun Valley Economic Development in the amount of \$3,000 **ACTION ITEM** .....
- [CA 043](#) Motion to adopt Resolution 2022-012, authorizing the Mayor to sign a Idaho Water Resources water right contract to transfer water right number 37-23364 into the Water Supply Bank for leasing. **ACTION ITEM** .....
- [CA 044](#) Motion to approve Resolution 2022-013, authorizing 5 year lease with Bancorp for 2 HPD vehicles **ACTION ITEM** .....
- [CA 045](#) Motion to approve Resolution 2022-014 authorizing independent contractor agreement with Dave Anttila to prepare materials for and lead community workshops and report to council on Hailey Town Center short, mid, long term uses **ACTION ITEM** .....
- [CA 046](#) Motion to approve Resolution 2022-015, authorizing Library surplus property **ACTION ITEM** .....
- [CA 047](#) Motion to approve Alcohol Licenses for Hailey Businesses **ACTION ITEM** .....
- [CA 048](#) Motion to approve the Findings of Fact, Conclusions of Law and Decision of a Preliminary Plat Application by Sweetwater Communities, LLC, represented by Matt Watson, where Phase I of Block 2 is subdivided into 12 sublots consisting of seven (7) live-work units, five (5), 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**
- [CA 049](#) Motion to approve the Findings of Fact, Conclusions of Law and Decision of the Fourth Amendment to the Planned Unit Development Agreement for Copper Ranch. **ACTION ITEM** .....
- [CA 050](#) Motion to approve the Findings of Fact, Conclusions of Law and Decision for a Planned Unit Development by Lido Equity Group Idaho North, LLC, represented by Michael McHugh of Pivot North Design, for 104 residential units located in twelve (12) apartment buildings ranging in two – three stories in height 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. **ACTION ITEM** .....
- [CA 051](#) Motion to approve minutes of January 24, 2022 and to suspend reading of them **ACTION ITEM** .....
- [CA 052](#) Motion to approve claims for expenses incurred during the month of January 2022, and claims for expenses due by contract in February, 2022 **ACTION ITEM** .....

[5:43:18 PM](#) **Husbands moves to approve,**

**APPOINTMENTS AND AWARDS:**

[5:44:26 PM](#) Mayor Burke asks for motions for BCHA and Library Board appointments.

AA 053 *Blaine County Housing Authority Appointments, Resolution 2022-016 ACTION ITEM*

[5:46:02 PM](#) **Thea moves to approve Resolution 2022-016 Nathan Hart to BCHA, Linnet seconds. Thea, yes. Linnet, yes. Husbands, yes.**

AA 054 *Library Board Liaison Appointment, Resolution 2022-017 ACTION ITEM*

[5:46:47 PM](#) **Husbands moves to approve resolution 2022-017 Martinez to Library board liaison, Thea seconds. Husbands, yes. Thea, yes. Linnet, yes.**

**PUBLIC HEARINGS:**

HAILEY CITY COUNCIL MINUTES  
February 14, 2022

*PH 055 Consideration and discussion of final design options for the East Croy St. Pathway TAP project and motion to direct Precision Engineering with a preferred alternative. ACTION ITEM*

[5:47:49 PM](#) Brian Yeager opens this item. Yeager spoke with many neighbors about this pathway, it has been a great experience. Green pathway on exhibit shown on North side.

[5:51:53 PM](#) 8<sup>th</sup> street intersection, the controlling concern about which side to put the pathway on. If revise the geometry of intersection, can assign equal benefit/risk to both sides.

[5:54:30 PM](#) Linnet asks do we need to take some city funding CIP to construct intersection upgrades separate from the path. Yeager confirmed, yes.

Public comments:

[5:58:27 PM](#) Joel Cater, submitted comments lives on Croy, the landscaping would get covered with ice. Moving road closer to properties would not be good.

[5:59:13 PM](#) Hether Holter mentions Yeager, and is happy with the alternative option, brilliant, would take care of problem in her neighborhood. Other property owners mentioned that that intersection is key, it flows, like your idea.

[6:00:25 PM](#) 641 E Croy, Jenna Galpin is excited to see intersection address. What is depth of pathway into properties. Yeager responds, pathway will attach to existing road, 14 feet, 100 ft. right of way, would leave 23 ft to property line.

[6:01:56 PM](#) Dick Brightman 631 Eastridge, concern with safety of intersection, North side may be easier to cross, but with new proposal, don't have a preference.

[6:03:03 PM](#) Kristen Barr, comments have been submitted in letters. Appreciate Yeager's new design, echoes previous comments tonight. Thank you, Yeager for your hard work.

