

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD OCTOBER 24, 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, and Heidi Husbands. Staff present included City Attorney Christopher P. Simms, City Administrator Lisa Horowitz, and Ellen Mandeville, substitute for City Clerk Mary Cone.

Sam Linnett was absent.

[5:30:09 PM](#) Meeting called to order by Mayor Burke.  
Any changes to the agenda? None

**PUBLIC COMMENTS:**

[5:30:39 PM](#) Bob Wiederrick, 1120 Quigley Road, Hailey, ID. Commented on multiple violations of Hailey city sign ordinance. He read from prepared remarks. Mr. Wiederrick commented on sign ordinance regarding political signs in city right of way. He gave the opinion that sign ordinance is selectively enforced.

**CONSENT AGENDA:**

- [CA 345](#) Motion to adopt Resolution 2022-096, authorizing the Mayor’s signature on City of Hailey Wastewater Planning Grant No.: WWG-458-2023-18 with the Idaho Department of Environmental Quality in the amount of \$43,000 for a Wastewater Facility Planning Study. **ACTION ITEM** .....
- [CA 346](#) Motion to adopt Resolution 2022-097, authorizing the Mayor’s signature on City of Hailey Drinking Water Grant No.: DWG-277-2023-28 with the Idaho Department of Environmental Quality in the amount of \$75,255 for a Drinking Water System Planning Study **ACTION ITEM**.....
- [CA 347](#) Motion to ratify a grant application to the US Department of Transportation Reconnecting Communities Pilot Grant Program requesting \$80,000 for a transportation planning study to reconnect our community. **ACTION ITEM** .....
- [CA 348](#) Motion to approve Resolution 2022-098, amending the Public Art Mural License Agreement to reflect the payment schedule for the Hop Porter Park Mural and legal name of the artist, Juan D. Estrada. **ACTION ITEM**.
- [CA 349](#) Motion to approve Resolution 2022-099, authorizing a contract for services with Frederick Allington, Esq. in the amount of \$50,636 for prosecution of misdemeanor services for FY 22/23 **ACTION ITEM**.....
- [CA 350](#) Motion to authorize the Mayors signature on the Baseline Conditions Report related to the recently approved Croy Canyon Conservation Easement (Resolution 2022-092) related closing documents for Oct 25<sup>th</sup> closing **ACTION ITEM** .....
- [CA 351](#) Motion to adopt Resolution 2022-100, authorizing a Memorandum of Understanding between Blaine County and the City of Hailey for snow removal services **ACTION ITEM**  
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- [CA 352](#) Motion to adopt Resolution 2022-101, authorizing the Mayor’s signature on Task Order #10 with HDR Engineering, in the amount of \$12,860, to provide a Technical Memorandum regarding phased implementation of membrane bioreactor (MBR) technology to increase Hailey Woodside WRF capacity. **ACTION ITEM** .....
- ~~[CA 353](#) Motion to approve installation bidding of the Woodside Ultraviolet (UV) Disinfection Equipment. **ACTION ITEM** .....~~

- ~~[CA 354](#) Motion to adopt Resolution 2022-102, authorizing an on-call agreement with Jacobs Engineering, to provide comments on traffic control revisions, amounts define in specific task orders forthcoming. ACTION ITEM.....~~
- ~~[CA 355](#) Motion to accept lease documents related to the Pumper Truck Lease with Mountain West Bank approved on October 12, 2022, with Resolution 2022-093. ACTION ITEM.....~~
- ~~[CA 356](#) Motion to reopen Area of City Impact negotiations with Blaine County and to submit to the Planning and Zoning Commission three questions as set forth in Idaho Code 67-6526(3)(b), and set a 90-day time period on the recommendation. ACTION ITEM.....~~
- [CA 357](#) Motion to approve the Findings of Fact, Conclusions of Law, and Decision for a Zone Change Application by Joan A. Williams Revocable Trust, for an amendment to the City of Hailey Zoning District Map, Section 17.05.020. The proposed change includes amending 910 North Main Street (Lot 1, Haven Armstrong Subdivision) from General Residential (GR) to Business (B). ACTION ITEM.....
- [CA 358](#) Motion to approve minutes of October 11, 2022 and to suspend reading of them. ACTION ITEM.....
- [CA 359](#) Motion to ratify claims for expenses paid in October, 2022. ACTION ITEM.....
- .....
- [CA 360](#) Motion to approve claims for expenses incurred during the month of September 2022, and claims for expenses due by contract in October, 2022. ACTION ITEM.....
- [CA 361](#) Motion to approve unaudited Treasurer's report for the month of September 2022. ACTION ITEM.....

