

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD APRIL 2, 2018
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:31 P.M. by Mayor Fritz Haemmerle. Present were Council members Colleen Teevin, Kaz Thea, Pat Cooley, and Martha Burke. Staff present included City Attorney Christopher P. Simms, City Administrator Heather Dawson, and City Clerk Mary Cone.

[5:31:39 PM](#) Call to order by Mayor Haemmerle

Open Session for Public Comments:

No public comments

CONSENT AGENDA:

- [CA 109](#) Motion to ratify mayor’s signature on Designation of Applicant’s Agent for Idaho Office of Emergency Management’s Emergency Relief Fund, designating Tracy Anderson as the Primary Agent and Point of Contact for Certifying Official Mayor Fritz Haemmerle on applications for reimbursement
- [CA 110](#) Motion to approve Resolution 2018-026, and authorize the Mayor to sign the Adopt A Park agreement with Sun Valley Services for mowing at Jimmy’s Garden during the 2018 park season.....
- [CA 111](#) Motion to approve Resolution 2018-027, and authorize the Mayor to sign the Adopt A Park agreement with Clearwater Landscaping for maintenance at Keefer Park during the 2018 park season
- [CA 112](#) Motion to approve the Special Event, Hailey’s Main Street Antique Market, to be held June 29th through July 1st, 2018, from 9:00am to 6:00pm.....
- [CA 113](#) Motion to approve a Special Event, Trailing of the Sheep, to be held at Roberta McKercher Park (October 12th from 9:00am until 7:00pm and October 13th, from 10:00 a.m. to 4:00 p.m.) and Lions Park (October 11th through 14th, 2017, from 8:00 a.m. to 4:00 p.m.).....
- [CA 114](#) Motion to approve minutes of March 12, 2018 and to suspend reading of them
- [CA 115](#) Motion to ratify claims for expenses during the month of March 2018
- [CA 116](#) Motion to approve claims for expenses incurred during the month of March, 2018, and claims for expenses due by contract in April, 2018

[5:32:12 PM](#) **Burke moved to approve all consent agenda items, seconded by Cooley, motion passed unanimously.**

MAYOR’S REMARKS:

[5:32:35 PM](#) Mayor Haemmerle reminds the public that if you are concerned about how a Hailey building looks, show up and give comments to P&Z Commission when the building is going through the public process of Design Review. Those items only come to City Council if someone appeals the decision.

PROCLAMATIONS & PRESENTATIONS:

[5:33:27 PM](#) Mayor Haemmerle announces a good deed done last week in the city. Sarah Busdon, Hailey citizen, called the City and asked for trash bags, Heather Dawson took some bags to the skatepark. Sarah Busdon, Carter Busdon, Emmett Ruggeri and some other skatepark kids cleaned up park on their own volition, this is excellent citizenship. It is good to see kids doing the right things, Mayor Haemmerle applauds these kids for doing the right thing. Word is getting out. Also, hats off to Sarah Busdon, Mayor Haemmerle concludes.

APPOINTMENTS AND AWARDS:

AA 117 Appointment of Nate Hart as Hailey's representative to the Blaine County Housing Authority, Resolution 2018-028

[5:34:52 PM](#) **Burke moves to adopt Resolution 2018-028 appointing Nate Hart to the Blaine County Housing Authority replacing the vacancy left by Rick Davis with thanks, Teevin seconds, motion passed with roll call vote, Teevin, yes. Thea, yes. Cooley, yes. Burke, yes.**

PUBLIC HEARINGS:

PH 118 Consideration of an amended Final Plat proposal for Colorado Gulch Preserve Subdivision, located at Lot 1A, Block 1, Stevens Family Ranch, LLC (North of 81 Broadford Road, Section 15 & 16, T.2N., R. 18E., B.M., Blaine County, Idaho), comprising of 24.46 acres. Previously, thirty-six (36) lots were proposed. The amended plat proposes twenty-seven (27) residential lots, with an additional 5.77 acres of open space to be located at the south end of the development. Zoning of the property is Limited Residential 2 (LR-2) and Recreational Greenbelt (RGB)

[5:36:11 PM](#) Horowitz starts with applicant's team presentation, Sam Stahlnecker engineer with Galena Engineering speaks for applicant, there were previously 36 lots in the subdivision, now there are 27. Stahlnecker Shows both plans showing more open space with the proposed plan. Utility layout and drainage layout are essentially the same. The old road in previous plan was further south. The landscape plan has changed significantly, less urban and more rural feeling with tree clusters, subject to approval by the Tree Committee. Reduction of traffic of 25% by reducing the number of lots. Final plat is shown.

