

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD AUGUST 8, 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.

[5:29:26 PM](#) Call to order by Mayor Burke.

Open Session: [5:30:01 PM](#) no comments.

**CONSENT AGENDA:**

- [CA 258](#) Motion to authorize waiver of construction noise ordinance limits to Friedman Memorial Airport for runway rehabilitation, which waiver would allow construction activities overnight between 10 pm and 7 am during the period from September 10th - September 20th, 2022 **ACTION ITEM** .....
- [CA 259](#) Motion to adopt Resolution 2022-064, authorizing the Mayor’s signature on Change Order No. 1 with Skyline Excavation and Grading, for the Community Campus Sewer Line Relocation project, and to authorize final payment of \$133,774.37 on this project. **ACTION ITEM** .....
- [CA 260](#) Motion to approve Resolution 2022-065, authorizing the mayor’s signature on a bond release for the Security Agreement related to the Final Plat of Lots 1, 2 and a Public Alley Right-of-Way of Blaine Manor Subdivision. **ACTION ITEM** .....
- [CA 261](#) Motion to approve Alcohol License Renewals **ACTION ITEM** .....
- [CA 262](#) Motion to approve and ratify the mayor’s signature on the Findings of Fact, Conclusions of Law and Decision for the Final Plat Application by ARCH Community Housing Trust for Blaine Manor Subdivision, represented by Galena Engineering, wherein Lot 3A, Block 1, Wertheimer Park (706 South Main Street) is subdivided into Lots 1, 2, and a Public Alley Right-Of-Way (ROW) on Block 1 in the Business (B) and Townsite Overlay (TO) Zoning Districts. **ACTION ITEM** .....
- [CA 263](#) Motion to approve the Findings of Fact, Conclusions of Law and Decision for the Preliminary Plat Application by TVIV Quigley, LLC, wherein Block 5, Quigley Farms Subdivision (Fox Acres Road and Quigley Farm Road) is subdivided to create nine (9) lots. **ACTION ITEM** .....
- [CA 264](#) Motion to approve the Findings of Fact, Conclusions of Law and Decision for the Preliminary Plat Application by TVIV Quigley, LLC, wherein Block 6, Quigley Farms Subdivision (Fox Acres Road and Quigley Farm Road) is subdivided to create twelve (12) lots. **ACTION ITEM** .....
- [CA 265](#) Motion to approve minutes of July 25, 2022 and to suspend reading of them **ACTION ITEM**.....
- [CA 266](#) Motion to approve claims for expenses incurred during the month of July 2022, and claims for expenses due by contract in August, 2022 **ACTION ITEM** .....

[5:30:18 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:**

*MR 267 Recognition of an outstanding Hailey citizen, Bob Wiederrick, for his time and dedication to the City of Hailey (no documents)*

[5:30:43 PM](#) Mayor Burke has pleasure to recognize Bob Wiederrick, we thank you for your love of our city. Applause. Wiederrick, happy to help with the parks. His children enjoyed the parks when they were young.

## **PUBLIC HEARINGS:**

*PH 268 Consideration of an amendment to the Sunbeam Subdivision Planned Unit Development (PUD) Agreement between Marathon Partners, LLC and City of Hailey, which was approved by the Hailey City Council on June 8, 2020. The Applicant is requesting a reduction in the overall density of Phase II. The proposal is to reduce the number of single-family lots from 109 lots to 108 lots, and to reduce the total number of cottage sublots from 38 sublots to 24 sublots. This reduces the total number of residential units from 147 units to 132 units. The Applicant is also proposing to eliminate the vehicular connection from El Dorado Lane into the Sunbeam Subdivision, and is proposing a pedestrian only connection in its place. **ACTION ITEM***

[5:32:18 PM](#) Davis opens with this item. Approved PUD in May of 2020. 147 residential units, 109 single family. PUD has more flexibility, density, setbacks, can be augmented. Under this PUD, applicant had opportunity to group like developments. We approved waivers, in the staff reports. Now applicant is going through application for phase II, requesting amendments to that PUD.