CA 354, CA 353, CA 355, and CA 356 Pulled from consent agenda.

**5:35:51 PM** Martinez moved to approve all consent agenda items minus CA 353 – CA 356, seconded by Thea, motion passed with roll call vote Husbands, Thea, and Martinez: Aye.

CA 353: pulled by Brian Yeager. He corrected dates.

**5:37:14 PM** Juan moved to approve with corrected dates, Heidi seconded. Husbands, Thea, and Martinez: Aye

CA 354: Heidi pulled. She asked clarifying questions about existence of bicycle study. Brian answered with clarifying details.

**5:40:07 PM** Husbands moves to approve CA 354, Martinez seconded. Motion passed with roll call vote; Husbands, Thea, and Martinez: Aye; Mayor: I support that as well

CA 355: City Attorney pulled from consent agenda. Verbiage needed to be added to voting language.

**5:41:30 PM** Motion to approve and authorize the mayor to sign by Husbands, Thea seconded. Motion passed with roll call vote; Husbands, Thea, and Martinez: Aye

CA 356: Husbands pulled; wants an explanation regarding [property owner]. City Administrator Horowitz gave an explanation, new owner of Flying Hat, has requested a new ACI agreement with Blaine County. Council submits questions to Planning and Zoning Commission and then take that information to Blaine County. Discussion ensued between Mayor, Council Members, and City Administrator.

**5:45:42 PM** Husbands motioned to approve opening and amending the ACI, Martinez seconded. Motion passed with roll call vote; Husbands, Thea, and Martinez: Aye

Mayor commented that each item on a Consent Agenda takes hours and sometimes years to get to the point of being on the Consent Agenda. "This is the work of the city."

## **MAYOR'S REMARKS:**

It is my great pleasure to have Bob MacLeod speak to us.

## **PROCLAMATIONS AND PRESENTATIONS:**

PP 362 *Presentation: Bob McCleod, Blaine County Museum documents)*

(no

Bob MacLeod, 17 E. Myrtle, Hailey, ID. Bob MacLeod has been on the Museum's Board for 16 years. The museum is located at 208 N Main, Hailey, ID. Mr. MacLeod gave a synopsis of history of museum. The museum is open daily from Memorial Day to Labor Day. Statistics were given on numbers of visitors and upcoming events.

Mayor Burke: Museum has been refreshed and updated; it is remarkable!

Lisa Horowitz recognized Emily Jones' reporting on the Chinese history in Hailey.

Mayor Burke: Comments regarding asking for submissions on Chinese representation

## **PUBLIC HEARINGS:**

PH 363 *Consideration of Ordinance No. \_\_\_\_, an Ordinance amending Title 17: Zoning Regulations, Chapter 17.09: Parking and Loading Spaces, Section 17.09.040.02: Commercial, Professional, Service, Recreation, and Entertainment to change the parking requirement for theatres from one (1) parking stall per 4.5 persons to one (1) parking stall per one thousand (1,000) square feet of gross building area. The Applicant, Williams Family Trust, requests the text amendment to support the viability of a movie theatre business at 801 N. Main Street (Lots 2, Block 2) in the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts. ACTION ITEM*

[5:53:50 PM](#) Applicant team joined the meeting virtually. Robyn Davis introduced representatives of Williams Family Trust. Asking for amendment to requirement of movie theater parking stalls. Statistics were given on box office sales. Movie theater has not been operating in a profitable manner for ten years. William's family has subsidized box offices sales, which is not a sustainable solution. William's family wants to reduce the number of parking spaces because they take up valuable real estate. Family wants to develop parking space taken up by current parking lots to create a financially sustainable solution to movie theater. River Street did not connect through before parking lots were created. Movie theater owner worked with city to make River St connect from Empty Saddle to River Street to the south; city granted parking spaces to owner in response. Representative briefly stated potential development plans. Movie theater provides cultural enhancement to the city. Development could make movie theater viable. Representative gave reasons why preserving the movie theater is of benefit to City of Hailey. Representative discussed that street parking is adequate for the needs of a movie theater and overnight parking is not an issue. Representative asked for questions.

Mayor asked for questions and comments from public:

[6:08:23 PM](#) No comments from the public.

Heidi Husbands expressed concerns. A 28-unit housing unit is going in to the north. There is not enough parking spaces for that development. A study on River St and Empty Saddle is currently being conducted. We don't currently know the pedestrian, bicycle, and vehicular traffic in area.

