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.

5:29:39 PM Call to order by Mayor Haemmerle

Amended agenda, 5:29:57 PM Burke moves to approve amended agenda with CA 491, seconded by Cooley, motion passed unanimously.

Open Session for Public Comments:

No public comments.

CONSENT AGENDA:

CA 467 Motion to adopt Resolution 2018-147 authorizing the ratification of electronically submitted grant agreement with the Hailey Library and Idaho Community Fund for a pre-literacy “baby-time” program once a week ACTION ITEM .................................................................

CA 468 Motion to approve and authorize the Mayor to sign the Tree City USA application ACTION ITEM ..............

CA 469 Motion to adopt Resolution 2018-148, authorizing Grant Agreement Amendment No. 2 with the Idaho Water Resource Board to extend the Water Smarty grant agreement to December 31, 2019 ACTION ITEM ..........

CA 470 Motion to adopt Resolution 2018-149, authorizing the mayor’s signature on Change Order No. 1 to Della View Drainage Improvements project to decrease the contract by $22,527.61 for project modifications and to modify the project completion schedule ACTION ITEM..............................

CA 471 Motion to adopt Resolution 2018-150, authorizing Pay Estimate No. 2 on the Water System Pressure Reducing Station project in the amount of $2,259.00, and authorizing release of retainage in the amount of $3,926.23, for work completed on the Water System Pressure Reducing Station project ACTION ITEM..............................

CA 472 Motion to approve Resolution 2018-151, authorizing amended loader lease agreement for a 2018 Caterpillar 938M Wheel Loader s/n J3R05324 ACTION ITEM ........................................................

CA 473 Motion to approve Resolution 2018-152, authorizing the adoption of two contracts with CenturyLink for FiberPlus internet connection for 12 months at $325/month per contract, one contract for City Hall/Library and the other for the Police Station ACTION ITEM ..............................................

CA 474 Motion to adopt Resolution 2018-153 - Employee Handbook revisions authorizing an amendment to Hailey’s Personnel Handbook, Sections III.E, III.F, and IV.G, to compensate full time employees, including seasonal employees, for six holidays at holiday time plus time and a half ACTION ITEM..............................................

*CA 491 Motion to approve Resolution 2018-____, authorizing City officials to accept and sign Regence Blue Shield Employee Choice Health Plan Contracts, with updated benefit plans and costs for calendar year 2019 (handout)

CA 475 Motion to approve Resolution 2018-154, authorizing Surplus Property and proper destruction or removal to the property according to procedures ACTION ITEM ............................................................

CA 476 Motion to approve Proclamation for Hailey Public Library’s Centennial celebration in 2019 ACTION ITEM......

CA 477 Motion to approve taxi business renewals for 2019 ACTION ITEM ........................................................................

CA 478 Motion to approve minutes of November 26, 2018 and to suspend reading of them ACTION ITEM ..............
Motion to approve claims for expenses incurred during the month of November, 2018, and claims for expenses due by contract in December, 2018 ACTION ITEM

Motion to approve unaudited Treasurer’s report from November 2018 ACTION ITEM


APPOINTMENTS AND AWARDS:

Sun Valley Air Service Board Appointment with Resolution 2018-155 ACTION ITEM


FMAA Appointment with Resolution 2018-156 ACTION ITEM


Joint Fire Board Appointments with Resolution 2018-157 ACTION ITEM

5:33:01 PM Thea moves to approve Resolution 2018-157 appointing Martha Burke and Pat Cooley to another 1-year term, seconded by Engelhardt, motion passed unanimously.

