

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD OCTOBER 25, 2021
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:00 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.

[4:59:28 PM](#) Call to order by Mayor Burke who asks for roll call Husbands, Thea, Martinez,

EXECUTIVE SESSION: Pending & Imminently Likely Litigation (IC 74-206(1)(f))

[5:00:36 PM](#) **Motion to go into Executive Session to discuss Pending & Imminently Likely Litigation (IC 74-206(1)(f)) made by Martinez, Thea seconds. Motion passed with roll call vote; Husbands, yes. Thea, yes. Martinez, yes.**

Linnet logged in remotely for the meeting.

Mayor and council go into Executive Session.

[5:32:25 PM](#) Mayor and Council return from Executive Session to reconvene the meeting.

[5:33:18 PM](#) Open Session [5:33:34 PM](#) no comments

CONSENT AGENDA:

- [CA 365](#) Motion to authorize city officials to sign Application & Permit to Use Idaho Transportation Department Right-of-Way, to permit/license the BCRD Arboretum and its six-vehicle parking area, which lies within the ITD R.O.W at the intersection of Fox Acres Road and St Highway 75 and adjacent to the Wood River Trail, under the City of Hailey instead of the Blaine County Recreation District. **ACTION ITEM**.....
- [CA 366](#) Motion to adopt Resolution 2021-___, authorizing the mayor’s signature on Change Order No. 2 with Skyline Excavation and Grading, to modify the project completion schedule, on the Quigley Water Main project. **ACTION ITEM**.....
- [CA 367](#) Motion to approve the Findings of Fact, Conclusions of Law and Decision of a Final Plat Application by Emerald City, LLC, represented by Galena Engineering, where the existing building located on Lot 4HA, Block 4, Airport West Subdivision Phase II (110 Gulf Stream Lane) is converted into three (3) commercial condominiums. This project is located within the SCI Industrial (SCI-I) Zoning District **ACTION ITEM**
- [CA 368](#) Motion to approve alcohol license renewal for local business **ACTION ITEM**.....
- [CA 369](#) Motion to approve minutes of October 12, 2021 and to suspend reading of them **ACTION ITEM**.....
- [CA 370](#) Motion to approve claims for expenses incurred during the month of September, 2021, and claims for expenses due by contract in October, 2021 **ACTION ITEM**.....
- [CA 371](#) Motion to approve unaudited Treasurer’s report for the month of September 2021 **ACTION ITEM**

[5:33:56 PM](#) **Linnet moved to approve all consent agenda items as presented, seconded by Thea, motion passed with roll call vote. Thea, yes. Husbands, yes. Linnet, yes. Martinez, yes.**

MAYOR'S REMARKS:

[5:34:36 PM](#) under presentations tonight, Mtn. rides has asked for more time for their presentation.

PROCLAMATIONS AND PRESENTATIONS:

PP 371 Mountain Rides Transportation Authority annual presentation ACTION ITEM

No presentation tonight.

PUBLIC HEARINGS:

PH 372 Consideration of recommendation of approval by the Hailey Planning and Zoning Commission for a Planned Unit Development Application by 410 North River Street, LLC, represented by CK Property Group, LLC, for twelve (12), three-story single-family townhomes with a request for waivers and proposed benefits. This project is located at Lots 14-17, Block 56, Townsite, (410 North River Street), within the Business (B), Downtown Residential Overlay (DRO) and Townsite Overlay (TO) Zoning Districts. The following waivers are requested: o Waiver to minimum lots size for PUDs of 18,000 gross square feet to 14,404 square feet o Waiver of DRO 10% useable open space requirements with increased setbacks, walkways and rooftop decks o Waiver of subdivision park dedication in lieu fee In exchange for these waivers, the applicant is proposing two (2) deed-restricted townhouse units to be restricted at 100% of Area Median Income, offering first right of refusal to City of Hailey. ACTION ITEM

[5:34:59 PM](#) Horowitz opened this item, Nathan Harville wanted to join this discussion, she'll try to see if she can attend earlier.

[5:36:55 PM](#) Kevin Cabilik, architect team, John Cane with ? architecture in Boise. Jeff Bower online and Brian Wensel lead planner, Ian McLaughlin, and Sam Stahlnecker is present also. Cane gives an overview of the project.