[5:34:24 PM](#) Simms, this is an application for a PUD agreement, discretion for council.

[5:34:57 PM](#) Ben Young Landscape Architect for the applicant speaks to council. [5:37:05 PM](#) BYLA has worked with applicant on phase I and phase II. Revisiting phase II, shows parcel on map. Benefits in phase I, 4 star rating green building standards, solar ready homes, dedicate water right for parks watering, well contribution, toe of the hill trail connections. Additional benefits, bike connector to Quigley Road. [5:40:51 PM](#) City asked for higher density on phase I. more benefits, park developed, park is larger than it needs to be, open space will be appreciated. Young, suggest to eliminate the cottage lots, lowering density, but in line with what was originally approved many years ago. Propose alleys on some streets, proposed pedestrian access from El Dorado lane. 14 less buildings and 1 less lot, slightly bigger than the phase I lots. [5:43:59 PM](#) don't see a reverse in the trend from people moving here since Covid. City code regulates the cottages, allows for wide variety of building, what you are getting now, are 2 story buildings maxed out to lot, injecting higher-density in a more rural neighborhood. [5:46:50 PM](#) What can we do to encourage diversity, (added alleys) solution, ADU's are the answer. Zoning has changed, wasn't there when the application was approved. All lots can have ADU's in Sunbeam. With ADU, could have 280 units. With the overlay district, how can we make it more desirable. [5:50:02 PM](#) Displays map showing potential build out of phase II showing some ADU's in pink on the plan, some access through alleys. [5:51:29 PM](#) Density, .26 acres, comparable to surrounding neighborhoods, not served by transit. Downtown is where you want more density. Feedback, suggested a pedestrian connection on El Dorado Lane, reducing traffic. Applicant is trying to reduce overall density and looking at cottage lots, incompatible with what they had envisioned. Hand over to Samantha Stahlnecker, [5:54:12 PM](#) Opal Engineering, amendment to the existing PUD. Weighing community benefits with the waivers. Shows substantial benefits compared to the waivers, still providing many benefits and asking for fewer

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waivers. Young mentioned Cottage lots, current real estate conditions, doesn't afford that product. CCR's prohibits short-term rentals. [5:57:11 PM](#) Streets and thoroughfares are suitable. Creates no additional costs, existing utility services are adequate. Each phase will work nicely with each other. In revised condition, benefits well outweigh the waivers. Proposed PUD is acceptable to the applicant. [5:59:35 PM](#) This is a reaction to what is happening in the market. Applicant would like to see ADU's now that they are available, rather than see unaffordable cottage units. [6:00:35 PM](#) Stahlnecker, this is a great solution for the community.

[6:01:01 PM](#) Simms, do you want to entertain another application.

[6:02:01 PM](#) Burke asks to see previous slides showing what was approved and what is proposed. Burke we have received about 55 public comments, please limit comments to 1.5 minutes or 2 minutes if you haven't submitted written comments.

[6:04:02 PM](#) public comments

[6:04:10 PM](#) Oliver Whitcomb, resident on Hiawatha Canal, thanks Ed Dumke for amazing work, agrees with all presented today. Neighborhood is very mousetrap like, can get lost easily, in support of changed PUD.

[6:05:35 PM](#) Ed Lawson attorney for Marathon Partners, different perspective.

[6:06:25 PM](#) Martha Bibb, submitted a letter, not clear how many, what is exact number reduction, not clear to her. Thinks we need an egress, and density. Not everyone is going to be in the same situation. Low income people will never be able to live there. Would have a diversity in income groups together.

[6:08:17 PM](#) Scott Runkel, climate change lens comments, important, 40% of emissions, applaud SunBeams design. Diversity in housing is a positive benefit. This has the potential to do that.

[6:09:42 PM](#) Sherry Thomas Boulder Mountain Property Management, for Sun Beam, cottages are a nightmare. Condos and townhouses have great CCR's and are more affordable. Hailey and Bellevue are missing the mark on those. Now, cottages, will not work. ADU's are coming through, have plans for an ADU in their lot in Sun Beam. Increased density with townhomes and condos.

