

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD JUNE 24, 2019  
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 Fritz Haemmerle. Present were Council members Jeff Engelhardt, Kaz Thea, Pat Cooley, and Martha Burke. Staff present included City Attorney Christopher P. Simms, City Administrator Heather Dawson, and City Clerk Mary Cone.

[5:30:28 PM](#) Call to order by Mayor Haemmerle

Open Session for Public Comments:

[5:30:50 PM](#) Jane Drussel Hailey business owner spoke to council regarding the Hailey Flower project, using pallets to build furniture and fresh flowers down Main Street. People are enjoying the community and atmosphere, looking forward to 4<sup>th</sup> of July, she is selling raffle tickets.

[5:32:11 PM](#) Mayor Haemmerle, thanks to Jane Drussel, this town owes you a lot, thank you for everything that you do. Applause.

[5:32:43 PM](#) Bob MacLeod, we had the annual grand opening of the Museum last weekend, over 100 visitors, had a miniature golf course available for people to play. The annual Chili cookoff was great. Regarding the Myrtle Street connector, he knows he won't get a new fence from this project.

[5:33:47 PM](#) Jane Drussel comments, there is a hidden item in one flower barrel, if you find it, tell Jane and where it is, and you can receive an award.

**CONSENT AGENDA:**

- [CA 204](#) Motion to accept grant in the amount of \$1,000 from Papoose Club for library purchase of non-fiction teen materials **ACTION ITEM** .....
- [CA 205](#) Motion to authorize city officials to sign grant acceptance and agreement terms of an Idaho Humanities Council grant to the Hailey Public Library **ACTION ITEM**.....
- [CA 206](#) Motion to ratify letter of support for Mountain Rides Transportation Authority grant application to the Federal Transportation Administration to construct four bus shelters within the City of Hailey **ACTION ITEM**.....
- [CA 207](#) Motion to ratify Fire Department grant application to the Idaho Firefighter's license plate fund for fire prevention education grant **ACTION ITEM**.....
- [CA 208](#) Motion to ratify letter of support of INNTRUSTED's (Marriott Hotel) application to the Idaho Department of Commerce for employment tax credits **ACTION ITEM** .....
- [CA 209](#) Motion to approve Fireworks stand permits **ACTION ITEM** .....
- [CA 210](#) Motion to ratify the special event, the event being the Sheeptown Drag Races, to be held on Main Street, between Spruce and Myrtle Streets (Thursday, June 20, 2019 from 5:00 p.m. to 11:00 p.m.) **ACTION ITEM** .....
- [CA 211](#) Motion to approve taxi driver application for new drivers with Sun Valley Coach **ACTION ITEM** .....
- [CA 212](#) Motion to approve minutes of June 10, 2019 meeting and to suspend reading of them **ACTION ITEM** .....
- [CA 213](#) Motion to ratify claims for expense during the month of May, 2019 **ACTION ITEM**.....

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[CA 214](#) Motion to approve claims for expenses incurred during the month of May, 2019, and claims for expenses due by contract in June, 2019 **ACTION ITEM** .....

[5:34:35 PM](#) **Burke moved to approve all consent agenda items, seconded by Cooley, motion passed with roll call vote. Engelhardt, yes. Burke, yes. Cooley, yes. Thea, yes.**

**MAYOR’S REMARKS:**

[5:35:02 PM](#) Mayor Haemmerle recounts, in the past few years, we have fall, winter, spring and smoke season. The smoke season oddly follows the 4<sup>th</sup> of July Hailey celebration. Summer is a potential danger time, we want to stop this cycle, we want summer back and avoid smoke, even if it means giving up some of your fun time. Setting fires is not responsible behavior, we don’t want this to happen. A friendly reminder, that Hailey city ordinance says you can use fireworks from July 1 – July 5<sup>th</sup> at midnight, have fun, be responsible during this time, not after. We will be on the watch for fireworks being set off outside of this time.