[5:40:36 PM](#) Cane gives an overview, 410 N. River, 6 units would face River Street. Shows the DRO Overlay district, new building to south and to north apt building older. Behind Wise Guy Pizza alley. Cane shows an arial of the drawings, 3 levels with roof top decks. Blue area is footprint of townhouses, with single car garages. Floor plans level ones, storage closet on that level, 3 bed 3 bath units with oversized 1 car garage. About 1,600 square feet. [5:45:05 PM](#) Cane shows elevations, rooftop is a bit recessed and slight covered area, materials, light color stucco, hardiboard siding, metal railings, pick palettes that would work with the area and require little maintenance. Will have landscaping along River Street walkway. [5:46:53 PM](#) Zoning, DRO and business district, 40 feet max it is below that, no restrictions on setbacks. Guest parking, 1 per six units.

[5:48:58 PM](#) Husbands, on North and south sides, how wide is walkway? Sidewalks are 5 feet responds by Cabilik. Landscape strip and 5 foot sidewalks.

[5:50:09 PM](#) Husbands, Silver Street apartments just built an awning, where are the front doors in relation to the awning. Horowitz adds, car port is 4 feet off property line. Husbands, property divider, fence? Yes it will be a fence. Burke, sidewalks will be icy, due to shade.

[5:52:41 PM](#) Cabilik talks about the HOA, no homeowner will be responsible for snow removal, HOA will haul all snow off of property, through CCRs. Husbands, will you have HOA fees? Haven't gone through all the process yet, possibly \$175 - \$200 HOA dues.

[5:54:23 PM](#) Linnet asks questions. Under the PUD standards of evaluation, I7, community housing, I12, providing 2 units instead of 4 units. Why should we accept less?

[5:55:35 PM](#) Horowitz responds, we have not seen a PUD take advantage of that in many years (since 2008). Not an obtainable goal, staff feels like. Hope to update PUD code may work on it this winter. Simms, this is a discretionary call by council. This is all about density bonus, all in all why staff has this recommendation.

[5:57:34 PM](#) Jeff Bower also responds, PUD shall provide one of the following, did look at this closely, don't have the number of units to provide that number of units in section 7. Section 12 discretionary, asked to consider this exception.

[5:58:50 PM](#) Linnet asks Simms, any concerns, conflicts with I7, create any issues? Simms responds, like flexibility in PUD ordinance. Simms feels this section of code needs an overhaul. Linnet, waivers in next section? Horowitz, should discuss all now. Linnet continues, [6:00:18 PM](#) appreciates the min. lot size waiver. 2nd waiver, remove the in-lieu fee, feels like an additional benefit to developer but not to the City. [6:01:15 PM](#) Horowitz responds, this is a different project, subdivision comes into play, park in this area would be impractical. Why are we waiving? Horowitz, simple math in-lieu fee, vs. providing 2 deed restriction units.

[6:02:33 PM](#) Cabilik responds, one subdivision ordinance couldn't get past is the in-lieu, shows slide, 11 units, 10% open space, considered in-lieu fee, originally had a different design. Staff suggested one more unit. Thought it was better to provide a 2nd affordable unit. Linnet, [6:05:06 PM](#) parking requirements, this is difficult to meet. Is there any scenario where parking requirements could result in an additional housing unit? Cabilik responds, townhouse developer, can't reduce parking to get another unit. Linnet thanks Cabilik. [6:07:13 PM](#) Horowitz, adds all these units are the same, affordable units are same size as all other units. More discussion

[6:08:56 PM](#) Husbands, market rate unit costs? Cabilik, not sure yet, hoping costs will come down, maybe around \$475,000. Cabilik is from Atlanta, GA, just finished a similar project in Kootenai, and another set of units down the road.

[6:11:40 PM](#) Linnet, PUD affordability covenant, 40 years, why timeframe and background? Simms defers to Harville, understands that it is useful life of the structure. Harville responds, [6:12:43 PM](#) idea of useful life, as structure ages, price goes down, ambivalent having this in perpetuity. How can we achieve our goal? ARCH has 80 or 90 years, not sure. Horowitz, asks 40 years. Bowers speaks, [6:14:18 PM](#) our role is build the units, another entity takes over the

