

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD SEPTEMBER 13, 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 Kaz Thea, Juan Martinez, Heidi Husbands, and Sam Linnet. Staff present included City Attorney Christopher P. Simms, City Administrator Heather Dawson, and City Clerk Mary Cone.

[5:30:48 PM](#) call to order by Mayor Burke. [5:31:09 PM](#) The new business health order, she has pulled this item, we will not discuss this tonight.

[5:31:33 PM](#) Mayor Burke, consideration of swing set donation, will discuss that now, then have public comment, then will discuss Consent Agenda.

NEW BUSINESS:

NB 345 Consideration of a swing set donation for Lions Park from the Kiwanis Club ACTION ITEM

[5:32:02 PM](#) Burke pg. 246 of packet, Kiwanis Club. Prepared to purchase new swing set, 2 swings and 2 tots seats, valued at \$3,000, city staff will do most of the installation work.

[5:33:10 PM](#) **Thea moves to approve the swing set donation from Kiwanis Club, for Lions Park, Linnet seconds, motion passed with roll call vote. Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.**

[5:33:38 PM](#) Bob Wiederrick added that the Hailey Parks Foundation donated \$500, Rotary donated \$500, and Papoose Club donated \$1000 towards this purchase.

[5:35:30 PM](#) Burke, remote audio now working, we just accepted a donation for a new swing set.

NEW BUSINESS:

NB 344 Consideration of Health Order 2021-06, which, if adopted, would institute mask mandates within the city limits of Hailey in indoor public spaces and in outdoor public places when distancing can't be maintained ACTION ITEM

[5:36:06 PM](#) Mayor Burke, pulled NB 344, mask order, will meet with city attorney, will present this at a later date. [5:37:04 PM](#) Linnet asks to discuss this tonight. Burke responds, will have council discuss reminds public that this is not a public hearing tonight. [5:38:16 PM](#) to set this up as a battleground, complaints are overwhelming, listen. We need to consider a way to mandate signage, posting CDC guidelines.

[5:39:38 PM](#) Linnet, in his view, this is a public health emergency, state is unwilling to take unilateral decision. Best approach to have state put guidelines in place. For last month, health

care and health district have been advocating for a mask mandate. Understand and hear frustration, from those opposed to the mask mandate concerns. [5:41:14 PM](#) got an email today from a vaccinated individual, sick now with covid. Heard from doctors locally and treasure valley, daily grind that healthcare workers are being berated and assaulted by family members and patients. It is time to reinstate the mask mandate and reassess in 4 weeks, Linnet advocates. [5:43:42 PM](#) Linnet would like to see us do this mask order.

[5:44:07 PM](#) Thea, thinks that it is the best preventative measure right now. People dying right now, are primarily unvaccinated and not wearing masks. Would like to see us do a mask order. Most effective at reducing spread. It is a pain but least invasive to protect our community. Lots of businesses are looking to us to do this, will benefit businesses, help provide them with regulation at the city level. Thinks we should have the 5 and under, not 2 and under, would like to see that change. Sorry we are at this point.

[5:47:00 PM](#) Husbands, a school teacher, wears a mask every day, agrees that this is an important measure. Husbands gives some statistics, less than 25 ventilators in the state. In Blaine County we have 283 probable cases. [5:47:48 PM](#) masks do have an impact, have had covid, have had vaccine, wasn't sick. There are different alternatives, don't want to see our hospital go into crisis care. [5:49:16 PM](#) businesses are not happy with a mask mandate, but they understand. We would get lots of calls about some people not wearing masks, asking for enforcement. Thinks city of Hailey should wear masks.

[5:50:27 PM](#) Martinez attending remotely, winning and losing, becomes clear where to fall within that. Hears evidence, not many beds available, not sure if political pressure, worry with election coming up, are we inviting aggression towards our city. Consider natural law, we are trying to take care of each other. If we go into a mandate, allow those that are angry, not the right thing to do. We should mitigate impact on our healthcare system, that is what we need right now. We are doing that naturally, worries about the backlash.

