

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD JULY 11, 2022
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 Lisa Horowitz, and City Clerk Mary Cone.

Call to Order:

[5:30:05 PM](#) call to order by Mayor Burke.

Open Session for Public Comments:

[5:31:25 PM](#) Joel Cater 620 E. Croy Street, thanks everyone. Been using paths on Croy, has issue with intersection at 2nd Ave. and E. Croy streets. People run through stop signs. Many people don't use the path because it is hard to transition away from path at intersection. Joel wants a 4 way stop there.

CONSENT AGENDA:

- [CA 221](#) Motion to adopt Resolution 2022-058, authorizing the Mayor to sign the Adopt A Park Agreement with ArborCare Resources, Inc. to oversee the health of the trees and vegetation of the Hailey Native Tree and Shrub Arboretum (Arboretum) during the 2022 park season **ACTION ITEM**
- [CA 222](#) Motion to approve Alcohol License Renewals **ACTION ITEM**
- [CA 223](#) Motion to approve New Alcohol License **ACTION ITEM**
- [CA 224](#) Motion to approve claims for expenses incurred during the month of June, 2022, and claims for expenses due by contract in July, 2022 **ACTION ITEM**

[5:33:19 PM](#) **Martinez moved to approve all consent agenda items, seconded by Linnet. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.**

MAYOR'S REMARKS:

[5:33:48 PM](#) Mayor Burke thanks all involved in the 4th of July events. Fire department starts the event with the parade, covering events and respond to all calls and accidents. It takes all departments to put on this event, enormously successful. Thanks to all.

APPOINTMENTS AND AWARDS:

- AA 225 Consideration of appointment with Resolution 2022-059, appointing Kristin Anderson to the Hailey Arts and Historic Preservation Commission (serving as a commissioner for the remainder of a three-year term expiring December 31, 2023). ACTION ITEM*

[5:35:36 PM](#) Martinez moves to approve Resolution 2022-059 appointing Kristin Anderson to the Arts and Historic Preservation Commission, Seconded by Thea. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.

PUBLIC HEARINGS:

PH 226 Consideration of Modifications to the Construction Drawings of Quigley Farms PUD wherein the proposed bike path is realigned due the limited availability in supplies. The proposed realignment has been shown in the attached plan set. ACTION ITEM

[5:36:34 PM](#) Davis opened this item, explains the plan generally, by referring to a map displayed to the room.

[5:37:40 PM](#) Dave Hennessey supply chain issues, simplifies the design, 2nd bridge will be done by BCRD? Nothing else to add, here for questions.

Public comments: [5:38:46 PM](#) there are none.

[5:38:56 PM](#) Thea, not a big change.

[5:39:08 PM](#) Husbands, asks, what will be used? Hennessey responds, using existing culverts.

[5:39:46 PM](#) Linnet sees one problem, connecting to existing bike path, proposal, will have to go out of way to go that direction, traveling either direction. Has a problem with removing the south bridge? If coming from soccer fields, would have incentive to ditch trail, ride on road, not path for a little bit. [5:41:28 PM](#) appreciates the challenges and cost savings and supply change issues. Thinks we should have a discussion about this. [5:42:03 PM](#) Hennessey agrees, not ideal situation, points to map, if only connectivity to bike path, then would share concerns. Hennessey points to other connectors. [5:43:56 PM](#) Linnet explains his thoughts, need to be careful about changing this plan, want to promote walking and biking. Linnet is most concerned about the South intersection. Is this acceptable or another solution. Thea asked if another bridge is an option.

[5:46:09 PM](#) Linnet inclined to continue until we can be shown alternative designs.

[5:46:36 PM](#) Burke, comes down to safety and maintenance.

[5:46:48 PM](#) Yeager, quality, time and budget, cost difference, savings, safety.

[5:47:14 PM](#) Thea, more convenience. Need better long-term solution.

[5:48:08 PM](#) Burke, are you okay with the North juncture? Linnet, is less of concern.

Thea, suggested look into other materials instead of steel.

Hennessey asked if council could approve the Eastern one.

[5:51:29 PM](#) Simms suggests continue to date certain.

Discussion generally about suggested proposal.

5:53:01 PM Linnet moves to continue item to July 25, 2022, Thea seconds. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.