units, don't really have a dog in the fight here. Other projects, used a 40-year term. Perpetual restrictions could cause problems in your city. Linnet, [6:15:26 PM](#) in favor of longer or perpetual term, land is more valuable than the structure. Suggest perpetuity, Burke agrees with Linnet as does Thea. [6:16:24 PM](#) Cabilik asks, [6:16:30 PM](#) typically multi-family units, points out, platted properties, does that matter? Defer to city attorney, 12 units individually owned. [6:18:04 PM](#) Linnet asks if Simms or Jeff have comments. Simms, suggests in perpetuity, fee simple on land, condition approval on this. Jeff chimes in, if I were in your shoes, wouldn't go perpetual, gives ability of 1 landowner to prevent future development, suggest maybe a longer term maybe 80 years. [6:20:17 PM](#) Horowitz is there another way, creatively, ties to a redevelopment plan? Linnet, maybe another clause, deed restriction could be terminated or transferred somewhere else. Also don't want to see affordable housing disappear, can we address both of these issues. [6:21:56 PM](#) Harville, responds, don't recall sending 40 years, most units are in perpetuity, if needs to be redeveloped, BCHA has ability to terminate that covenant. Linnet, BCHA has ability to renegotiate that redevelopment. [6:23:24 PM](#) Cabilik adds, large scale project has to negotiate with 12 owners, how do I as a developer, acquire these units to redevelop them? Horowitz feels that Jeff and Simms can come up with a solution. Harville, suggests "in accordance with BCHA covenants, gives them authority to negotiate due to certain events. Linnet is okay with that suggestion. Husbands and Thea and Burke are in support of that idea.

[6:25:55 PM](#) Thea asks questions on energy efficiencies, clean energy goal by 2045, what are we doing with new buildings, solar or other options to help with these goals. Are there any conservation measures in place? Cabilik responds, electric vehicles, have been putting rough ins for electric car charging in the garages. Cane speaks, [6:27:44 PM](#) flat roofs can accommodate solar easily, Thea asks about rough-ins for solar? Cane and Cabilik will look at this. Development like this is naturally more efficient. [6:29:50 PM](#) Husbands, comments on waste. Interviewing contractors right now, would like to use local builders, but have been talking to CSDI at Blaine Manor.

Public hearing:

[6:31:19 PM](#) Elizabeth Jeffrey, Hailey resident on North 3rd Ave; wiring for solar is a huge money saver and for wire for gas or electric utilities, would like them to look into this. 50% of construction waste was corrugated cardboard, hopefully that will get recycled.

[6:33:20 PM](#) Cabilik, they are all electric units, no gas. Cane, just started a zero-carbon initiative, looking for stuff to do as a firm, will discuss this. [6:34:04 PM](#) Linnet, parking comment, studying this site for another developer, parking requirement was the biggest hindrance for apartments. Burke, feels like we can learn a lot from them. Cane, Horowitz has been great, working on another project with her. Horowitz, we've had recycling during construction for many years, should already be adhered to.

[6:36:02 PM](#) Linnet suggests perpetual deed restriction.

[6:36:18 PM](#) Husbands, \$375,000 cost, city of Hailey has option to purchase, would like to know if there are any employees interested in purchasing before turned over to BCHA. [6:37:08 PM](#)

Husbands wants to know what happens after 1 year, rent vs. purchase. Suggest having 60 days to find city employee, can only rent for 1 year then need to sell. [6:38:14 PM](#) Linnet, BCHA does not support short-term rentals. Any rental has to be done through BCHA office, can be in line with what City wants. Husbands, would like to find people to live here. Curious on income and assets, Husbands suggests that [6:39:36 PM](#) maybe you have assets but no income. [6:40:07 PM](#) Husbands, AMI. \$75,000 income, assets someone may have enough assets to purchase without income, trying to make sure there is a level playing field. Horowitz [6:41:55 PM](#) Linnet suggests an extension in time. Bowers responds, [6:42:43 PM](#) have 15 days in there now, as a formality, we will have 1 ½ years for city to decide if they want to purchase. 15 days is after C of O is issued. [6:43:30 PM](#) Cabilik, happy to give longer time, but not tied to the C of O, happy to do 60 days. Bowers, can come up with another trigger point as well. Cabilik suggests trigger of recorded plat. [6:44:48 PM](#) Simms, suggests keeping with language right now, instead of final plat, would have shorter notice if change. [6:45:32 PM](#) Bowers, want 60 days, developer will provide 60-day notice, to start that term running. If city purchased these, would need 120 days to put in front of voters.

Council deliberation;

[6:46:43 PM](#) Thea, not sure where we ended with her requests, not sure if they are conditions but would like to see these. [6:47:39 PM](#) Simms responds to Burke's question, under the PUD, suggests next meeting.

[6:48:22 PM](#) Linnet supports project with minor conditions discussed. Thea agrees. Horowitz can work with design team.

[6:49:38 PM](#) Simms suggests to continue in 2 weeks. Cabilik okay with this? Bowers asks? Horowitz, asks can we put on consent. Cabilik 60-day notice, or perpetual,

[6:51:19 PM](#) Burke asks council to consider approve with conditions to include items discussed.