[5:53:37 PM](#) Linnet, piggybacking statistics from council member Husbands, 42% of patients in the St. Luke's system are covid positive, 20% week before that. Projections will continue increasing for the next few weeks. As elected officials, it is our duty to tell our citizens what is going on, and what it is doing to our community. [5:54:46 PM](#) reality there are a number of people, that are not doing what is right, people vacationing knowing they are sick and spreading the virus, going to the store without a mask. We should make small sacrifices for our community. The time is now to reinstate the mask order and reassess in 4 weeks. [5:56:08 PM](#) Burke, how about reassessing this in four weeks, as the anticipated peak is Oct. 15th?

[5:56:19 PM](#) Thea, thinks we should reassess, Husbands agrees too.

[5:57:42 PM](#) Martinez, would you be okay reassessing in 4 weeks? A Sunset date is necessary, 4 weeks is a better sample size, let's understand, November 2nd is election day, hoping after the 4 weeks, can remove the mandate.

[5:59:33 PM](#) Burke would rather do something other than a mask mandate. The real tragedy is that 95% of covid patients are unvaccinated, those unprotected are at greater risk, children are at risk.

[6:00:55 PM](#) Dawson adds a point of clarification. This order is different, doesn't require businesses to do anything, that is not in the draft in front of you. [6:01:33 PM](#) Simms, heard Thea's change to 5 and under, and a conditional exemption, asks council to consider these amendments and adoption.

[6:02:09 PM](#) Linnet businesses don't want to enforce mask order for the city. Burke would have been in favor of signage in businesses instead of masks.

Phil Rainey asked if there will be public comment? Burke responded, no, only new business. After comments from Rainey, Mayor Burke decides to take public comment.

Public Comments:

[6:04:11 PM](#) Phil Rainey Hailey resident and business owner, don't understand how city council can vote without input from city businesses, you are supposed to represent us? According to statistics, vaccinations 85% to 95%, to help preventing getting covid. Cloth masks are ineffective. Pending lawsuit, the city will have to go through, will come out of our pocket. We are private businesses, no one forces them to come into our business. Why force businesses to force other people to wear masks, they can go somewhere else with their business. [6:07:03 PM](#) Many businesses aren't going to comply, looks at this from a firefighter view, won't be effective, won't do anything.

[6:07:41 PM](#) Brian Opp, 26 Rodeo Drive, if vaccines work, why aren't they working? He has gotten covid, has had the vaccine. 25 available beds out of what, data is always skewed. I am not trying to parent others regarding this. Opp is building a house on his property, won't spend a dime in a business that makes him wear a mask.

[6:10:29 PM](#) Mayor Burke implored if you wish to speak, no personal attacks, please. People don't want to wear masks, are carriers, can have a breakthrough, new variants, delta and Mu variant. Everyone not vaccinated, allows the virus to mutate become more deadly and keep spreading.

[6:11:52 PM](#) Hunter Aitken of 111 West Walnut unit B, speaks to council. Everyone scared and panicked, he works in customer service, some people are happy. One thing they connect with is human contact. Thinks everyone should have the option to get the vaccine or wear a mask or not do either one. This virus is being politicized, we are scared and want to do the right thing. End the bipartisanship, either wear a mask or not. More that we can unify as human beings, that is America. Mandating this is wrong.

[6:15:04 PM](#) Mark Green, Hailey resident and business owner speaks, he believes in personal choice. Same token, never been treated so poorly as in the last year and a half by having people tell him to wear a mask. He would never do that to anybody. Don't expect businesses to enforce a mask mandate for you. Created more enemies in his business by asking patrons to wear masks.

[6:16:23 PM](#) Thea, comments, most concerned more about grocery stores, wears a mask, does it for the community, has had covid. For public spaces, something we have to discuss.