[6:03:58 PM](#) Jim Phillips has question, with proposed crosswalk now, how is it a safer design vs. 8<sup>th</sup> street crossing? Yeager responds, by reconfiguring, put stop control on each intersection, would be like all other stopped intersections. Horowitz, 3-way stop right? Yeager, confirms, yes it is.

Council deliberation:

[6:07:14 PM](#) Thea comments on North, sun on pathway will melt snow faster than with path on south side. Crossing on bike path is acceptable place to cross. Seems like a 3 way stop would help this area for many uses.

[6:09:10 PM](#) Linnet the existing intersection, if we can add a 3 way stop or roundabout at this intersection at the same time would be great. Likes the green path if cannot move pathway to North side.

[6:11:35 PM](#) Husbands, likes this new plan and the 3-way stop proposal. Likes idea of continuous bike path. Likes the 14 foot path, like what we have on Myrtle.

[6:12:45 PM](#) Mayor Burke, this is a goofy intersection with or without a pathway. Agrees with Thea, north side would get more sun, is the obvious solution, provide safe route to users.

[6:13:40 PM](#) Linnet, keep south side and then switch to north side at this new 3way intersection. Supports south side. Thea comments too.

[6:16:15 PM](#) Mayor Burke asks Yeager, do you have enough? Yeager, would like a motion?

Discussion about proposed solution.

[6:17:14 PM](#) **Linnet moves to approve the East Croy street pathway, south side of Croy, 3-way stop and/or roundabout for future and crossing on Eastridge at that intersection and connect/match to existing grade, Thea seconds. Motion passed with roll call vote; Husbands, yes. Thea, yes. Linnet, yes.**

*PH 056 Consideration of budget and interim design for the Hailey Town Center building and property*  
*ACTION ITEM*

[6:18:53 PM](#) town center building [6:19:21 PM](#) Horowitz summary of workshops we've held, calling it in the interim, Hailey Town Center West, are between is called Plaza. David Anttila not many people in attendance, but good attendance on virtual meetings. Will have 2 options, hope to bring you alternatives of interim designs in near future.

[6:21:26 PM](#) Husbands asks, budget for inside and one for outside, but no numbers. Horowitz, we are pulling numbers together for next council meeting. Husbands asks how we'd pay for this? Yeager responds, applying for grant and have capital funds and discussion of future funding ways. [6:23:33 PM](#) Dawson, process is to show council where we are, then we'll discuss Capital plan and where we are, then discuss options.

[6:24:09 PM](#) Thea, other questions, conversation about how it will be used? Horowitz, suggested uses in packet, based on current inquiries for use of building.

Linnet phase this to make sure we have a long-term vision in mind. Also asks if we will close part of Croy street? Horowitz responds, staff has been using this as a flex space for special events that are larger. Yeager adds, project will grow in time. Future may include closure of this street.

Public hearing:

[6:28:19 PM](#) Elizabeth Jeffrey 201 N 3<sup>rd</sup>, member of the Climate Action Coalition, planning earth day celebration in April, finishing the 5 k at the River Street building, looking to have parking spaces to display EV solar, cars and trucks, like how Croy was closed off recently, want to use in a similar way.

*PH 057 Introduction of Capital Improvement Plan Budget for FY 2022/2023 ACTION ITEM*

[6:31:03 PM](#) CIP, Dawson opens and will hand off to Yeager. After we complete the audit, then use the report to develop our Capital Improvement Plan. In the Agenda Item Summary, we show completed projects, to explain what is committed and what is open to discretion. We also know we had a robust year last year and transferred excess to the capital fund, section in blue, \$400,000 is the fund balance that remained in the fund last fiscal year. The next line \$1.8 million, excess balance above rainy day fund, and the last number is compilation committed monies, by ordinance, agreement or by law, like Development Impact Fees. [6:34:37 PM](#) another example if apply for grant like East Croy Street, \$400k revenue for TAP grant, don't want to spend those funds on another project, so we track on this spreadsheet. A portion of funds for Arts, must be spent on Art. Yeager will walk through projects that have committed funds, and how much can we prioritize to new projects.

[6:36:45 PM](#) Yeager 22.5 spreadsheet, after budget. You are not seeing some of the missing data, shows how it ties together (unhides columns). Shows DIF funds, bucket of money associated with each source, fire, police. Example transportation, \$259,000 need to buy some equipment out of DIF, loader or attachment. We cannot spend that money on the Broadford Road pathway. DIF funding has to be applied as directed in the Dwayne Guthrie category? Parks has \$36,000. The orange color area, where funding will come from, can share this if you want to see it.