Planning & Zoning Commissioner Reappointment with Resolution 2018-158 ACTION ITEM


Tree Committee Appointments with Resolution 2018-159 ACTION ITEM


PUBLIC HEARINGS:

Consideration of a Preliminary Plat Application for Carbonate View Subdivision, represented by Galena Engineering on behalf of W Squared, LLC, where Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey is resubdivided into fourteen (14) single family lots, ranging in size from 7,053 square feet to 9,500 square feet. All of the lots will have frontage on W. Chestnut Street. A 28,646 square feet open space parcel is proposed as open space. A 35 foot wide public utility and public access easement is proposed between Lots 11 and 10 connecting Chestnut Street to Parcel A,
Sherwood Forest Subdivision. The project is located in the General Residential (GR) Zoning and Floodplain Overlay Districts ACTION ITEM

5:36:05 PM Engelhardt recuses himself from this conversation as he has already participated in this discussion when this was presented to the Planning and Zoning Commission.

5:36:29 PM Burke discloses that she has made a couple of field visits to this site. And Burke spoke with Connie French at Dr. Whipple’s office, Gay Bennett and Burke spoke on how to couch a letter. Burke visited the site today, also visited site when syringa school was proposed.

Mayor Haemmerle asked Burke what the comments are: 5:37:42 PM Burke replied, Connie French, wished she had signed the petition at the time it was presented to her. And she thought it was appropriate to have a bike path, and fire access but not a road for general purposes.

Mayor Haemmerle has not had any exparte conversations on this matter.

5:38:32 PM Cooley had a site visit, exparte conversation with one of the residents who asked why a site visit was not scheduled for the council. And discussed challenges of doing a site visit.

5:39:04 PM Thea visited the site, but did not see anyone when she visited, and has not spoken to anyone about this project.

5:39:33 PM Attorney Chris Simms asks Burke if she is able to be impartial based on the exparte conversations she has had. Burke replied, she is very comfortable and open to this topic. Simms asks the same of Cooley and Thea. They replied same as Burke, comfortable.

5:39:57 PM Mayor Haemmerle discusses the plan in limiting tonight’s discussion to the topic of the road, as this is the issue. Please limit comments to 3 minutes out of respect, please try to keep it at that.

5:41:30 PM Lisa Horowitz gave an overview of staff recommendation of the road. Horowitz shows a map, shown in green is parcel A, if Almond street were extended it would go through the green area. Horowitz shows another slide of the original plat and discusses a 60 foot wide area, dedicated to the city of Hailey, for public access. Staff felt that the intent, dedicated 39 years ago, that a road would connect the parcels when the property was developed. In total there are 39 developed lots in Robin Hood subdivision, yellow lots are undeveloped. According to fire code, where there are more than 30 houses, there should be a second egress. Staff felt unanimous in identifying this as a 60 feet road access. Applicant proposes to have a private and limited public access.

5:45:39 PM Haemmerle asks what type of surface is required to meet fire code? Baledge responds, compacted road mix would pass fire code. Haemmerle, how do you plow compacted gravel. 5:46:20 PM Yeager, it is more important to consider what we can maintain, plowing a gravel road would not be good for our equipment. A 60 foot width is typical road in Hailey. 5:47:06 PM Horowitz, added there are no public roads in city less than 60 feet wide.
5:47:45 PM Gordon Flade presents for applicant. Refers to subdivision layout. They are not in favor of any road, for 39 years, nothing was done. 4 years ago, the city asked for an easement for public utilities, no attempt was made then to acquire a 60 foot wide road. This 14 lot subdivision has 4 access points into the subdivision. We are being asked to provide something that was ignored for 39 years. Even the traffic studies indicate that the road is not needed. Life safety is important to the applicant. We now reluctantly offered a 39-foot road, city won’t plow this road, we can take care of the snow removal of this road. We will make a road work, even though we don’t want one. At least consider this piece of property should be grand fathered as a foot path, used it openly and certainly if you drive by parcel A, nothing that resembles a road at the site. Flade asked the city to put signage there for emergency access only. If in 7 or 10 years, we need to allow public access, then we will do it later and applicant will continue to provide access. The road is not necessary. Flade feels that it was not important for so many years, so why now?