[5:37:05 PM](#) Mayor Haemmerle announces another reminder, the community campus and high school areas are closed to public access during the fireworks.

[5:37:47 PM](#) Mayor Haemmerle moves the budget to the first Public Hearing item for discussion.

**PUBLIC HEARINGS:**

*PH 220 Introduction of Mayor’s proposed budget for fiscal year 2020 ACTION ITEM*

[5:38:09 PM](#) Mayor Haemmerle opened that this is the first introduction of the budget and there will be numerous opportunities to comment on this budget, the final public hearing is on Aug 12<sup>th</sup>, where it will be adopted. Looking at first page of memo, from FY 2019 to FY 2020, there is a difference of \$84,492, equates to ½ % increase from FY 19 to FY 20. [5:39:39 PM](#) Every department in city has a heading in this memo, and it shows the percent increase or decrease, A and B budgets. There is a lack of C budget items, one item Mayor Haemmerle wishes to point out, that the police department has a need for cameras for their police cars as well as the body cameras that we have. Cameras are important for police safety. There is a lot of talk about resiliency, we have budgeted a resiliency coordinator, Rebecca Bundy. [5:41:49 PM](#) LOT funds recipients, Chamber of Commerce and Mountain Rides both of which will get a 4% increase. Senior Connection asked for a donation to help those not-mobile to get from place to place, they go in the door to help those in need. Presented tonight is a balanced budget, it is not set. [5:43:28 PM](#) The salaries in here are based on the ask, anything related to salaries is fair game, make comments, this is your budget not mine, Mayor closed is remarks.

[5:44:08 PM](#) Dawson added that they have not increased the Mayor and council salaries.

Mayor Haemmerle thinks it is time to increase both Mayor and Council salaries, it has a lot of responsibilities, and you deserve more pay. Please consider giving yourself more money. This is your choice.

Public comments:

No public comments. Mayor Haemmerle welcomes your public comments, please feel free to comment.

Jane Drussel asks to make a comment now.

[5:46:03 PM](#) Drussel snow removal was astronomical this year, were you within budget or over budget? [5:46:33 PM](#) Haemmerle, responds, that the Idaho Power franchise fee will help offset some expenses not sure if this is one of those categories. How much were we off budget this year for snow removal, Mayor asks?

[5:46:49 PM](#) Dawson responds, in March 2019, we brought an amendment forward to cover snow removal increases. Dawson does not recall the amount we are over in snow removal efforts. But we did increase the street department budget this spring by \$120,000. With the Idaho Power franchise fee of 3%, this increases our budget \$120,000 annually. It is for there for our uses.

[5:47:44 PM](#) Haemmerle when we have a heavy snow removal year, we have less street maintenance that year. Every year, we try to stretch dollars by using city staff where possible.

[5:48:20 PM](#) Yeager, this last year we used city staff more than contractors as one way to save money. We did use contractors for some of the snow removal but not as much as in past years. Haemmerle added that we paid overtime this year to snow removal employees.

[5:49:19 PM](#) Cooley, this is a great narrative. Kaz Thea, it is super helpful to see this complex budget, you made it very easy to understand with the A, B and C budgets.

[5:50:06 PM](#) Engelhardt, has questions will put them in writing. He is concerned with the capital improvement projects.

*PH 215 Consideration of a portion of a previously approved Preliminary Plat for Carbonate View Subdivision represented by Galena Engineering on behalf of W Squared, LLC for the design of a pathway/fire lane located in Parcel B, Carbonate View Subdivision and Parcel A, Sherwood Forest Subdivision, connecting to Robin Hood Drive. The project is located in the General Residential (GR) Zoning and Flood Hazard Overlay Districts. Two public workshops have been conducted pursuant to the Conditions of Approval. Council review required pursuant to Title 18, Mobility. **ACTION ITEM***