[6:51:47 PM](#) **Thea, moves to approve 410 N. River Street with conditions 1-8, seconded by Husbands. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes. Consider PUD in 2 weeks.**

[6:53:58 PM](#) **Motion to extend consideration of the PUD agreement in 2-weeks made by Linnet, seconded by Thea. Motion passed with roll call vote; Linnet, yes. Thea, yes. Martinez, yes. Husbands, yes.**

PH 373 Consideration of Final Plat Application by Tanner Investments, LLC, represented by Galena Engineering, wherein Lots 1-7, Block 86, Woodside No. 25 are reconfigured creating lots six lots ranging in size from 17,426 square feet to 17,556 square feet, and motion to approve the Resolution 2021-____, authorizing the mayor's signature on the Security Agreement related to the Final Plat of Lots 1-7, Block 86, Woodside No. 25. ACTION ITEM

[6:55:14 PM](#) Stahlnecker presents for Galena Engineering on behalf of Tanner Investments, almost complete with first building, want to be able to sell that building before starting on next

phase. Tanner is online. [6:56:49 PM](#) phasing, north half is taking precedent, will be completed prior to any sale. Security provided for landscaping, on north half of subdivision. [6:57:52 PM](#) Horowitz, have not received letter of credit yet, ask for continuation before approval.

Public hearing: [6:58:29 PM](#) no comments.

[6:58:44 PM](#) Stahlnecker, goal is to close on one property in November, asks for approval with condition. Simms, don't have a problem with that, but want to make sure we are doing our due diligence.

[6:59:34 PM](#) Thea, asks for energy efficiencies in the building, need to be doing this going forward. Horowitz, we don't have this in our subdivision code, would need to change our code in order to ask for this requirement.

[7:01:19 PM](#) Thea moves to continue to next meeting Nov. 8th for final plat with Resolution 2021-109, Linnet seconds. Motion passed with roll call vote, Husbands, yes. Thea, yes. Linnet, yes. Martinez, yes.

Mayor moves cardboard discussion next. Martinez, leaves meeting.

OLD BUSINESS:

OB 375 Cardboard Compactor/Glass Roll-Off Bin relocation to 611 South 3rd Ave – neighborhood concerns. ACTION ITEM

[7:03:21 PM](#) Yeager opens this item, mailed out notice to adjoining within 300 feet.

[7:04:55 PM](#) Linda Haavik, has lived by site for 40 years, how often picked up, and noise.

[7:05:43 PM](#) Yeager attempts to answer question. Cardboard compactor and glass roll off container. What we have now, noise with existing dumpster, glass makes a lot of noise and trucks picking up makes noise. [7:06:45 PM](#) access ports are higher, noise dampening, when hauling off, pick up the container, not empty it like today, and will pick up less frequently. Cardboard compactor, should make minimal noise. [7:07:44 PM](#) Haavik, the current noise is ridiculous glass going in and picking up is very loud. Emptying very often right now and very early in the morning. The increase in traffic on this street, being used as a freeway, Budweiser and Coca Cola trucks drive on this road. Speed is crazy, traffic going to ice rink. Lot next to grange is being used as a drop-off area for events at the Grange, often a semi-truck delivering goods to the site. [7:10:45 PM](#) not sure this use meets your code. Haavik has done analysis, don't think this is okay in this zone. Drive up recycling is not for a city purpose, have seen contractors unload cardboard at this site. Haavik is concerned that this is turning into an industrial use. Happy to hand out her analysis to council. [7:13:20 PM](#) Yeager, Horowitz looking up code.

[7:13:41 PM](#) Bob and Caron Shay, echoes Haavik's comments, residential area, not proper place for industrial use as she described. If River Street cardboard recycling closes, won't be able to keep up.

[7:15:23 PM](#) Horowitz, weighs in, considers this a public use, did not consider it a public utility facility, yes it is a conditional use for the area, Yeager, cardboard and glass are already there, 2 bins to replace the 4 bins.

[7:16:20 PM](#) Thea, slightly different, huge volume increase, Yeager, yes correct. Concerned about traffic.

[7:17:08 PM](#) Yeager the current park n ride location is immediately adjacent to residential area, also attempted to tuck containers behind buildings. Traffic will continue to be there. Fosbury, 5 minutes, saw 5 cars come by. Thoughts were to locate this facility to centrally located spot and easily get to the dumpster.

[7:18:53 PM](#) Husbands, sympathizes, peace and quiet, don't think any resident wants this by their house. Is there anywhere else we can put this? Yeager, we've looked at several other sites, airport west, off the beaten path, already traffic problem, adds Burke. Thea, what about out Croy Canyon? Yeager, county will have additional locations in the county. Yeager, have looked at other sites too.