[6:40:46 PM](#) have limitations on in-lieu fees, \$136,000, on what we spend this on, sidewalk, \$39,000 Croy Street, East Croy path some fees, previous committed fees to Broadford Rd annexation. [6:41:59 PM](#) Have pathways for people funding, \$200,000 for Werthheimer pathway because pathway is not finished being designed. [6:42:55 PM](#) hides columns again, when you see the balance, but a certain amount of it is already committed for funding. Down the list committed future appropriations, \$1.5 million. Example, fire equipment, certain amount must be spent on fire equipment. Have revenue which rolls over, that funding exceeds commitments by \$1 million. Can reduce that amount based on what council wants to spend on, but careful to not spend all that money. [6:45:47 PM](#) In the CIP spreadsheet, you've seen these projects before, minor changes mid-year, started to strikethrough 2022 projects, such as snow storage site, Croy Canyon campground, South Woodside Park is complete. In addition to DIF, annexation money, also have Art funds 1%, .75 goes to art, .25 goes to maintenance of art. Quigley annexation fees \$272, 000 other committed funds, generally speaking, want to apply funds close to the project that paid them. [6:49:07 PM](#) protect the committed funds and apply the excess to future project.

[6:49:46 PM](#) Dawson asks Yeager to show projects hopeful to spend this year, Yeager, previous \$85,000 spreader, continuing to carry this forward, supply chain issues. RRFD, concept money if URA gets developed, in hands of URA right now. Also have east Croy pathway match. Have town center west and external Library restrooms, was under Town Square construction, \$220,000 anticipation exterior and interior, would come from non-committed funds and grant match. [6:53:27 PM](#) continue to spend Arts funds.

[6:53:55 PM](#) Dawson try to keep projects moving along. Last budget year, made appropriations, including a snow blower, funds came in in previous year, not in time to move into CIP, captured within the \$1.8 million. Just want council to understand, prioritize, no decisions tonight. Where

to appropriate about 70% of that 1 million. In addition to that \$200,000 have 600 to 700 to apply to projects, discuss in future meeting. Would take to DIF advisory committee then come back to council in June. Yeager comments about steps in the process and have several opportunities to comment. [6:58:26 PM](#) Thea appreciates the spreadsheet. Dawson, this format is not new.

Break listen [6:59:54 PM](#)

[7:02:01 PM](#) Thea prefers 8<sup>th</sup> / Eastridge and River Street priority, do want to see airport way get some focus since we have a URA there now. Town Square West, want to provide funds here too.

[7:03:20 PM](#) Husbands concurs with Thea. For City Hall building priorities, kicked-down the road, skylight leaks? Might want to get work down on existing building, River Street, 8<sup>th</sup> and Croy.

[7:04:31 PM](#) Linnet generally agrees with Thea and Husbands. One item crosswalks on Main street, beacons. Rapid Flashing Beacon (RFB), small project but want to prioritize these Main Street crossings. Thea agrees with Linnet.

More discussion about spreadsheet and projects.

5 minute break [7:07:56 PM](#) return at 7:15.

[7:13:22 PM](#) Mayor Burke reconvene and then take public comments from previous item.

Public comments for CIP [7:14:30 PM](#) Mayor Burke open up, there are none.

### **NEW BUSINESS:**

*NB 058 Consideration for adoption a new Emergency Health Order 2022-02, as the current Health Order 2022-01 expires on February 15, 2022. Included as information only is the new Emergency Powers Ordinance No. 1297, signed and posted by the Mayor on February 7, 2022, prior to the expiration of Ordinance 1290 on same day***ACTION ITEM**

[7:15:06 PM](#) Mayor Burke by now we've all educated ourselves with valuable information moving forward and making decisions. Everything has intended and unintended consequences. Mayor Burke would like to council discuss frankly, unless council has not formed an opinion and wishes to hear comments from public again, don't think we need to hear viewpoints again. Everyone has their stance.

[7:17:34 PM](#) Linnet comments for 2 years we've made decisions following medical advice and Dept. of Health, CDC, local state and federal guidance. It is important to ask ourselves, why are we having this discussion today. We set an arbitrary deadline 30 days ago, not one health care provider has suggested that we remove the mask requirement. Hospital still in critical level, cases continue to increase, governor activated national guard, Dr. O'Connor suggests too soon to lift mandates, listen to health care professionals. [7:21:06 PM](#) will continue to listen to health

care professionals and would be disrespectful to lift mandate, but don't want to make bad decisions. We cannot listen to minority of vocals. Remember public comments is information gathering. We don't have any information that tells us to remove the mandate. Recommends continuing the mask requirement as we've done for the past 2 years.

[7:23:26 PM](#) Husbands agrees with Linnet, still in critical level, maybe when we get to orange or yellow should rescind mask mandate. We need to stay the course, until health care professionals tell us differently, not quite there yet.