5:55:14 PM Sean Flynn Galena Engineering, speaks for applicant. The Planning and Zoning Commission asked that they look at traffic on this road, Hales engineering studied the area, and estimated the traffic counts in the neighborhood. They came up with 238 daily trips with complete build out of the 14 lots. In Peak hours 20 – 24 trips, which is 1 car every 2-3 minutes. In Conclusion, adding this road would not have a significant impact on how people came and left the neighborhoods. Hales Engineering concluded, from traffic standpoint, the road is not needed.

5:59:38 PM Ed Lawson represented applicant as legal counsel. Lawson views the city’s job in this as setting public policy, as guided by the subdivision standards, this application meets those standards without extension of the road. As Flade pointed out, there was a recent incident, where the City was okay with the 20-foot public access 4 years ago. There was a great deal of public comment against the road access. AS a compromise with a 36-foot private road, spanning the public access by 16 feet. Proposed as fire access, staff did not accept this, in interest of compromising, applicant offered the 36 foot private road signage as fire access only. It is frustrating that for almost 40 years, this has not been needed or desired. Why does the city want this now? The improvement cost would be significant for a road that is not needed. What would be an injustice would be to require this easement and then for another 40 or so years, nothing happens, and6:04:03 PM to deprive the owner of his property rights.

Public comments:

6:04:34 PM Martin Flannes lives on Robin Hood drive, and he has submitted public comments on December 4th. Flannes the connector street in not required by, the subdivision ord., fire code, traffic study, not in Hailey Transportation master plan, Sherwood Forest neighborhood is against it and signed a petition against it. Flannes, many residents nearby oppose this. Staff gives 2 reasons for the road, connectivity and life safety. Flannes, this could be a public pathway, which is a good solution, for a dual purpose, fire access and pedestrian access.

6:07:57 PM Richard Spaulding, Sherwood Forest resident, submitted public comments, and speaks in opposition of the road and pathway. The reason for the road has never been clear and he feels it is disingenuous. In 2014, city staff recommended path access, fire was not concerned
about the path. Connectivity was then used as the reason for the road. There are more problems with this solution than that he can list. The residents of Sherwood forest are not asking for much. If it’s not broken, don’t fix it.

6:11:28 PM Pam Gammon of Robin Hood drive agrees with Flannes and Rick Spaulding. Gammon disagrees with future development, it won’t be needed then either.

6:12:12 PM Sue Bashista has submitted comments, she read comments to council. For the 29 years, there has not been a need to create this access. If a road it put in, cars would be using the road and causing potential issues with pedestrians. In spring the road would act as a dam, and divert water. This would not be a problem if no road was put it. Parks and Lands Board doesn’t want a road. We all agreed to a fire access road. Please act on Sherwood forest citizens well-being.

6:15:01 PM John Cvetich resident on Robin Hood drive, he just purchased 510 Robin Hood Drive with the intent of it being a moose path. This could have been avoided, agrees with all who have spoken tonight including Flannes, and Rick Spaulding. The true facts, we can get out during fires or floods. Cvetic hopes council does not approve for the connecting street. Pathways for people is a good idea in place of the road. At this time, it is unneeded, unwanted; and advised, don’t be oppositional to neighbors.

6:17:40 PM Laura Bernard, moved here from Seattle where she was involved in planning of neighborhoods. Neighborhoods were developed based on what the neighbors wanted. Adjusted to real needs of people. Sherwood forest and china gardens, wish to have connectivity with neighbors, courage for your own vision, pathways for people supports pedestrian access and less car traffic. Forward thinking, don’t go backwards, be true to your visionary model. It would be shameful for a motorized roadway.

6:20:35 PM Steve Crosser Aspen Drive resident has submitted 3 letters in public comments. Hopes the 60-foot easement does not slip away. I’m sure the developer doesn’t want to give up his property. the Planning and Zoning Commission has given him 2 years to build the road. What if in 2 years, he doesn’t build the road? He may get lawyers/judges to say road not needed. If you wait 2 years, same people will be back here, saying they don’t want the road. 36 foot road, where are the easements? And other access areas placed. The city needs to take charge and build the 60 foot easement and build the road. The traffic on Chestnut street road can’t handle all the traffic for the future needs.