[5:51:12 PM](#) Horowitz, we are back after 2 robust public workshops and 1 public hearing with Planning and Zoning Commission. We have spent a lot of time with this design, combination of title 16 and title 18, parcel A was dedicated to the city in 1979. Brian Yeager will walk you through the elements of the design. Most current design is displayed to all in the room, North is to left and South is to the right. [5:53:21 PM](#) there are 4-foot gravel shoulders on each side of the 20-foot wide all-weather surface. Out of the area from the 4-foot gravel shoulder is a 10-foot snow storage area. The heavy gray area is shown for the asphalt trail. There has been a lot of discussion about this path, including adding no parking signs, having markings on the asphalt,

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and have discussed the floodplain because the southern portion is in the floodplain. [5:55:27 PM](#) 5 tree clusters were identified in this area shown by circles on the lasted design, There is a tree, referred to as the “legacy” tree in cluster number 2. We have attempted to meander this road to avoid the tree clusters as best we could but some of them fall within the 10-foot snow storage area, there could be damage to some of them and the underbrush at the end of the snow season. We included gravel shoulders, which is the simplest to maintain. Signage is addressed on a separate sheet, as well as wooden bollards, notes regarding storm water, and then Yeager asks if anyone has questions.

[5:58:59 PM](#) Horowitz, add that the bollards are set to side of path, and hope that people do not drive on this path on the honor system.

[5:59:43 PM](#) Haemmerle, understands the balance, are you satisfied that this is do able? Mike Baledge responds to the question, the road meets code, and gives a more aesthetically pleasing appearance, Baledge is hoping this is a good compromise. Baledge is comfortable with this design.

#### Public comment

[6:01:21 PM](#) Martin Flannes comments to council, he submitted public comments today to council and the council have those comments in front of them. Flannes urges council to adopt this plan. Flannes has 2 suggestions, move the pathway closer to the west side of the right away by the first cluster, the last cluster on West side consisting of aspens and cottonwoods are within the 4-foot gravel strip, and Flannes asks if we can tighten this curve to try to save these trees? Flannes commends staff for this meandering path. Flannes mentions snow stakes to guide the snow plows. If you decide to have snow stakes, it should be a city function not the neighborhood.

[6:04:26 PM](#) Steve Crosser, resident on Aspen Valley Drive, when will utilities be put in on Chestnut Street and when will the city build the pathway through? This will be a nice thing for the neighborhood.

[6:05:42 PM](#) Yeager comments, the developer will commence clearing for the pathway in August.

[6:06:04 PM](#) Gordon Flade comments the pathway will begin in August but the infrastructure will start in a week.

[6:06:14 PM](#) Yeager, refers to the west side cluster, explains that we don’t have any more room to move this path to protect the cluster. Yeager adds that Flannes has been a great voice from this neighborhood, and he expresses his thanks to him during this process.

[6:07:28 PM](#) Thea, the trees and shrubs there, aspens grow quickly. What is the intention of the new growth that will come in? Thea is glad that this has come to a compromise and likes the varied surface. [6:08:21 PM](#) Yeager responds, this is a compromise, his greatest concern is snow removal, and wants to keep the footprint of construction to a minimum. With snow removal,

some trees may be damaged during the winter snow removal season. Any trees that attempt to encroach the travel surface will be sprayed; he hopes that the neighbors will help keep this out too. [6:10:04 PM](#) Haemmerle, on our bike path, every year we get same roots at the same spot, how do you remedy this? Yeager responds, when the pathway is cleared some of the tree roots will be clipped and removed to prepare for the gravel and asphalt surface, some of the tree roots will come back in time, eventually those roots will cause the asphalt to heave a bit.

[6:11:22 PM](#) Haemmerle do we retain the right to remove them if necessary? Yeager responds, yes we retain the right to clean something out if necessary. We are not forfeiting any right to remove anything. Haemmerle asks Simms, [6:12:29 PM](#) Simms responds, it is our right of way, we give up no rights to this right of way. We have sole authority over this area right? Simms responds to Haemmerle's question, yes we do.