[5:40:11 PM](#) Jim Laski on behalf of the applicant, because we are asking for the final plat now, we are proposing to bond for the infrastructure improvements. One cannot purchase property without it being identified in a final plat first. Parcel c cannot go to the Land trust until final plat is recorded, the conveyance of property (purchase and sale) will occur at the same time of final plat recording. The final plat will be recorded and then the sale and conveyance to the Land Trust will be recorded concurrently. This is why we are here so quickly, instead of normally waiting the year to put in infrastructure improvements. \$862,363 is the engineers estimates for the amount of improvements, applicant is entitled to bond for [5:41:34 PM](#) 150% of that which is, \$1,293,544.50; we proposed a security agreement, in which, of that number \$318,435.50 would be a cash deposit to be paid to city, and the rest, in a letter of credit with Mountain West Bank which we be effective at recording of final plat. There is one other housekeeping matter, amending the annexation agreement to change the plat, it attaches the new plat, also has a

provision specifying that they won't sell lots in the subdivision until the life safety infrastructure is installed.

[5:43:40 PM](#) Haemmerle what triggers the sell of the 5.77 acres? Laski responds, they have 15 days to get plat recorded and closed.

Haemmerle asks about a mundane issue, big flood event, recently, is there any ongoing requirement to have subsequent dry wells done by developer?

[5:45:17 PM](#) Stahlnecker responds to Haemmerle's question. Water may be higher than the 25 year – 1 hour storm, water flow which is the guideline for culverts and drywells. After final plat is recorded, the city takes responsibility of the drywells and culverts. Is that an engineering standard, Haemmerle asks. Stahlnecker, it is defined by NOAA, design to this measurement over the basin. Was this last flood higher than this standard? Stahlnecker, hasn't seen any numbers on this, but ground was frozen, so nothing would soak into the ground.

[5:48:07 PM](#) Laski is hear to answer any questions council may have.

Public comments:

[5:48:31 PM](#) John Seiller, representing WRLT, right now they have what is called a reservation agreement, on the un-plated lot, we've put all the money up, in an account, for the property. Once plat is recorded, the closing happens on the purchase and sale of the property.

Haemmerle asks, is there water on the open space? 2 acres of water goes along with it.

[5:50:14 PM](#) Scott Boettger, intention is to use the land as open space, because of the proximity to water, more specifically, a community apple orchard, an asset to our community, and putting it to use. The historic structures will be maintained, and another trail access and parking area is planned. Hopefully equestrian trailer parking and use in this area as well.

[5:52:10 PM](#) Kaz Thea, where would the new trail be located? Boettger, pointed to the site, it is an old dairy farm, on the bench is an old cow path along the grade. The additional parking area is up top on the bench and then along the road for the horse trailers. There is a 4-space parking area along the road, they will maintain the 2 acres on the eastern side of the property. Thea, what about structures? It has a good roof on it, a lot of work to keep it safe, will need to close it up to keep people out. Why final plat now? Laski reiterates the reason why they are doing this now.

[5:55:33 PM](#) Cooley asks, can parcel C ever be subdivided? Laski responds, technically yes, but they would have to come back to the city for that approval. Boettcher replies, they have no intentions to subdivide. Cooley asks Laski, under Planning and Zoning's document, preliminary plat approval, item h, has been marked out, refers to page 97 of packet, advise buyer heavy equipment can be operating, these items are done, Laski noted. Simms responds, this item is note number 11 on the plat and was crossed out because it was completed. There are 2 notes regarding the floodplain. [5:58:28 PM](#) Laski adds a comment, the conditions with respect to the plat will go away and the conditions with respect to construction will still need to be met.

[5:58:37 PM](#) Burke has no additional questions.

[5:58:43 PM](#) Teevin, all her questions have been addressed. Other than why the rush of the final plat. Boettger, their desire to close is because we have the money up and want to begin our use of the property. Laski adds, if this deal didn't happen, we would want to proceed with current plat.

[6:00:03 PM](#) Simms, points out, this is amended plat process, different than what we usually see.

[6:00:31 PM](#) Burke, this is a win-win for the community. This makes her feel that this is the best thing that could have happened for our community, delighted to see this happen.

[6:01:24 PM](#) Haemmerle, parties coming forward, lessening the amount of impact, a superb outcome.

[6:02:30 PM](#) Horowitz suggests the staff team and the water department proposes a new condition R, shown on the presentation screen, a pressure reducing valve station. There is a possibility that the city could put one in the general neighborhood, and then we would have duplicate stations. This condition will allow us to build in this area or use the funds elsewhere. Horowitz, added this information is not in your packet.