[6:17:38 PM](#) Martinez, Mountain Rides has had a mask mandate since this started, schools, airplanes mandate since inception. Hears the public, asks that we hear comments from Steve England. [6:18:29 PM](#) England responds, from HPD standpoint, will support council's decision and help educate, less authoritative, if no other choice, there is a chance that we'd have to enforce laws. It is a very polarizing issue, this could escalate people more so than before, for council to decide, will enforce state and local laws. [6:20:08 PM](#) Martinez, important to have this perspective.

[6:20:21 PM](#) Linnet, personal choice comes up a lot, when this affects other people, you have to consider community restrictions. Individual actions affect other people, differences in opinion, personal responsibility, we discussed this personal choice since the beginning.

[6:21:53 PM](#) Thea, that provides the liberties that we have. Burke, the people sitting here are probably anti-maskers, and some anti-vaccinators, suddenly that impacts others that may have heart issues.

[6:23:48 PM](#) Husbands, asks for clarification from Dawson, individual mandate. Dawson, replies. Simms adds, not compulsion for enforcement by businesses. [6:24:34 PM](#) nothing in this order to make businesses deputies, those businesses can do business how they want.

[6:25:22 PM](#) Linnet, asks for clarification of the changes discussed tonight, change 2-year olds to 5 year olds and under are exempt, have a sunset clause in 4 weeks, as well as an exemption for those engaged in physical exercise. Simms confirmed, these are what have been discussed tonight.

[6:25:36 PM](#) Linnet moves to approve amended Health Order 2021-06 as discussed and including sunset clause in 4 weeks, instituting a mask mandate where social distancing cannot be maintained, seconded by Thea, Simms, exemptions in definition, indoor places, all members open to public without invitation, grocery stores, retail stores would be cover by this order. [6:27:19 PM](#) Dawson, back rooms of the hardware store is a private space, the floor is not. **Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.**

[6:28:37 PM](#) Simms this will be in effect upon signature, in 4 weeks will discuss again.

[6:29:24 PM](#) public comments for items not on the agenda:

Bob Wiederrick, wants to see if city council would put a cardboard recycling bin in at the South Woodside Park or maybe at the sewer plant.

CONSENT AGENDA:

- [CA 324](#) Motion to approve Resolution 2021-087 authorizing annual contract with Idaho Counties Risk Management Program for general insurance for the City of Hailey for FY 202-2022, including property, liability and errors and omissions, at a cost of \$131,065, reduced by 8% due to the availability of direct access to ICRMP without an agent **ACTION ITEM**
- [CA 325](#) Motion to approve Resolution 2021-088 authorizing a contract for services with Rick Allington to provide prosecution of misdemeanors for FY 2021-2022, for an annual amount of \$48,225. **ACTION ITEM**.....

- [CA 326](#) Motion to approve Resolution 2021-089 authorizing contract for services with Mountain Rides Transportation Authority for bus and transportation services for FY 2021-2022, at a cost of \$82,000 **ACTION ITEM**.....
- [CA 327](#) Motion to approve Resolution 2021-090 authorizing contract for services with The Senior Connection for door-to-door transportation services for Hailey seniors through a contribution of Local Option Tax in the amount of \$4,000 **ACTION ITEM**.....
- [CA 328](#) Motion to adopt Resolution 2021-091, ratifying the mayor’s signature on a bid proposal from Idaho Materials and Construction (IMC), for paving work under the River St. URA project, in the amount of \$31,515.75 **ACTION ITEM**
- [CA 329](#) Motion to ratify Pay Request #5 for the Hailey Fire Station Project, authorizing the payment made on August 30, 2021 in the amount of \$18,404.51 **ACTION ITEM**
- [CA 330](#) Motion to approve Pay Request #6 for the Hailey Fire Station Project, authorizing a September payment in the amount of \$16,830.80 **ACTION ITEM**
- [CA 331](#) Motion to approve the Special Event, 4th Annual Hispanic Heritage Fest, to be held Saturday, September 18th, 2021, from 10:00am to 9:00pm, in McKercher Park **ACTION ITEM**
- [CA 332](#) Motion to approve alcohol sales restrictions near a church or school within 300 feet for new business (Broadford Beverage located at 502 North Main Street **ACTION ITEM**.....
- [CA 333](#) Motion to approve transfer of Auto Transportation Service Business License **ACTION ITEM**.....
- [CA 334](#) Motion to approve Resolution 2021-092 a Termination of Easement Agreement, terminating an easement in Sunbeam Subdivision in exchange for the construction of a nonmotorized trail approximately 300’ to the north in Old Cutters Subdivision. **ACTION ITEM**
- [CA 335](#) Motion to approve minutes of August 16, 2021 and to suspend reading of them **ACTION ITEM**
- [CA 336](#) Motion to approve minutes of August 23, 2021 and to suspend reading of them **ACTION ITEM**
- [CA 337](#) Motion to ratify claims for expenses incurred paid in August, 2021 **ACTION ITEM**
- [CA 338](#) Motion to approve claims for expenses incurred during the month of August, 2021, and claims for expenses due by contract in September, 2021 **ACTION ITEM**.....
- [CA 339](#) Motion to approve unaudited Treasurer’s report for the month of August 2021 **ACTION ITEM**.....