[6:11:32 PM](#) Marc Corney, north end adjacent to this subdivision, has (designed) done a bunch of ADU's in Hailey, it is the most affordable way to add housing. The first PUD was good, this is better. These proposed lots would make it much easier to add ADU's. South end of Mother Lode Loop is a bad corner, okay with low traffic, but not sure with increased traffic.

[6:13:07 PM](#) Nick Maricich, realtor and hailey resident, has 2 year old daughter, thanks Ed for the park in Sun Beam, supports the applicants change. Have 90 year old mother, looking for cottage lots, now what is happening, \$1000/sq ft, his mother cannot afford it. Relying on ADU component, makes sense to him. If you look at Northridge 9, they are not affordable now. More propensity to car share if have an ADU. Supports change.

[6:15:46 PM](#) Robert Lonning old Hailey resident, reduced density, continuing to avoid housing crisis problem. Maybe the cottage homes aren't going to be cheap but they are the solution to the problem. Not in favor of the amendment.

[6:16:52 PM](#) Janet Carter, concern is the elimination of the road and making it a walking path. ADU's allowed in this area, will need more access, removing access doesn't make sense, don't mind the density.

[6:17:41 PM](#) Mary Car? Supports this application, submitted comments but has changed mind.

[6:18:07 PM](#) Angela Burrell, submitted letter, supports change, did not comment about El Dorado, if you are coming from Croy or Myrtle, it would require 5 or 6 turns just to get to this intersection, seems unnecessary, lots of kids on bikes and pets. Only 2% of traffic would likely use this access, study shows.

[6:19:50 PM](#) Larry Schwartz, Hailey resident, good application, asks council to discuss this very seriously, developer is trying, they know what is working and what isn't based on phase I. ADU's units are new, open to exploring how the city can use them. [6:21:11 PM](#) you are renegotiating and discuss this because new information has come about. Good presentation, and expect good conversations with Ed and his team.

[6:22:04 PM](#) Ed Lawson speaks to council, thanks public for participation. When it comes to public interest, a deal is not a deal. Take into consideration, you have a unique opportunity, to make this better. Ed Dumke is the reluctant developer, but he is delivering a great development. Dumke wants to deliver what the market will bear. He may not do phase II if he doesn't get these changes. A developer [6:24:21 PM](#), the only answer is, let's let him do this. We have a super star developer, no evidence to show that he is not correct, only responsible decision is to approve the modification being requested.

[6:25:39 PM](#) Davis provides perspective, every ADU comes to Community Development department, 27 ADU's ordinance effective Feb. 2021, mixture of all kinds. 10-12 of those ADU's are being used as family quarters. As developer, he has ability to regulate the design of the cottage units.

[6:27:20 PM](#) Martinez, thankful for your engagement of our community. To create best for the community. Concerns with diversity offered with the cottage units. We don't know how the ADU's will play out. [6:28:40 PM](#) [6:29:05 PM](#) would love to hear, a promise to see ADU's effective. Is open but like the cottage units with the diversity that it offers.

[6:30:32 PM](#) Linnet appreciates the difficulty in the cottage units, we are controlling infrastructure, comp plan says we should have varied plans. ADU's vs. cottages false. We negotiated, traditional neighborhood, reducing density, will not help housing issues we are having. These smaller cottages would provide smaller homes, provides diversity and smaller homes, certainly less expensive than larger lots. Public benefit, at this time, housing issues, cannot approve reduction in density, not in public interest. Want to keep as is.

[6:34:06 PM](#) Thea agrees, we need diversity in design, affordability is huge, overall, we should have smaller lot sizes, doesn't sit well with climate issues. Larger houses take more energy appreciate no short-term rentals allowed, but not sure how many ADU's we'd get out of it. Quigley has 20 plus affordable units, this has none. The data shows, cottage units are not affordable, can we discuss making some units affordable, none dedeed in the development. [6:36:39 PM](#) am sensitive to what is happening with the market, don't see an issue with condos or townhouses, diversity. [6:37:42 PM](#) the 2<sup>nd</sup> design, shows more uniformity, but likes the alleys.