PH 227 *Consideration of proposed Ordinance No. _____, a City-initiated Text Amendment to the Hailey Municipal Code, Title 10: Vehicles and Traffic, Chapter 10.40: Bicycles, to amend this standard to include Electric Bicycles (e-bikes) and alternative electric motored vehicles.* **ACTION ITEM**

5:54:10 PM Paige Neid presents this item, proposal to reflect usage of these new modes of bike. Same language that other municipalities and BCRD have adopted. Mark Davidson BCRD exec. Dir. Is present.

Davidson 5:55:42 PM BCRD, issue been in the works for many years, part of the bike / ped master plan. Momentum was lost during the pandemic. A recent article highlighted differences with code, in support of making unified policy. Without having this in place, not a lot we can do to enforce. We will have challenges in enforcement, BCRD has no jurisdiction to enforce, but can educate. Happy to answer any questions.

5:59:19 PM Linnet, asks why not include class 3 bikes? Neid responds, because they are capable of high speeds, not safe on bike path. Class 1 are pedal assist. Class 3 are also pedal assist.

6:00:35 PM Thea class 1 is the only true “pedal assist” bike. Linnet, is not allowing class 3, is that standard? Neid, yes, local and nationally that is true. 6:02:24 PM Davidson, need to take first step. 6:03:35 PM Linnet, why are we regulating bikes, we don’t regulate types of cars.

6:04:12 PM Davidson comments. Husbands, need speed limit signs posted on bike path. Thea comments, talked to all bike shops at the time, asked to educate consumers, don’t sell bikes that go over 20 mph.

6:06:10 PM England, get many complaints on bike path, also comments, bikes go over 20 mph. Enforcement is nearly impossible on the bike path. This is the safest route to make consistent with other entities, and educate accordingly.

Public comments:

6:07:31 PM Dawn Cieslik of 1141 Northridge Drive, comments about 15 mph on McKercher Blvd. speed limit around the schools, why not put same speed limit on bike path?

6:08:30 PM Joel Cater, main concern, coming up behind someone, what if someone is hard of hearing or has headphones. Cater suggests responsibility of people overcoming another person on the path, educate the responsibility.

6:10:23 PM Mark Davidson, BCRD is committed to doing education efforts, will start this soon, visible signs on path, online, paper.

6:11:01 PM Horowitz, Davidson, 15 mph in Hailey, would like consistency. Thea, within city limits, people should slow down on the path. Thea is a proponent to keeping the slower mph in city limits. 6:14:33 PM England, people are inclined to slow down, or yield because cars have right of way. 6:15:23 PM Linnet, do we really want to not include class 3 ebikes. Davidson

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comments, what gets difficult is to determine the class of bike. Linnet, speed limit is already there. Continued discussion about class types. [6:17:30 PM](#) class 3 bikes some of throttle some don't. Husbands, comes back to education. [6:21:05 PM](#) continued discussion on classes.

Burke suggests we bring this back? [6:22:28 PM](#) the question is 15 mph through city, class 3 included? How to we enforce? If people obey speed limit, then does class matter?

[6:24:11 PM](#) Public comments: Mark Davidson, advocates only class 1. Crossing line from bicycle, class 2 and 3 are becoming motorcycles.

Discussion about ordinance, does it include class 2 or not? Linnet thinks we need to be clearer.

[6:28:57 PM](#) Linnet wants to continue this item.

[6:29:24 PM](#) Simms, asks council to include PH 228 in the motion to continue.

[6:29:41 PM](#) **Linnet moves to continue both items PH 227 and PH 228 to August 8th, seconded by Thea. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.** [6:29:53 PM](#)

PH 228 Consideration of proposed Ordinance No. _____, a City-initiated Text Amendment to the Hailey Municipal Code, Title 12: Streets, Sidewalks, and Public Places, Chapter 12.04 Public Sidewalks, Pathways and Streets, and Snow Removal; and Chapter 12.12 Parks and Public Pathways, to amend these standards to vehicles over 750 watts, to allow for electric bicycles, alternative electric motored vehicles, wheelchairs, and other power-driven mobility devices.
ACTION ITEM

Continued to Aug 8, 2022 with previous item

PH 229 Consideration and tentative approval of Not to Exceed FYE 23 Budget for all funds ACTION ITEM

[6:30:58 PM](#) Horowitz, there were no changes to the budget from your previous meetings/discussions. Presented as what would be published in the paper.