[6:03:37 PM](#) Simms asks Yeager to share more information and background on duplicate stations per Steve Butler's engineering analysis on this property. Yeager has recused himself from this project and officially, Steve Butler is the city engineer in this case, but he is happy to explain the analysis done. The pressure reducing station is a greater city issue in the long-term Capital Improvement Plan (CIP), item number 7 for the Water Department is adding a pressure reducing station for the Della View area and the Airport West area which are currently expected to exceed 100 psi; reduce these down to fit in better with DEQ recommended pressures. Colorado Gulch is trying to put in a pressure reducing station for the same reason. So, we can take the funding that they would otherwise spend and make it work for the larger city system, by not only serving Colorado Gulch and the other identified properties on a single pressure reducing station and not have redundant infrastructure. This plat note allows us to do it either way. It allows us to retain the opportunity to get designs for a new station serving all areas. This could mean savings to the city, a difference between \$183,000 (station cost identified in the CIP plan) and \$28,000 (projected cost of the Colorado Gulch station, a potential savings of \$50,000 - \$60,000).

[6:05:50 PM](#) **Burke moves to approve the Amended Final Plat application for CGP, LLC, represented by Galena Engineering located at Lot 1A, Block 1, Stevens Family Ranch LLC, (North of 81 Broadford Road, Section 15 & 16, T.2N., R. 18E., B.M., Blaine County, Idaho), as amended with conditions A-R finding that the application meets all City standards, seconded by Teevin, motion passed with roll call vote. Teevin, yes. Cooley, yes. Burke, yes. Thea, yes.**

PH 119 Consideration of the first Amendment to the Annexation, Services and Development Agreement and Resolution 2017-085, for Colorado Gulch Preserve and Tax Lots 7731, 7732, 3913 and Resolution 2018-029, implementing said amendment

[6:06:52 PM](#) Horowitz, proposed is the 1st amendment to the Annexation, Services and Development Agreement showing the reduced number of lots and with the addition of item number 2, “Sale of Lots in Colorado Gulch Preserve” stating that no parcels shall be sold before the infrastructure improvements are completed, by the developer and approved and accepted by the City of Hailey.

No public comments.

[6:08:11 PM](#) **Burke makes a motion to approve Resolution 2018-029 authorizing the First Amendment to the Annexation, Services and Development Agreement to Colorado Gulch Preserve and authorize the Mayor to sign, Cooley seconds, motion passed with roll call vote, Teevin, yes. Burke, yes. Cooley, yes. Thea, yes.**

PH 120 Introduction of Capital Improvement Plan Amendment and FY 2018 Budget Amendment

[6:10:12 PM](#) Dawson, refers council to page 150 of packet, our current capital fund is \$2,384,440, with this amendment, we are not decreasing or increasing this amount, just reallocating the funds to different projects, shown on page 152 of packet. Instead of spending \$900,000 on repairs to flooded areas, we did not incur that level of cost; we have another list of projects, to spend this money on. For example, we incurred an unexpected revenue to enable the purchase of Jimmy’s Garden. The first goal is to amend the budget and then tie the amendment to CIP plan. On page 152, Brian Yeager, was part of the catalyst for this amendment, as the Street Department needs to buy a chip spreader, because Blaine County won’t allow us to use their equipment any longer through our MOU with them. Schwarz has looked into equipment cost, \$125,000. Also, we had to add items into CIP to be consistent with budget, all items in red are CIP updates, items in black, are the existing budget. This is an intermediate step. The East Myrtle Street connector [6:15:18 PM](#), 2nd Ave, advisory lanes, the Main Street ADA upgrades to 9 curb ramps are some of the projects identified. Broadford Road improvements, done in this fiscal year. \$75,000 for a Transportation Master Plan, this is new, it will help us when applying for the River Street Grant, last plan was revised in 2007. TIGER grant funds are big and we need to be competitive for this money.

[6:18:12 PM](#) Haemmerle asks, why did the county back out of the MOU. Schwarz replies, in years past we matched man power vs. equipment to get Hailey projects completed. The County was helping all cities and didn’t have time to do their own chip seal projects. City of Ketchum is in the same situation as us. Haemmerle, this is redundant to have everyone own the same equipment. City of Bellevue will offer man power in exchange for our equipment usage. Bellevue is buying an asphalt machine, maybe Schwarz can work something out there too.

[6:20:26 PM](#) Dawson, we are treating this like a budget amendment, Council will hear it as a Public Hearing on April 23rd.

No public comments.