[6:38:10 PM](#) Husbands, agrees with other's comments, affordability, diversity, for teachers, plumbers. Affordable housing would be great. ADU's are rented. Leaning towards leaving PUD as is.

[6:39:33 PM](#) Martinez, quickest way is best, in review process, have good information about traffic study.

[6:40:26 PM](#) **Linnet motion to deny, Martinez seconds, discussion ensues.**

[6:41:01 PM](#) Ben Young presents, to answer some questions posed tonight. He has employees, has difficulty bringing people here. We've rebooted opportunity, to have this discussion. We might come back with another proposal. Try getting a loan as a teacher, we are kidding ourselves, that product is not going to be the answer. There are differences in the lots, developer buys them, we could create some smaller lots, sells the small lot to individual. Maybe make smaller lots on a portion of the phase, we are after the solution.

[6:44:27 PM](#) Stalhnecker, put a lot of work in this amendment, many thoughts and ideas for providing affordable units. One discussion, 41 single family lots, provide smaller lots, developer and city both happy. Maybe still maintain the larger lots, look at creative solutions, incentive for ADU's, hope you are open to talking to developer. Invested in the community, appreciate your time.

[6:46:43 PM](#) Burke, you've heard our goal, provide mix of housing. Not the end of the discussion, if we let go, intent to have diversity, this would be a healthy community, don't want to lose the intent. [6:47:52 PM](#) house behind the mayor listed \$992,000, lovely. Would like to work with developer to find a way to move forward with some option.

Thea is open to discussion. Linnet, concerns, reduction in density, doesn't solve affordability problems. This amendment doesn't help that.

[6:49:52 PM](#) Simms, motion not necessary.

Martinez goal is to build the best neighborhood. Is hopeful.

[6:50:41 PM](#) Linnet moves to withdraw motion to deny, and makes motion to table, Thea seconds. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.

[6:51:21 PM](#) Stahlnecker, want to hear your ideas, thank you for the opportunity in working with you.

[6:53:17 PM](#) 5 minute recess.

[6:58:35 PM](#) reconvene

*PH 269 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 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 (Continued from July 11, 2022 meeting) ACTION ITEM*

[6:58:51 PM](#) Paige Nied, you discussed this, two meetings ago, staff researched local and national definitions, shows a graphic, 44 states and DC have adopted some ebikes language. 3 categories, green (defines ebikes) yellow (defines and has 3-tier classification system) and grey areas (no definition), definitions vary, local municipalities have adopted similar definitions, Ketchum Sun Valley, and Boise, don't have classification delineated. Staff suggests definition language, propulsion primarily by human power, broad definition, no classification mentioned, changes in future.

[7:03:46 PM](#) Thea, question, reconsidering speed limit. Discussion in general speed on paths. 20 mph seems high. Horowitz, enforcement is a concern. Consistency at this point in time may be the best approach. Other cities and county are not planning on changing their speed limit.

[7:05:37 PM](#) Linnet, 15 mph, with tail wind too slow, commuting, enforcement.

[7:06:29 PM](#) Mark Davidson, BCRD exec. Director, wood river trail is the "bike path." Multi-use path, there is no clean answer. Agrees with Thea and Linnet. Reasonable is different between everyone, congestion areas, suggest slowing down. No jurisdiction out there that can enforce on the pathway. Be kind, respectful, slow down. Adopt defensive driving on uncontrolled intersections. [7:09:52 PM](#) we recommend 20 mph, but between cities you may speed. [7:10:34 PM](#) Linnet, we have speed limits, consequences if someone gets hurt.

[7:11:23 PM](#) public comments

There are no comments.

[7:11:51 PM](#) Husbands, asks Davidson about education on speed limits. Davidson, have started signage, but need to do more, need better sign system, in conjunction with all jurisdictions. Helpful, every jurisdiction has something adopted.

[7:14:53 PM](#) Martinez we want to promote ebikes, good option for commuting.