Cooley is good with this path.

[6:13:47 PM](#) Thea moves to approve the design of the pathway with conditions A-H, seconded by Burke, motion passed by roll call vote. Engelhardt, yes. Burke, yes. Cooley, yes. Thea, yes.

*PH 216 Consideration of a Flood Hazard Development Permit Application pursuant to Title 17, Section 17.04J, for a portion of a previously approved Preliminary Plat for Carbonate View Subdivision represented by Galena Engineering on behalf of W Squared, LLC for the design of a pathway/fire lane located in Parcel B, Carbonate View Subdivision and Parcel A, Sherwood Forest Subdivision, connecting to Robin Hood Drive. Portions of this property are located in the Flood Hazard Overlay District. ACTION ITEM*

[6:15:02 PM](#) Horowitz opens that any disturbance in the floodplain must have a permit application, Rebecca Bundy has completed the application and has one suggested condition for council.

[6:16:03 PM](#) public comments, there are none.

[6:16:16 PM](#) Cooley asks if Horowitz has any concerns about the condition. Horowitz, this is a very standard condition. The plans are dated and stamped by Sean Flynn of Galena Engineering. Flynn adds there is a more recent plan that shows today's date, June 24, 2019 versus what is in the packet.

[6:17:35 PM](#) Thea moves to approve floodplain hazard development application and that Condition 1 is met with the modification of replacing the plans stamped with June 18 with the updated plan stamped today June 24th, Burke seconds, Motion passed with roll call vote, Thea, yes. Burke, yes. Cooley, yes. Thea, yes.

*PH 217 Consideration of a Preliminary Plat Subdivision Application by Sweetwater Communities, LLC, represented by Matt Watson, for a new subdivision to be located at Parcel B2, Block 4, Woodside Subdivision #25(vacant lot on the corner of Shenandoah Drive and Maple Leaf Drive),*

*to consist of 26 sublots, each unit comprising of approximately 2,796 square feet. The total development comprises of 2.408 acres. This property is subject to a PUD Development Agreement dated January 10, 2005 and Amendments to the Development Agreement dated December 12, 2009, December 20, 2010 and November 6, 2012. Design Review was approved for this project on February 19 2019. ACTION ITEM*

[6:19:14 PM](#) Horowitz shows the preliminary plat, for 26 units, this is along Shenandoah adjacent to existing Sweetwater building. They will look very similar than the existing built units, size of bedrooms have changed slightly.

[6:20:43 PM](#) Sean Flynn is present for developer if you have questions.

Simms adds, development agreement submitted years ago. Horowitz, all those conditions have been met.

No public comments.

[6:21:43 PM](#) Thea asks, we are always looking for affordability. Is there any requirements around building smaller units, these seems a little high end. [6:22:43 PM](#) Haemmerle affordability laws were challenged and we removed them.

[6:23:03 PM](#) Horowitz comments, River Street apartments sits on land given by Sweetwater.

[6:23:30 PM](#) Issue of affordability is not something we can control.

[6:23:55 PM](#) Burke, on page 280, subject to PUD, amending agreement, all of this is documented historically, design review approve, good to go.

[6:24:54 PM](#) **Cooley moves to approve the preliminary plat for Sweetwater with conditions a-k, Burke seconds, motion passed with roll call vote. Engelhardt, yes. Burke, yes. Cooley, yes. Thea, yes.**

*PH 218 Consideration of a Lot Line Adjustment Application by James D. Mizer and Ben Young, represented by Bruce Smith of Alpine Enterprises, Inc., wherein Lots 13-24 are reconfigured to create four lots, Lot 13A, Lot 14, Lot 17A and Lot 20A. Modifications of original Hailey Townsite lot lines that result in more than one platted lot are required to have a public hearing. The project is located within the Limited Residential (LR-1) Zoning District ACTION ITEM*

[6:25:47 PM](#) Haemmerle announced that Jim Mizer is a client of his and then the Mayor recuses himself and asks Burke to conduct the public hearing.