[6:30:40 PM](#) Linnet recuses from CA 325, as he shares an office with Allington

[6:31:26 PM](#) **Thea moved to approve all consent agenda items minus CA 325, seconded by Husbands, motion passed unanimously. Martinez, yes. Thea, yes. Husbands, yes. Linnet, yes.**

[6:32:00 PM](#) **CA 325 Thea moves to approve, Husbands seconds. Motion passed with roll call vote; Martinez, yes. Thea, yes. Linnet, abstains. Husbands, yes.**

PROCLAMATIONS AND PRESENTATIONS:

PP 341 Wendy Jaquet & Dwayne Briscoe present on proposed legislation re: Resort City Real Estate Transfer Tax (No Documents) ACTION ITEM

[6:33:04 PM](#) Wendy Jaquet is here with Dwayne Briscoe former Sun Valley Mayor, giving a presentation, on a proposed resort city tax. Real estate transfer tax, Aspen has between 1% and 4%, wrote letter to the editor. Briscoe, asked have you ever thought about doing a city resort tax instead of state legislature. We have 15 cities, in support of this tax. It took 2 years to get current LOT to get passed at the state level. Could be split between buyer and seller, done by title company at closing. In Ketchum 1% tax would be around 3.2 million annually revenue. Dwayne Briscoe, just returned from visiting relatives in Aspen, learned more about the resort tax. When he was there many years ago, went from nothing to 2,000 affordable housing units in Aspen,[6:37:56 PM](#) Aspen City, has under 8,000 residents, 3,000 are in affordable housing.

Their tax is 1.5% resort tax, Avon is 2% tax. Cities, if passed you can design your own plan, this has been done for 20 years in Colorado, has seen this from inception to its success. Each city can design their own plan, if you choose to do this, Jaquet and Briscoe would be glad to have your support. 20 years ago, class warfare, 60s and 70s houses were being torn down, social unrest has been quelled, can have their own place now. Deed restriction units goes up to \$1 million dollars. [6:41:50 PM](#) this is a useful idea. Jaquet, has meeting with board of realtors. Still presenting to Sun Valley and other entities, considering who would administer it. [6:42:55 PM](#) Lien exemptions may include, no transfer tax collected on a median priced home, cemetery plots are exempt also. Working with AIC, Kelly Packard, may need to go with a lobbyist for a shared cost.

[6:44:30 PM](#) Thea, what are next steps, procedures. Would reach out to other resort cities, Jaquet replied. Not sure if all cities collect sale price public information. Try to have something drafted by Jan. 2022. [6:45:41 PM](#) Briscoe, Ketchum asked for initial support from their council.

[6:46:09 PM](#) Linnet asks, just looking for authority from state? Jaquet, state would put barriers in the legislature, put a limit on it possibly. Could put it to voters and how it is administered. Jaquet, it is a flat rate, 1% - 4% in Colorado. Suggests, excluding the homestead tax exemptions. [6:48:06 PM](#) Briscoe, some sales have minimum before collecting tax and a ceiling for maximum amount. If passes with state, give city guidelines to design their own plan.