6:24:02 PM Chris Werth lives on aspen drive Elmwood sub, has submitted public comments, city should complete this road, ADU’s can double the population in this area. Climate change, greenbelt, no fuel reduction program, we’ve had numerous fires in this area. A road would be beneficial in case of any future fire.

6:25:43 PM Wade Vagias, lives on Robin Hood Drive, superintedent for Bryce Canyon prior to moving here. This is inconsistent with the Hailey Comprehensive Master Plan. Vagias, reads from the master plan, walking is in our future, not cars. Study left off, additional connection between the neighborhoods is not necessary. And secondly the traffic for this neighborhood is
likely to be very small compared with the cost associated with the road construction. 6:27:14 PM Vagias submitted a records request and spent the weekend reviewing 63 megabytes of emails. One email that stands out was regarding Bollards. Brian Yeager asked Mike Baledge to look into bollards for fire access and Baledge replied with an answer, “is no good enough?” Yeager replied to Baledge, would you look into this? Baledge replied, “It is 15 pages, is there a cliff notes version?” We have tried endlessly to meet with staff on this topic. There are very few people that want this street. We are willing to compromise, listen to what we are saying and preserve the integrity of our neighborhoods.

6:29:28 PM Ragna Caron, Robin Hood Drive resident is against the road, okay for fire and emergency access, don’t stress our neighborhood with car traffic. It is not a safe road, lots of blind corners, you are asking for accidents for all of this. Caron has submitted public comments. Important part, why are you pushing for a road?

6:31:14 PM Gay Hearst lives on Almond Street, she doesn’t understand why the city would give up the 60-foot easement. You should keep it, resulting in less density. They keep saying it would cause more flooding, what about houses causing more flooding. Hearst believes that city should not give up the easement, as far as pavement, okay for path, but don’t give up the easement. Doesn’t believe, she is on corner, no one has approach them about a petition. Hearst doesn’t believe the existing roads are set up for the new density in this area. If you kept this easement, there would be less development.

6:33:52 PM Ellen Shultz, Willow Street resident, agrees with Gay Hearst, she has submitted public comments, and wants the city to keep the easement. Kids walk all over this area without sidewalks. 14 houses with ADU’s is potentially dangerous, winter presents a big problem for these kids, the proposed density is inappropriate for the city. 75% of traffic will be coming through? If this street lessens traffic, she is in support of road.

6:35:48 PM Charlie Webster, Almond street resident, bought in 2004 to retire here. It is a beautiful, quiet neighborhood, now we have a development that will maximize. Completely sympathizes with Robin Hood residents to keep their neighborhood quiet. If it has to be there, the reason the 60 has an easement, maybe we need this 60 foot easement, do not give this up. Keep and maintain all that we have.

6:38:20 PM Robin Hood resident Barbara Spallino, is opposed to the 60-foot wide road, she doesn’t feel like this will be good for the neighborhoods, the traffic study determined that this is not necessary. We are both (neighborhoods) going to feel the brunt of it, there still will be traffic through china gardens. Either way, the road is not necessary.

6:39:56 PM Chris Gammon, Robin Hood resident speaks to council. China garden comments, residents want the developer to give up more property, so they give up their density and maybe go somewhere else to develop.

6:40:38 PM Susan Lidstone, Robin Hood Drive resident echoes what Wade Vagias said. After each meeting, the neighbors, everyone feels that noone is listening to the neighbors. She is not for the road. The Planning and Zoning Commission just blew us off, hopes it doesn’t happen
With the City Council.

6:41:35 PM Tanna Vagias, feels defeated in the public process. She has never been so defeated over and over again, feeling like opinions don’t matter. She has given hours of family time to provide her time to this subject. Disappointed in Planning and Zoning Commission decision and feels it was swayed by city staff, hope council is different.