[6:26:33 PM](#) Horowitz, this is a lot line amendment, and shows a map, if these lots were in the Original Townsite then this application would go to the Planning and Zoning Commission for preliminary plat and then to council. But, these were initially platted as the original Townsite, so subject to these procedures. Issue that arose in the Planning and Zoning Commission hearing,

the lots need to be modified slightly. Staff was comfortable with having 2 lots face Carbonate instead of 6<sup>th</sup> Ave. There is an issue that the older barn is on a lot line, choices are to shift the lot line or tear down the barn.

[6:29:42 PM](#) Jim Mizer speaks to council, he has 1 question, on the design of driveway on page 30, The Planning Commission found that standard development of the driveways, do they go in when the building permit is issued? Horowitz confirms, that is correct.

[6:30:39 PM](#) Mizer on lot 14 A, on 6<sup>th</sup> corner, wants option to enter by either street listen 2<sup>nd</sup> lot property he owns. 17 A lot, Ben Young owns this lot. 13-16, property Mizer owns. Mizer wants to get rid of lot lines, Ben young wants to remove lot lines for efficiency. The existing barn was engineered, and is 7 feet from the set-back, he cannot change it. 3<sup>rd</sup> point of contention, [6:33:47 PM](#) 6<sup>th</sup> and bullion property was owned by his parents, his mom built this house, a water well was put in and septic was put in, then city water and sewer was connected. Mizer has always had that well, that will be a point of contention. That is a legal well, I don't want to give it up, Mizer said.

[6:35:18 PM](#) Mizer wants access to lot 14 on Carbonate and 6<sup>th</sup>, and under the suggested conditions he wants B3 eliminated, abandoning the onsite well. Next one is condition L, this is a preexisting condition, he does not want to remove the barn yet, remove L, remove B3 and access from 6<sup>th</sup> and carbonate.

[6:37:25 PM](#) Horowitz speaks to council, this is an unusual situation where Mr. Mizer is correct, he can convey property without coming to the City of Hailey, he can and did convey lots to Ben Young and he could subdivide and convey the North lots later but he is coming and wants to clean up the lot lines now. Horowitz, if the 3-foot setback is not an issue with nearby property owner, there is an exception 11 in the subdivision code that could address that, as far as the entrance off of 6<sup>th</sup>, staff does not feel strongly either way. Yeager looks up the well code, discussion ensues about the well on a single lot versus a larger lot. Burke asks if there are other single lots with a well? Yeager, not sure. Mizer, comments again about watering and going over his allotment because of the size of his property.

[6:39:53 PM](#) Cooley, from personal experience, he is a proponent for irrigating with the well, reducing the strain on the city water.

[6:41:42 PM](#) Cooley asks if the barn is just a barn, is there any vehicular access? Mizer comments cars are in driveway.

Horowitz is okay with the access from both streets.

[6:42:29 PM](#) Thea asks about moving the lot 3 feet. Mizer, in order to do that he would have to change the legal description of the property.

[6:43:45 PM](#) Engelhardt speaks, access point 1, he has no heartburn on this item. Regarding the set-back, he doesn't have heart burn with the 3-feet. Unless there is a legal reason to abandon the well, he is okay with letting him keep it.

[6:44:41 PM](#) Simms, there is no compulsion for the City to force him to abandon the well, this is a discretionary decision for council.

Public comments, none.

[6:45:31 PM](#) Horowitz, clarifies, remove B3, condition L for the barn, and remove restrictions in the body of the report for the driveway so it can be accessed by Carbonate or 6<sup>th</sup>.

[6:46:35 PM](#)

Thea moves to approve application for lot line adjustment, eliminating conditions B3 and L and allow access to property from Lot 14A either Carbonate or 6<sup>th</sup>, seconded by Cooley, motion passed with roll call vote. Thea, yes. Cooley, yes. Engelhardt, yes. Burke, yes.