All council supports this measure. [6:49:42 PM](#) Jaquet adds, if appears that our current LOT is at risk, we would not pursue this idea.

PP 340 Proclamation – September is Hispanic Heritage Month ACTION ITEM

[6:50:21 PM](#) Mayor Burke reads the proclamation, with help from Thea reads some of the proclamation as does Linnet, and Husbands and Martinez.

PUBLIC HEARINGS:

*PH 342 Consideration of a Final Plat Application by Old Cutters Inc., represented by Galena Engineering, wherein Lot 15, Block 6, Old Cutters Subdivision (611 Little Lena Dr.) is subdivided into two (2) sublots, Sublot 1 is 5,008 square feet in size, and Sublot 2 is 5,007 square feet in size. This project is located within the General Residential (GR) Zoning District. This project is known as Poco Lena Subdivision. **THIS ITEM TO BE CONTINUED TO SEPTEMBER 27, 2021***
ACTION ITEM

[6:54:44 PM](#) Horowitz asked for a motion to continue on the record.

[6:55:22 PM](#) **Thea moves to continue to September 27th, seconded by Linnet. Motion passed with roll call vote; Martinez, yes. Thea, yes. Linnet, yes. Husbands, yes.**

PH 343 Consideration of a Final Plat Application by Old Cutters Inc., represented by Galena Engineering, wherein Lot 3, Block 11, Old Cutters Subdivision (1120 E. Myrtle Street) is subdivided into two (2) sublots, Sublot 1 is 7,845 square feet in size, and Sublot 2 is 7,721 square feet in size. This

project is located within the General Residential (GR) Zoning District. This project is known as Starlight Serenade Subdivision **ACTION ITEM**

[6:56:13 PM](#) Horowitz gives an overview, fairly straight forward no additional comments.

Public comments: [6:57:08 PM](#) there are none.

[6:57:15 PM](#) Thea, asks duplex lot, further subdivided, what is planned. Horowitz duplex, not sure if attached or not attached, conditions 1-4 remain.

[6:58:17 PM](#) **Martinez, moves to approve Final Plat of Starlight Serenade Subdivision with conditions 1-4, seconded by Linnet, Thea seconds. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Martinez, yes. Thea, yes.**

OLD BUSINESS:

OB 346 2nd Reading of Ordinance 1293, amending Hailey Municipal Code 15.16, Development Impact Fees, to establish square footage categories for fee assessment and a new development impact fee schedule **ACTION ITEM**

[6:59:59 PM](#) **Mayor Burke conducts 2nd Reading of Ordinance No. 1293 by title only.**

STAFF REPORTS:

[7:00:55 PM](#) Steve England, by December, 2 people have started officer packer and redusa, and linderman is in POST now. Packer will go to POST in January. Redusa doesn't have to go through POST. Cars, new vehicles, should be able to submit PO tomorrow to Mountain Home Auto Ranch, 2 vehicles. Looking at leasing them, 16 to 18 weeks out before we get them, will see lease agreements in future meeting. [7:03:18 PM](#) this Saturday, mckercher park, ask for England to attend, arrive at 2 pm, Hispanic heritage festival 4th annual.

[7:04:12 PM](#) Horowitz, sheep sculpture is complete. Sun Valley Museum, loaned us the parklet it is in front of 116 S. River Street. Library has an event this weekend.

[7:05:02 PM](#) Dawson, 2 weeks from tonight ribbon cutting, at 5 pm Toe of the Hill Park.

Linnet, announces new baby girl, Elta Joanne Linnet, so far big brother, is very excited.

[7:06:22 PM](#) Thea, event can we put a sign at the RV dump, asking for people to wait to dump, it is stinky.

[7:07:04 PM](#) **Martinez moves to adjourn, Linnet seconds, motion passed unanimously.**