6:43:22 PM Eric Bergland Robin Hood Drive resident, can’t expand more from what Wade Vagias has said. Bergland really likes the pathways for people comments. More cars is not a good thing. Pathways for people is a great solution. Cannot believe there is so much resistance to this.

Applicant rebuttal:

6:45:08 PM Ed Lawson thanks those that submitted public comments to this situation. Staff, Lisa Horowitz and Chris Simms have been trying to work out a resolution to this situation. China gardens doesn’t seem to oppose the street, but the density of the subdivision. Actually, this is 3 fewer lots than what the code allows. Applicant is mindful of development burdens, street will not eliminate traffic issues. There was a comment about 2 years to improve the road, 6:47:32 PM the reference was to a comment that staff made about the city portion would be developed within 2 years, not the applicant. Volume and traffic could double comments contradicted by the traffic study that was done. Conclusion of the traffic study, is that the road is not needed. Your discretion should be utilized. Everyone is in favor of a public pathway.

6:49:21 PM Gordon Flade, responds to the comment about floodplain development, we are not building in the floodplain in this subdivision.

6:49:58 PM Horowitz, references to a lot line amendment. We do not get into extension of roads, plat note: 20 foot public access easement parcel A, should provide unobstructed public access.

6:50:59 PM Haemmerle, when Syringa School was looking at this property, we were not examining these types of concerns. Horowitz, could not find discussions about this topic.

6:51:49 PM Horowitz, private roads can be as narrow as 36 feet. 6:52:15 PM anything less than 60, would need to be private road. Yeager comments.

6:52:37 PM Simms, council has wide discretion based on your deliberation, all options are available to you. 6:53:10 PM Haemmerle, no doubt fire code requires 2 accesses to the Robin Hood Subdivision, correct? Simms, replies, yes. And it must be at least 20 feet in width roadway surface, under fire code.

Council deliberation.

6:53:51 PM Cooley, heard a comment that there are no other 20 foot roadway accesses in the city, but there is one at woodside elementary, we have one on Echo Hills road that goes to the school. And it is unpaved.
6:55:03 PM Haemmerle is reluctant to turnover maintenance of fire access roads to Homeowner Associations.

6:55:25 PM Cooley adds, according to fire code, access is required. Cooley proposes, with respect the neighborhoods, 20-foot wide pathway is acceptable. Is not in favor giving up the 60 foot access, don’t want to give it away the future. 20 foot all weather roadway, easement up to 60 feet. Emergency access. Development is risky business, we may not use it at this time, we may need it in the future.

6:57:15 PM Thea, could we just clear what we need now and then keep access, 20-foot clear now and save the rest for later, this area is overgrown. Would that be acceptable? We have to stay in code. 2 more lots would turn this to non-conforming. Thea summarizes, ask for 60 feet, emergency vehicles, cut 20 feet now, save rest for later?

6:58:58 PM Cooley has history of removing structures, maintain access and structure free zones for years.

6:59:36 PM Burke, we do not give away streets or rights of way, unless there are no future public, health, safety concerns. If there are possibilities, we need to keep it, what is the proof that we don’t need it? We haven’t determined this need at this point. Burke refers to Oakland Hills fire, dozen people were killed because there was 1 road, people could not get out. Burke understands why you don’t want a road through here. This is not necessarily a top priority, but we don’t give up streets or rights of way. Burke’s concern, don’t chop up 60 feet right now. Burke is in favor of non-asphalt surface, not sure how to solve that problem, 60 foot right of way, 20 foot improved. Burke is fine with non-motorized path.