Before member Husbands would consider approving request, she would need to see the study.

Kaz Thea believes that parking lots don't bring much value to the city. No revenue; no vitality. We should do infill where we can. Inclined to give a thumbs up. Asked if owner is planning to develop entirety of parking lots.

Answer: plan is to have all the required parking spots being on street and the credits given by city during development. 20 on street parking stalls. Remaining 37 stall credited to be used ? ... Owner planning to fully develop lots [I think she said this...]

Thea: inclined to see some parking kept on these lots. Would the applicant be amenable to keeping 11 parking stalls behind the movie theater?

Mayor: Summation: applicant is asking to change an ordinance. What happens after that change is not up for discussion tonight. Mayor gave an example of verbiage of how ordinance could be changed.

Representative: The owner, in order to preserve this building use, needs certain things. Liberty Theater and Magic Lantern Theaters do not have any on-site parking. In order to create enough revenue, owners' study shows that the land of the lots needs to be fully developed.

Husbands: There is nothing that guarantees these developments will create viability for the theater. Representative agreed.

Mayor and Husbands acknowledged that there are many unknowns.

Martinez: Land Trust [?] states that empty lots do nothing for the city. Public transit runs right past theater. How do we bring back a movie theater in today's climate? That solution is up to creative business people.

Thea: Parking lots are not of great value to our city.

Mayor: If we have no parking, businesses do not do well.

Discussion ensued between mayor and council members about value of parking near businesses.

People who do not get around well want to be able to park near the business they are frequenting.

Husbands: We need to see what the studies say. There are changing demographics in Hailey. We need to digest this before we make a discussion. We know everyone relies on their car.

Thea asked a question about number of parking spaces per thousand sq ft of commercial space.

Administrator Horowitz: the question tonight is: do movie theaters need extraordinarily more parking spaces than other businesses in the commercial core.

Thea: In my opinion, the theater's parking needs are not extraordinarily greater than other businesses; Martinez agreed.

Discussion ensued about how many parking spaces code requires for various types of businesses.

Many businesses in the commercial core do not have parking on private property. General rule: parking on private property: 1 stall/1000 sq ft.

Public Works Director Yeager asked council to consider other factors that may affect future development

[6:29:17 PM](#) **Martinez moved to approve Ordinance No. 1313, authorize Mayor to read by title only, Thea seconded the motion**

**Husbands: Nay, Thea: Aye; Martinez: Aye.**

**Mayor Burke conducts the 1<sup>st</sup> reading of Ordinance No. 1313 by title only.**

HAILEY CITY COUNCIL MINUTES

October 24, 2022

PH 364 *Consideration of Resolution 2022-\_\_\_\_\_, on a Second Amended Development Agreement to Saddle River Subdivision (105 & 111 Empty Staddle Trail, and 801 N. Main Street), submitted by Williams Family Trust, to account for the amendment to Title 17: Zoning Regulations, Chapter 17.09: Parking and Loading Spaces, Section 17.09.040.02: Commercial, Professional, Service, Recreation, and Entertainment, which reduces the parking requirement for movie theatres.*  
**ACTION ITEM**

[6:31:29 PM](#) Robyn Davis: Applicant team is proposing second amendment to this particular area. Mayor opened public hearing for public comment. None heard  
Mayor turned it to the council.

Thea: a theater should have some level of onsite parking.

Representative: The request is to broaden the application [did not catch]. Owner is not pursuing dedicated onsite parking.

Thea: with the redevelopment of River Street, we're going to want room for bike paths as we want River street to be the main biking area of downtown. Bike paths are changing the parking availability

Yeager: In front of movie theater on River Street, there will be no on street parking. We have not looked at Empty Saddle Road yet.

Representative: Request does not give a specific location for the 37 on street parking spaces. The developer did pay significantly to develop River Street. Developer did pay for these 37 parking spaces.

Mayor asked council: how much do you want to tie your hands in the future?

Thea: we certainly don't need two full lots.

Husbands: But technically 11 spaces do need to exist on the property.

Representative: There are already 37 parking stalls paid for for a business that only requires 11 parking stalls. The developer is asking to use those 37 parking spaces for future development of all three lots.

Mayor: Can we table this? I think we are at a standstill.

Horowitz stated that moving to a date certain is different than tabling.