Public comments: [6:31:46 PM](#) no comments.

Thea, asked about Lynn Barker's comments in previous meetings. Horowitz commented we have 2 employees spending 50% of their time on sustainability. 20% of their time goes to the regional sustainability efforts.

[6:35:07 PM](#) **Martinez, to adopt a tentative not-to-exceed budget in the amount of \$21,665,988 which shall be subject to additional public hearing but shall not be exceeded and direct staff to prepare the budget notice for Public Hearing, Thea seconds. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.**

PH 230 *Consideration of proposed Ordinance No. _____, an amendment of Hailey Code Section 6.04.030A, Nuisance dog language by deleting the word “public” from description of illegal conduct, to remove the requirement for the prosecutor to prove more than a single complaining witness is disturbed by enumerated bad dog behavior.* **ACTION ITEM**

[6:36:16 PM](#) Simms, this is housekeeping, would like to not have to prove the entire neighborhood has complaints.

Public comments: [6:37:50 PM](#) no comments

[6:38:19 PM](#) **Linnet moves to adopt Ord. no. 1308, conduct one reading by title only, Martinez seconds. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.**

[6:39:02 PM](#) **Mayor Burke conducts 1st and only reading of Ord. No. 1308, by title only.**

NEW BUSINESS:

NB 231 *Consideration of, and motion to authorize the mayor’s signature on, a Letter to the Blaine County Planning and Zoning Commission regarding the Quigley Ranch Subdivision, 24-lot development project, to be located directly adjacent to Hailey’s City Limits in Quigley Canyon, and within Hailey’s Area of City Impact.* **ACTION ITEM**

[6:40:10 PM](#) revised letter handed out today. Davis, revision is based on the annexation agreements. Consistent with that agreement. We revised letter to be consistent. On the screen is the proposal under review by Blaine County, shows parking in red circle. Parking East of development is new.

[6:42:00 PM](#) Simms, road standards would be built to city standards. Also points out, they have comment to our hope, overflow parallel parking, could be a point of debate.

[6:42:47 PM](#) Dave Hennessy, 2nd page, 2nd sentence, parking alongside Quigley Road. Our goal to provide parking in certain areas. We would discourage parking alongside the road. In addition to matching, proposing having a gravel non-paved 5 ft. path alongside the road.

[6:44:22 PM](#) Laski, revise sentence to suggest parallel parking along the road. Proposed plans to expand the parking expanded, in discussions with county on that now.

[6:45:08 PM](#) listen, Hennessy answers Thea’s question about road width. Thea, can we have a wider path? The road will be dedicated to the City, responds Hennessy. Deeded public road in perpetuity. [6:47:28 PM](#) Hennessy, there may be 16’ between road and path, may have room to widen, can discuss this with the County. [6:48:03 PM](#) Thea how many cars can park? Hennessey, 15. [6:48:20 PM](#)

Linnet appreciates the gravel path, whatever configuration to encourage walking and biking. Doesn’t have concerns with the letter. From legal perspective, can’t enforce no parking. Best

way to discourage is to have enough parking available. [6:50:27 PM](#) Laski, revise sentence, no intention on putting “no parking” signs. Linnet is okay with that.

[6:51:40 PM](#) Thea, wildlife standpoint, could we do signage similar to Old Cutters? Hennessy responds, absolutely, WRLT has conservation easement, will educate and post signs for wildlife.

[6:52:53 PM](#) Amy Trujillo with WRLT, want to educate the public, will continue working on this.

[6:53:43 PM](#) Simms, Hailey desires to allow public parking, Laski asks to simplify the sentence by just stating “no parking” signs prohibited. Simms, [6:56:33 PM](#) Laski and Hennessy are okay with this.