7:02:53 PM Haemmerle public testimony has been compelling on both sides. Before serving the public, we take an oath, raise our right hand to uphold the law. In this case, we are required to have 2 accesses to the property. Last year, Haemmerle traveling on Croy when fire started, one way in and one way out, it was a mess, it could have been very bad for all of us. Beaver Creek fire, frightening one way in and one way out. Paradise California, he has ridden there for many years, no one anticipated the rage of the fire that wiped out that town. Our job, fire code requires a second access for a fire lane. Haemmerle, likes connectivity of neighborhoods. There seems to be one consensus, you don’t want this. Haemmerle also believes in the 60 foot right of way, 7:06:48 PM Haemmerle continues, many years ago, council was wise in asking for one lot for access. We would be remiss in ignoring this. Haemmerle agrees with other council members, want the 60 foot access, but okay with a 20 foot fire access, maybe now, this could be something we could look at. We need the ability to develop a road if so wanted in the future. This plat needs to be configured with a 60 foot access and bring it back.

Simms confirms that would have to redo, and renotic the new application by applicant.

7:09:01 PM Thea asked why would this be a significant change? Simms explains, because the plat shows a 20 foot access with 36 foot easement.
7:09:56 PM Haemmerle suggests the 60 foot right of way, look at how it’s configured.

7:10:31 PM Cooley moves to reconfigure showing 60 foot right of way and 20 foot access, Burke seconded, Ed Lawson asks what happens to application? Haemmerle comments. 7:11:21 PM Simms clarifies options, move to table application, present amended application with suggested changes, move to continue to date certain, Lawson, this seems odd, what about the rest of the application, not ideal way to proceed. 7:12:51 PM Haemmerle, doesn’t get a sense that there are any objections to the other parts of application. Our motion is for a 60 foot right of way, we need to see how that looks. If plat is not re-presented amended, then we. Lawson asked for council to table discussion. 7:15:00 PM Cooley, withdraws his previous motion, and moves to table the matter to a date uncertain, Burke seconded, Thea, yes, Cooley, yes. Burke, yes.

7:15:45 PM Thea asks if we had not discussed the 60-foot access, then would we have continued the discussion on the application? Haemmerle, responding to the question, there was an overriding issue about the road access, that needed to be resolved first. The applicant has the option now, to change and it bring back, later.

7:17:29 PM ph 487 2nd application, Haemmerle should we table this also? Simms responds, yes, it needs to be considered at the same time.

PH 487 Consideration of a Flood Hazard Development Permit Application pursuant to Title 17, Section 17.04J, for Carbonate View Subdivision represented by Galena Engineering on behalf of W Squared, LLC located at West Chestnut Street, address TBD, Hailey (Tax Lot 8364 S. 9 & 16, T2N, R18E, Hailey Townsite. Portions of this property are located in the Flood Hazard Overlay District ACTION ITEM

7:18:14 PM Burke moves to table the flood hazard development permit application with the preliminary plat, Thea seconds, motion approved with roll call vote. Thea, yes. Cooley, yes. Burke, yes.

Haemmerle allows people in the room to depart.

Engelhardt rejoined the meeting.

STAFF REPORTS:

7:22:09 PM Brian Yeager, public works department, working towards updating the Transportation Master Plan. And we need to do this to position ourselves well for an application for a Build Grant. We are going through the RFQ process right now. Yeager explains plan, given the timeframe, we are hoping to bring this to council in the next meeting to expedite the process. Yeager wants to send an email invite to a member of council. Haemmerle, if that is a legal process, he doesn’t have issues with it. Simms will look into this. Haemmerle asks to make sure we are acting in completely lawful way. FMAA looks at every step in the process, RFQ’s and all other steps. 7:24:50 PM Thea would like to be involved with transportation. Cooley will be involved in Wastewater.
7:25:28 PM Horowitz, the new Welcome to Hailey sign, will christened on Dec 20th, later in the afternoon so you can see it at dusk. It is located in the right-of-way, close to the airport exit, where there is a gap in trees, near Ferguson Electric.

7:26:39 PM Dawson announced that the Christmas party is this Thurs at 5-7 at The Mint, upstairs.

7:27:01 PM Thea asks about consent agenda $22,000 Della View, Yeager replied. Function is still there, less impact.

7:28:13 PM Burke moves to adjourn meeting, Cooley seconds, motion approved unanimously.