[7:24:59 PM](#) Thea asks if local hospitals have seen an increase because of covid. Don't believe surgeries or other elective surgeries have been stopped. Linnet, not crisis level of care but practically doctors and nurses are moving away because of covid, there are real impacts to the infrastructure to the providers of our system. Thea has spoken to some doctors, they are strung out. [7:27:14 PM](#) Also, surgeries and other procedures have not been impacted locally. Other surrounding places are having issues. If we were meeting next Monday, cases are dropping significantly. When the dashboard is red, difficult to justify removing the mask mandate. Since the dashboard is red, suggest we hold off, but am tired of this, and a bit depressed because of this, hope future will see health improvements. Would like to look at this on Thursday. Or if turns to lower positivity rate, rescind. Linnet adds, the Mayor can rescind mask order when levels go down.

[7:30:29 PM](#) Mayor Burke, text from city employee, an asset to community, her husband died of covid one week ago. [7:32:18 PM](#) we are all stressed, kids wondering, what if I lose my parents, suggests 2 weeks.

[7:33:51 PM](#) Husbands are you okay with dropping mandate after level drops after president's day. Burke responds, yes.

[7:34:15 PM](#) Simms, the Mayor can act unilaterally on this matter and the Emergency Powers Ordinance. He suggests that the Mayor can rescind order and then can put in front of council as consent agenda.

[7:35:36 PM](#) Thea, stay steadfast until we see change in critical level and trust that we'll all pay attention to it. Thursday is when new dashboard comes out. Don't want to undermine professional advice. [7:36:34 PM](#) Linnet the state is 30,000 cases behind, suggests to continue to follow medical professionals. Thea wonders why we haven't had a mental health professional come talk to us, friends and family are depressed because we are wearing masks.

Continued discussion about mask mandate and challenges.

[7:41:37 PM](#) Burke asks council for motion. Mayor had not planned on taking public comment, people have not stepped away from the views that they hold. This forum will not change the philosophical beliefs or councils mind.

[7:43:31 PM](#) Linnet public comments are helpful for different perspectives and point of views, don't think it will be effective at this point.

[7:44:11 PM](#) Thea feels it is important to take comments, but don't think it will change any one's mind. [7:45:20 PM](#) Husbands it won't change opinions, heard comments on both sides and read comments submitted. Agrees with both stances, up to Mayor.

Public comments:

[7:46:53 PM](#) Phil Rainey appreciate opportunity to comment. Would like to know if city council is open to looking at new data, have not been able to get together with Sam Linnet.

[7:50:18 PM](#) Tatyana Gray, lives in Blaine County, people are waiting and want to speak. Most of Blaine County don't have mandates, ridiculous that Hailey has one. People who want to wear mask will, people who don't won't. extending mandate won't achieve anything, will hurt mental health.

[7:51:58 PM](#) Lorraine Kuntz a Hailey resident for 40 years. Surprised to see that we are not moving forward with science. We should be focusing on other things, vending machines with vitamin c and d. health of kids should be the focus. Need new evidence.

[7:55:08 PM](#) Lyn Drewien Hailey Library Director and Hailey resident, convinced that library has been able to reopen and stay open because of masks. It has been critical to Library's continued open doors. Understand numbers are going down, mental health is an issue. Appreciates mask mandate.

[7:57:13 PM](#) Mark Kashino speaks, he was born and raised in valley. Linnet didn't think comments would sway decision. How else do you find out if you don't take comments. We need to look at a bunch of stuff, kids should not wear masks.

[7:59:34 PM](#) Melissa Summers area resident, agree with last comment, adds need to look at whole valley, start moving forward. Masks won't solve it.

Council deliberation:

[8:03:06 PM](#) Simms motion to authorize health emergency order 2022-02. Continue order for 90 days Mayor can retract.

[8:03:42 PM](#) **Linnet motion to authorize health emergency order 2022-02, Husbands seconds. Thea, for 90 days? Simms, procedurally have motion. Discussion about timeframe of health order. Linnet amends motion to authorize order for 60 days, Husbands seconds amended motion. Motion passed with roll call vote; Thea, yes. Husbands, yes. Linnet, yes.**

[8:09:58 PM](#) Mayor Burke, this pandemic has changed us, how do we get through this as quickly as possible. We are doing the best thing we can do, thank you council understand your points of view.

**Staff reports:**



[8:11:08 PM](#) Yeager congratulates Elizabeth Jeffrey and team for help with the new cardboard compactor, 1 load per week, shout out for their volunteer time, they did an outstanding job.

[8:12:10 PM](#) **Linnet motion to adjourn, Thea seconds, motion passed unanimously.**