[6:57:32 PM](#) **Thea moves to approve letter to Blaine County with new language as suggested by Simms, Linnet seconds. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.**

NB 232 Introduction and Consideration of approval of Resolution 2022-_____ authorizing the Mayor’s signature on an Agreement for Site Access, allowing Idaho Department of Environmental Quality to enter Lions Park, pursuant to DEQ’s Voluntary Cleanup Program, created under Idaho Code Section 39-72, within the Brownfields Program, to allow final Design and Planning Phase preliminary to removal of fill materials. ACTION ITEM

[6:58:46 PM](#) Yeager, we don’t have detail that we need, scope of work. DEQ may not be committed to providing that in great detail. We may not have well detailed documents, before allowing access. Have spent time on phone with DEQ with Simms, may be at a point, contract, indemnifies the city. Linnet, but this document doesn’t do that. Linnet, the DEQ contact interprets this authorization as access through the entire project. [7:02:05 PM](#) Horowitz, money may go somewhere else. [7:02:29 PM](#) Linnet, this seems clear that access in phase 1 and phase 2. Linnet, seems low risk. Horowitz, seems to be a boiler plate agreement. [7:03:51 PM](#) Burke not prepared to walk away, but seems there is risk. [7:04:08 PM](#) Yeager, DEQ believes that this approval gives them access to perform work. Simms, suggests, language, now therefore, to removal of fill material, conditional on approval of scope of work. [7:05:10 PM](#) pg 166 of packet.

Thea and Linnet want to move forward.

[7:05:49 PM](#) Yeager, not sure the Resolution is binding on DEQ. Simms that is okay. Linnet suggests referencing the agreement. [7:06:33 PM](#) The phase 1 and 2 have been completed. Linnet feels we can appeal to DEQ, but Resolution should reference looking at the agreement.

[7:08:01 PM](#) Amy Trujillo with WRLT, thinks language in Resolution, shows intent of council. Discussion ensues about the draft access agreement between Simms and Linnet.

[7:10:37 PM](#) **Linnet moves to approve Resolution 2022-060, authorizing access agreement, with suggested Resolution revisions by Simms, Martinez seconds Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.**

OLD BUSINESS:

OB 233 2nd Reading of Ordinance No. 1305 a City-Initiated Text Amendment to the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.07: Supplementary Location and Bulk Requirements, Section 17.07.030.02: Construction Trailers, RVs and ATVs, to allow for licensed, operational RVs to be used on private property when such property is operating under a valid Building Permit **ACTION ITEM**

[7:12:00 PM](#) Burke conducts 2nd Reading of Ordinance No. 1305, by title only.

OB 234 2nd Reading of Ordinance No. 1306, a City-Initiated Text Amendment to the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.02: Definitions, Section 17.02.020: Meaning of Terms or Words, to add the various definitions of solar energy systems to provide clarity and opportunity concerning the development of solar resources **ACTION ITEM**

[7:13:33 PM](#) Burke conducts 2nd Reading of Ordinance No. 1306, by title only.

STAFF REPORTS:

[7:14:53 PM](#) Thea, has 3 things, always stop on Croy Street, would like a discussion on that. Yeager will bring back as an agenda item to discuss. Burke will agenda this topic. [7:16:19 PM](#) stop signs on River, Yeager, that is on next agenda. [7:16:36 PM](#) Thea, Myrtle, roundabout temporary, seemed to slow down traffic. Neighbors would like to have them back, prevents bigger trucks from going through. Yeager responds, haven't had complaints. England, traffic complaints were during the construction detour. [7:18:16 PM](#) Yeager continues to discuss that intersection. Yeager suggests putting up speed signs on McKercher, having lights off, collect data and see if people are speeding. [7:20:15 PM](#) Thea, Natural Grocers, chatting with friend, saw several people walking across the street between grocery store and hotel, what about putting a cross walk there? Yeager, seems reasonable proposal. Horowitz thought there was a cross walk there before ITD repaved the road. Yeager does not have opposition to a thermoplastic project there, will discuss with K. Schwarz.

[7:23:06 PM](#) Husbands, when will water be turned on? BCRD says it is our responsibility. Yeager responds, fountain on bike path is responsibility. Yeager, it was disconnected for plumbing reasons he will check into that.

[7:24:41 PM](#) Martinez, shout out to Police and Fire to July 4th events. Englands, congrats to Parks on cleaning. Yeager, we are very behind on Parks projects.

[7:26:00 PM](#) Horowitz responds to Thea's question about grass.

[7:26:19 PM](#) Motion to adjourn made by Martinez seconded by Linnet, motion passed unanimously.