[6:40:55 PM](#) **Husbands made motion to move to a certain date on Nov 14th. Thea seconded. All in favor**

### **NEW BUSINESS:**

NB 365 *Discussion of a request by Clear Creek Disposal for commercial and residential solid waste/curbside recycle rate increase based on several key inflationary factors. Residential rate increase is requested at 6.6%. Commercial rate increase is requested at 9%, and consideration of Resolution 2022-\_\_\_, a resolution amending Section 5.c of Resolution 2021-045, Clear Creek Franchise Agreement regarding Hold Back provision.* **ACTION ITEM**

[6:43:05 PM](#) NB 365 Horowitz introduced council and representative for Clear Creek Disposal. There a request to consider rate increase. Horowitz gave statistics of rising costs and stated that no decision is needed tonight. CCD is requesting a smaller increase for residential and a larger increase for business. The amounts can be adjusted by the council. What is wanted tonight: to amend the resolution to the proviso clause [I think...?]. Horowitz referenced earlier discussions and decisions.

Clear Creek is carrying the burden of new growth and new business; proviso clause affects this. Money is sitting in trust account.

Mike with Clear Creek Disposal: Request is to cover inflation, new customers, and set a higher ceiling.

Evan Roberts spoke about inflationary effects. He wholeheartedly supports everything in the city staff's report. Holdback arrangement was put in place so we could see where all this is going. Further discussion about this is needed over next six months. Requesting

Mayor opened for public discussion

[6:50:13 PM](#) Nothing heard from public

[6:50:32 PM](#) Mayor brought it back to council.

Thea asked how recycling affects the costs of picking up garbage. Mike answered: The economics of recycling; recycling sales offset costs of transportation of garbage. Fuel is up, so everything else goes up. The fees paid to dispose of trash are going up because of fuel costs. Mike rendered an opinion on recycling sales vs. costs of disposal. Mayor stated, let's look at item number one. Is council comfortable with giving it to staff as stated? Discussion ensued of ramifications. Mike and Evan Roberts are supportive of numbers staff presented to council even though they changed slightly from what Clear Creek proposed.

[6:57:17 PM](#) Motion to approve resolution – discussion that resolution was not clearly stated in meeting packet. Horowitz made a procedural to City Attorney. Verbiage was found in packet by Horowitz on page 351.

[6:59:09 PM](#) **Motion to approve Resolution 2022-103, made by Council member Thea, amending the Hold Back Provisio section 5.C.1 of the agreement. Martinez seconded. Motion passed with roll call vote; Husbands, Thea, and Martinez: Aye.**

[7:01:56 PM](#) **Motion to direct staff to release \$82,439, made by Thea; seconded by Husbands Motion passed with roll call vote; Martinez, Husbands, and Thea: Aye.**

[7:03:17 PM](#) **Motion to approve staff to reimburse for the remainder of the period until the new rates are in effect, once those costs are documented to the satisfaction of staff, made by Thea; seconded by Martinez. Motion passed with roll call vote; Husbands, Thea, and Martinez: Aye.**

### **OLD BUSINESS:**

*OB 366 Consideration of Ordinance No. 1307, 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, Section 12.04.010: Definitions, to amend the definition for Improved Pathway, and Section 12.04.060: Motorized Vehicles, to amend this standard to allow for electric bicycles and alternative electric motored vehicles. **ACTION ITEM***

City Attorney: this is simply housekeeping. Missed a date. Ordinance simply needs to be reaffirmed. There is motion language in the meeting packet.



Husbands made comments that people should not be traveling 30mph on bike path. She has seen this primarily from school students on their way to school. Signage needed on bike path.

Thea: Do ebikes need to stop at stop signs because they have a motor? What is in Idaho code? Staff responded that they would need to report back. Because it is not a registered vehicle, ebikes likely do not need to follow

**[7:08:15 PM](#) Motion to affirm passage and readoption of Ordinance No. 1307, approving of a Summary thereof and publication of same, made by Thea; seconded by Martinez. Motion passed with roll call vote; Husbands, Thea, and Martinez: Aye.**

*OB 367 ..2nd Reading of Ordinance No. 1312, zoning map change Section 17.05.020 ACTION ITEM*

**Second reading of Ordinance No. 1312 made by Mayor Burke.**

**STAFF REPORTS:**

Robyn Davis gave a staff report of artist, Juan Estrada. He painted bathroom exterior at Hop Porter Park. Ms. Davis showed mayor and council photos. This artist has also worked with students in the area. He worked with Alturas and Elementary students to paint hallways with murals at their schools.

**[7:13:36 PM](#) Motion to adjourn made by Husbands. Seconded by Martinez. Motion passed.**