[7:20:55 PM](#) Linnet asks, how does this site interact with cardboard pick up if that were to happen? Yeager, this would be used instead of cardboard curbside. Linnet thought we were going to revisit curbside pick-up, that would reduce traffic. Yeager, correct. [7:22:23 PM](#) Dawson, our plan is to discuss this further with Clear Creek as well as composting. That discussion is still to come. If council were to go forward with composting drop-off site, likely this site would not be able to absorb that use as well. In this case, staff has been driven by council's goal, to continue this use in a central location for greater recycling efforts. Can use existing sites, Ohio Gulch and county. [7:24:18 PM](#) Linnet should have drop off card board and glass in City, where located is discussion. Sounds like new dumpsters would be more quiet, but will increase traffic for this site, potential crux of the question.

[7:26:04 PM](#) Haavik, never have liked this use at this area. And in the General Residential area, don't think it is allowed, conditional use. Horowitz, at street shop would be conditional use.

[7:27:01 PM](#) Linnet, 1 piece of a larger conversation, hoping to add curbside recycling. Curbside more convenient, but came at a cost. Would folks be able to reduce garbage can size if we provided curbside composting and cardboard. Feel we need drop off for glass and cardboard. If curbside services offered in future would reduce drop off traffic.

[7:29:44 PM](#) Bob Shay comments again, why was this put at the fire department anyway.

[7:30:09 PM](#) Thea, hopeful we will do curbside. If we never considered curbside, would want this drop off more centrally in town. But, feels this may be okay in an industrial area.

Burke as Horowitz to reschedule to a future agenda.

[7:32:03 PM](#) Husbands, concurs with curbside recycling, need to consider a site away from residential areas. Linnet agrees with Husbands.

OB 374 Discussion of the Sunbeam Subdivision surface water infrastructure. ACTION ITEM

[7:33:19 PM](#) Yeager opens with this item. As part of entitlement process, construction of a park, required to build a surface water off of the canal, question has come up, is the cost of installing this a worthwhile infrastructure? At Curtis and other parks, in a good year, struggle to keep them working, concept is good and sound in practice. What is the most efficient use of this money, cost for approx. \$63,000, canal improvements also. Is this worthwhile for intermittent use or worthwhile to redirect this to another area. [7:36:07 PM](#) test well casing, transfer more water right, to irrigate park. Staff is asking to reallocate for installation equivalent \$63,000, for city to use for improvements to city irrigation system. Want council to weigh in on this.

[7:37:33 PM](#) Thea, if this is to be used for irrigation of the park, what would that something else be? Yeager, served by public water supply, this money could be used to drill test well, to find water, if move, can use to irrigate park if move water rights to the approximately 7-acre park.

Burke is okay with this approach. Thea sounds silly and should think about something that makes more sense. Yeager if we had reliable water right consistent, then would be good.

[7:40:51 PM](#) Linnet, nothing to add. Thea, asks about water right, Yeager, water rights in the bank, transfer our cemetery water right to the new test well to put water on the park.

[7:42:18 PM](#) **Husbands moves to accept staff recommendation to spend money on test well, Linnet seconds. Motion passed with roll call vote; Linnet, yes. Thea, yes. Husbands, yes.**

STAFF REPORTS:

[7:43:12 PM](#) Yeager will be looking for a recycle area in the center of town. Won't be able to construct the pad for the roll out pad this year. Burke.

[7:45:01 PM](#) Dawson comments, big shift to LI, will continue to look at new site.

[7:47:11 PM](#) Horowitz asphalt is now in Quigley, thanks to Kelly Schwarz.

[7:47:51 PM](#) Linnet asked about Main Street flooding? Yeager, ITD main street project, the felt has not been removed from the drains. Last Wednesday, concerned with weather, ITD is struggling to get Knife River back on site. Our next issue, worried about felt freezing inside of our drainage system. Emailed ITD, asking to whom do we send the billing and damages incurred, they forwarded that email to Knife River. They (ITD) are struggling with contractor. Thea asked about striping, Yeager can measure if asked. Yeager what was supposed to be inside travel lane of 11 feet, not what we wanted, could grind off striping and restripe. More discussion on

challenges with paving project. [7:53:01 PM](#) Yeager, options, shoot for restriping during the chip seal project in 2 years.

[7:54:54 PM](#) Linnet asks about flashing crosswalks at Croy and Main, ITD will replace it but don't have a date of completion.

Discussion about writing a letter to ITD. And concerns about removing the felt from drains.

[7:57:25 PM](#) **Thea moves to adjourn, Husbands seconds, motion passed unanimously.**