[6:21:35 PM](#) Burke makes a motion to notice this for a public hearing on April 23, seconded by Cooley, motion passed unanimously.

NEW BUSINESS:

NB 121 Introduction of ordinance to limit hours of scooter use within the Hailey Skatepark, and to penalize riders who take scooters into areas designated as off-limits to scooters

[6:22:00 PM](#) Simms opens with this item. This was brought to his attention that there is a health safety situation at the skatepark with scooters dropping into the big bowl with skate boarders but we have no code as a means of enforcement. Not only is the conflict between the tools used, but also the age and size difference of the users in the bowl that all combined pose the risk. Simms viewed the skatepark and took some pictures while visiting. The proposed changes are minor , first is proposed a 6 pm curfew on scooters in the park and then prohibited use in the bowl. What is proposed is an infraction fine of \$17.50.

[6:24:39 PM](#) Haemmerle adds that this park was originally built with private money, the bowl, for skate boarders. When Skate boarders drop in, they cannot have scooters in the bowl, causing a dangerous situation. Showing a picture of the horseshoe area of the park to the Mayor and Council on the screen, they have teenagers in this area, and there is a conflict when the scooters are also in this area. Skate boarders get frustrated with scooters stating they don't follow the same rules as skate boarders. As proposed, scooters are allowed all day until 6 pm, then they need to leave. Haemmerle added that parents of scooter children don't see this situation as a problem which is difficult when we are attempting to enforce the rules.

[6:28:57 PM](#) Cooley, when associated with the Parks and Lands Board, he recalls they always intended the original bowl as a skatepark. This use has evolved to add scooters. Cooley is surprised that there has not been a wreck, it is inherently dangerous.

[6:30:57 PM](#) Thea agrees that separation of use is probably important and is an obvious acceptable practice. We don't have much for middle school kids to do around town. Her son used to scooter, and Thea is hesitant to ride a skateboard, so he scootered. She doesn't want to see this limit time for middle schoolers, Thea would like to keep scooter use until 7 pm.

[6:33:24 PM](#) Cooley various folks have spent lots of time keeping this park maintained. But Cooley hears what Thea is saying.

[6:33:52 PM](#) Burke when the bowl went in, it was a great space, designed for skate boarders. On paper, why don't these kids get it? Burke would like to try this and she wants scooters to know they should not go in the bowl.

[6:35:59 PM](#) Haemmerle suggests an alternative to this, if caught, result in removal from the park increasing in timeframe prohibited from park by number of offenses. Haemmerle states the

problem is the incessant “why” from the parents. He states, because it was not designed for scooters.

[6:38:12 PM](#) Teevin sounds like it is a safety issue. Parents are not supporting the rules.

[6:39:17 PM](#) Thea, older kids are using the park and riding scooters. Would like 7 pm.

Burke okay with 7 pm curfew.

[6:41:31 PM](#) Simms, add that we have authority to suspend the use of the park for a timeframe and if they ignore their suspension of the use of the park, we can issue the infraction ticket. This afternoon while taking pictures of the rules sign a BMX bike rode past him. He noted that bikes are prohibited by code but there is no penalty associated with this violation. Simms can add this 12.080. penalty provision. Hailey has bike parks.

[6:44:50 PM](#) Teevin, one thought about \$17.50, she imagines that most kids don't have a lot of money to pay the ticket so parents will be paying. So, if parents are part of the problem, we should consider raising the price, thinking that they will pay more attention if the fines increase.

Cooley is okay with \$17.50 for 1st offense and 2nd and then something higher for the 3rd offense.

Haemmerle suggests language of “up to \$300”

[6:46:28 PM](#) **Motion to continue this discussion to April 23, seconded by Cooley, motion passed unanimously.**

OLD BUSINESS:

OB 122 3rd Reading of Ordinance No. 1230, amending the Parks Section, Title 12.12 of the Hailey Municipal Code, prohibiting use of city parks for commercial sales unless a recreational or community purpose is served and consideration of Summary

[6:47:46 PM](#) **Burke moves to approve the 3rd Reading of Ordinance No. 1230 by title only, authorize the mayor to sign ordinance and approve the Summary of Ordinance, seconded by Thea, motion passed with roll call vote, Burke, yes. Cooley, yes. Thea, yes. Teevin, yes.**

[6:48:20 PM](#) **Mayor Haemmerle conducts the 3rd Reading of Ordinance No. 1230 by title only.**

OB 123 2nd Reading of Ordinance No. 1231 Amending Title 17, Section 17.02, Definitions, to clarify and amend the definition of: Dwelling Unit. The amendment would include changes to the minimum gross floor area in that every dwelling unit shall not have less than two hundred (200) square feet of gross floor area, instead of one hundred twenty (120) square feet of gross floor area, and to reconsider changes that ensure the primary residential unit on a lot shall not be smaller than the accessory unit

[6:49:06 PM](#) Mayor Haemmerle conducts 2nd Reading of Ordinance No. 1231 by title only.