Thea more general is better.

[7:17:28 PM](#) **Martinez moves to approve Ordinance No. 1307 on ebikes, read by title only, seconded by Linnet. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.**

[7:18:15 PM](#) **Mayor Burke conducts 1<sup>st</sup> Reading of Ordinance No. 1307 by title only.**

*PH 270 Public Hearing on proposed increase in water and wastewater user fees ACTION ITEM*

[7:19:19 PM](#) Yeager it is that time of year, water and wastewater user fees rates. There are 3 numbers to concern yourself with, connection, water user and potable water fee. Extensive spreadsheet, in packet, WW fees, user fees increased \$1.60 / 1000 gallons used. Water user fee, covers 25% of water dept. budget. 75% of it is covered by metered water fee. [7:21:47 PM](#) shown in table towards the bottom. Graph, shows source at time of year, see massive irrigation usage in the summer, deter people from using excessive amounts in the summer. [7:23:21 PM](#) 40,000 gallons is average usage. To visualize 600 sq. ft apt, [7:24:18 PM](#) 40,000 gallons (ceiling 9 ft. tall). Equivalent to 30 elephants in your yard. [7:26:34 PM](#) FERM capacity, is where you take your most viable source offline, (take highest producing well site offline), rest of water produced is the FERM capacity, Yeager explains. [7:27:26 PM](#) if 6,000 gallons used in winter, monthly bill would increase \$1.61. [7:28:32 PM](#) Thea asked, most common used amount? Yeager, not sure, depends on what month. Thea is interested in summer months. Most people are using under 40,000 / gallons used per month in the summer. Yeager shows meter usage rate calculation spreadsheet. Horowitz, asks, when started, Yeager responds, started in 1995, then Tom Hellen took it over, then took over when Tom Hellen left, been doing it since then. Horowitz give Yeager lots of credit for this spreadsheet.

[7:33:04 PM](#) public hearing

Scott Runkel, is there evidence, rates deter water use?

[7:34:07 PM](#) Yeager responds to the question. Only talking about increasing rates, \$8.13 per month. May be interest in punitive, we have to keep revenue and expenses in proportion, because it is an enterprise fund. Cannot transfer money to another department. In past we had water smart program, end of period, very few applicants, asked for 2 extensions from IDWR. Water conservation is a mind-set people need to adopt.

Linnet, looks good. Thea asked if we can do it again? Yeager, difficult to administer, didn't expend money we gave you the first time. Discussion ensues about this idea.

[7:39:27 PM](#) **Linnet moves to approve Resolution 2022-066 adopting water and wastewater increases, seconded by Martinez. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.**

*PH 271 Public Hearing on FY 2023 Budget to consider appropriating \$21,665,988 for general, water and wastewater operating funds, capital funds, and water and wastewater bond funds ACTION ITEM*

[7:40:46 PM](#) public comments

Scott Runkel, thanks staff and council and mayor for care that you put into your work. Representing climate action coalition. Electric trucks are hard to come by today. Let's defer purchasing diesel truck and get electric vehicles instead now. Working with Lynn Barker, goals upcoming, funding not sure yet, may be expenses in next year's budget.

[7:42:48 PM](#) Yeager responds, capital improvement plan, rolling stock in water, all vehicles are intended to be electric. 2 pick up trucks, could take a year or so on those, will wait on them.

No action needed tonight.

**STAFF REPORTS:**

[7:44:02 PM](#) Yeager, River Street URA project, aug. 24<sup>th</sup> or 25<sup>th</sup>, hope to be complete.

[7:44:43 PM](#) Baledge close to going to bid on new fire truck, purchase of vehicle, electric vehicle, no electric pumpers available, hybrids are very expensive, 3 times the cost of one they are looking to buy. Boise city did not purchase one.

Yeager, WW, purchasing electric lawn mower today at Costco.

[7:46:25 PM](#) Martinez, friend's father from Santa Fe visited here and complimented our town.

[7:46:39 PM](#) **Martinez moves to adjourn, Linnet seconds, motion passed.**