*PH 219 Consideration of a DRAFT Transportation Master Plan Update and associated Capital Improvement list ACTION ITEM*

[6:52:05 PM](#) Yeager talking about this there are 3 types of color codes. Items removed from 2007 are in orange font, items 104 and 105 added for Pathways for people. Blue font with line through it, are items that have been removed from 2007 TMS. The orange/brown items are ones that have been added since 2007 and the black font items are ones that were on the 2007 Transportation Master Plan and are still on it. Yeager, asks for comments, additions or to strike any. Final Transportation Master Plan will be presented to council on July 8<sup>th</sup>.

[6:55:24 PM](#) Thea would like to see, a strike-through items completed or abandoned – and noted as such. It would be good to know the results visually.

[6:56:11 PM](#) Engelhardt needs copy of that draft agenda.

Cooley wants to review this until the July 8<sup>th</sup> meeting.

[6:57:14 PM](#) Yeager, is there consensus with Thea's request to add the done or removed project note? Haemmerle, doesn't think it is needed.

Burke, feels it is better to be scratched without explanation for the BUILD grant application. Burke does not need that level of information. Cooley is in agreement with Burke, let's not muddy the waters for the BUILD grant application.

**OLD BUSINESS:**

*OB 221 2nd and/or 3rd Reading of Ordinance No. 1246 amending the impacts of the current water user fee and how it relates to the City Parks irrigation rate in comparison to other uses within the City*  
***ACTION ITEM***

[7:00:00 PM](#) Simms notes that the City Clerk caught a typo in the ordinance, and the title has changed slightly, adding park user fees, this corrected ordinance has been handed out to Mayor and council. Simms recommends to accept Ordinance No. 1246, waive 2 readings and authorize the mayor to sign and conduct one reading by title only.

Haemmerle, suggests make motion waive 2 readings, conduct 1 reading by title only,

[7:03:58 PM](#) **Burke moves to adopt Ordinance No. 1246 as handed out at meeting with revised title, waive 2 readings conduct 1 reading by title only, and authorize the Mayor to sign. Motion passed.**

[7:04:28 PM](#) **Mayor Haemmerle conducts 1<sup>st</sup> and only reading of Ordinance No. 1246, and only reading by title only.**

Simms asks for council to make a motion and have roll call vote.

[7:05:20 PM](#) **Burke moves to adopt Ordinance No. 1246, waive 2 readings and conduct 1 reading by title only, authorize the Mayor to sign, motion seconded by Cooley. Motion passed with roll call vote. Jeff, yes. Engelhardt, yes. Burke, yes. Cooley, yes. Thea, yes.**

**STAFF REPORTS:**

[7:05:56 PM](#) Aberbach was involved with 2 successful events last weekend, the Chili cookoff and Sheeptown Drag, thanked city depts. For their help and chairs for the event.

[7:06:30 PM](#) Yeager announced that the Street department is about to purchase a new bucket truck, the old truck is getting long in years.

[7:06:58 PM](#) Horowitz, The Community Development department has been working with the Library on a 3-week long pop up town square, and the kick off on July 1<sup>st</sup> with a pallet building workshop, to teach the public how to build pallet furniture, then the library will populate with different functions and activities during this 3-week timeframe.

[7:08:05 PM](#) Yeager the Hailey Hotel, Barkin Basement will reopen at this spot and they are planning on being done by this week. If not done, we will do the pallet building workshop at back of city hall.

[7:08:57 PM](#) Burke was pleased to judge the chili cookoff contest, so fun, turn-out was good, and weather was nice. The new Barkin' Basement thrift store is really nice, with apartments up stairs.

[7:10:01 PM](#) **Burke, moves to adjourn, Cooley seconds, motion passed unanimously.**

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Fritz X. Haemmerle, Mayor

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Mary Cone, City Clerk