OB 124 2nd Reading of No.1233 amending Municipal Code Section § 17.05.010 the City of Hailey Zoning District Map. Proposed changes would rezone Hailey Business Park South Condominiums, Units 1-15 located at 1120 Broadford Road from Technological Industry (TI) to SCI- Sales and Offices (SCI-SO)

[6:51:53 PM](#) Mayor Haemmerle conducts 2nd Reading of Ordinance No. 1233 by title only.

STAFF REPORTS:

[6:52:23 PM](#) Dawson announced to Mayor and Council, that your newly appointed BCHA board appointee, Nate Hart is present at tonight's meeting. Haemmerle thanked Nate for participating and volunteering, we appreciate that.

[6:53:00 PM](#) Aberbach, on March 22nd, Hailey experienced flooding (from the rain) on Laurelwood Road, then occurring were a significant course of events over the next few days. All departments worked well together as well as the utility companies. We utilized the WebEOC website, and National Weather used some of our reports for their local updates. Yeager, speaks, and shows pictures of the water damage. Many Public Works employees were off during this event, and we brought them in to work. Water runoff brought in silt and made a big mess. Yeager shows a picture with a view towards Toe of the Hill trail before and after the event, and then street department filled the ditch in with gravel to help stop the eroding. Out Quigley Pond, major erosion occurred, undercutting by the pond. Yeager let Dave Hennessey know about it and he will check into the damage. Yeager then discussed the Laurelwood Road area, there is a culvert at the high end of serenity lane, and we saw flooding that ran across the road. Yeager shows pictures of Woodside drainage channel and the Culverts by the High School adding that the flow out of Quigley was very high. Yeager then shows pictures of Dumke's field. In Copper Ranch there was some flooding, and some contractors were trenching property, Yeager added, we put an end to that. The problem with all of this was, the silt that remains. Street Department is trying to clean up the right-of-way areas by removing the silt. Yeager shows some clean up pictures so far in some areas. Yeager clarifies that "contamination" means just silt.

[7:04:53 PM](#) Thea commented that rain on snow events are predicted to happen more often. Do we do something different? Yeager, responds, all of this water was gone the next day. This is an abnormal event complicated by the hillside, rain making the silt on the mountain run down. In Quigley, a possible solution could be a scenario like Dumke's field, put a trench in it to prevent it going through to the future development area. We sandbagged the gate at Quigley to stop any water from coming out of that area. Yeager, suggests a drainage ditch further up the canyon could help for the future.

[7:07:47 PM](#) Aberbach, pointed out that this area is not in flood zone, so this event was unexpected.

[7:08:28 PM](#) Yeager, one of the challenges are the channels in Woodside, there is no way to get them all the way through town.

[7:09:34 PM](#) Dawson they created a drainage area with the rock right at the mouth of Laurelwood. Yeager explains the intent and expected result with the rock we put in the washed-out area, if water hits this, it (water) will drop down. However, if there is a major water event, the rock will wash out. Yeager discusses a few ideas that could be pursued, including some bypass swalls around Winterhaven Road. Now we have town pushed up against the side of the hill. Mayor Haemmerle compliments all for their work and effort. When we came into contact with citizens, they were doing a great job, Haemmerle comments. So far, we've incurred about \$10,000 labor expenses to date, expect more Over Time, about \$2,000, maybe \$20-30k in total for this event Yeager added.

In Laurelwood area, since not in flood zone, they don't have flood protection on any of the roads, like we have in Della; a different type of manhole involve that prevents infiltration into the Wastewater system. The peak of the Wastewater treatment plant is about 78,000 gallons per hour. The standard flow for that time of the day is around 28,000 gallons per hour. Holyoak spent the night at the plant personally adjusting the flow rates and cycle times to pass that flow through the treatment plant with no issues.

[7:13:46 PM](#) Aberbach noted that the street department employees handled this event without Kelly Schwarz, since he was on vacation. They did not skip a beat, we are in good hands without department heads. Everyone did well, added Yeager.

[7:15:00 PM](#) **With no further business, Cooley moves to adjourn, Burke seconds, motion passed unanimously.**

Fritz X. Haemmerle, Mayor

Mary Cone, City Clerk