

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD JANUARY 9, 2023
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:31 P.M. by Mayor Martha Burke. Present were Council members Heidi Husbands, Kaz Thea, Sam Linnet, and Juan Martinez. Staff present included City Attorney Christopher P. Simms, and City Administrator Lisa Horowitz.

[5:31:01 PM](#) Call to order

Open session for public comments:

[5:31:24 PM](#) Public comment opened

CONSENT AGENDA:

- [CA 001](#) Motion to approve Resolution 2023-001, ratifying Mayor’s signature on IDVR Library grant for paid intern
ACTION ITEM
- [CA 002](#) Motion to ratify the Mayor’s signature on 2022 Tree City USA Application for Recertification. ACTION ITEM
- [CA 003](#) Motion to ratify Letter of Support regarding Blaine County STP-Rural Grant Application for Buttercup Rd
ACTION ITEM
- [CA 004](#) Motion to approve Resolution 2023-002, authorizing Separate Auto Aid Agreement with City of Bellevue Fire
Department ACTION ITEM
- [CA 005](#) Motion to adopt Resolution 2023-003, authorizing the mayor’s signature and purchase of truck fill station
equipment in the amount of \$39,500. ACTION ITEM
- [CA 006](#) Motion to approve and authorize the Mayor to join the Climate Mayors coalition. ACTION ITEM
- [CA 007](#) Motion to adopt Resolution 2023-004, and authorize the mayor’s signature and agreement with Nearmap US,
Inc., for an aerial mapping subscription in the amount \$4,000 annually. ACTION ITEM
- [CA 008](#) Motion to approve Resolution 2023-005, authorizing the mayor’s signature on the Public Right-of-Way
Maintenance Agreement related to the development of the FAPO Holdings Parking Lot located at 306 and 308
South River Street (Lots 13 and 14A, Block 20, Hailey Townsite). ACTION ITEM
- ~~[CA 009](#) Motion to approve the Scope of Work for the development of a Housing Needs Assessment and Growth
Projections Memorandum, to be utilized for infrastructure and future master planning services by the
Community Development and Public Works Departments. ACTION ITEM~~
- [CA 010](#) Motion to approve minutes of December 13, 2022 and to suspend reading of them ACTION ITEM
- [CA 011](#) Motion to ratify claims for expenses incurred paid in December, 2022 ACTION ITEM
- [CA 012](#) Motion to approve claims for expenses incurred during the month of December 2022, and claims for expenses
due by contract in January, 2023 ACTION ITEM
- [CA 012](#) Motion to approve unaudited Treasurer’s Report for the month of December 2022 ACTION ITEM
- [CA 012](#) Motion to approve Annual Street and Road Financial Report for Fiscal Year 2022 ACTION ITEM

[5:31:40 PM](#) CA 009 pulled by Robyn Davis, Husbands pulls CA 005

Motion to approve consent agenda items minus CA 005 and CA 009 by Martinez, seconded by Thea, Motion passed with roll call vote; Linnet, yes. Thea, yes. Husbands, yes. Martinez, yes.

[5:32:32 PM](#) CA 005 Husbands had a question about where fill truck station is being moved to. Brian Yeager answered the question, north end of airport way may relocate at a later date.

Motion to approve consent agenda items minus CA 005 by Husbands, seconded by Martinez, Motion passed with roll call vote; Linnet, yes. Thea, yes. Husbands, yes. Martinez, yes.

[5:33:43 PM](#) CA 009 Robyn pulled to expand on what housing needs might look like. What housing looks like now in Hailey and look at trends into the future. Another motive... . Final motive: something about staff. Turned it to Brian Yeager. Two facilities planning studies have happened about water and sewage, projections on city growth need to be made. Yeager spoke about having a master document speaking to the projected growth of city that can be used for future studies. Thea made comments about bicycle and pedestrian networks throughout the city as well as roundabouts. Yeager pointed out that the studies are looking at percentage of growth for water and sewage usage rather than traffic characteristics. Thea pointed out that for a comprehensive plan, transportation would be a necessity.

[5:38:57 PM](#) **Motion to approve consent agenda items minus CA 009 by Husbands, seconded by Martinez, Motion passed with roll call vote; Linnet, yes. Thea, yes. Husbands, yes. Martinez, yes.**

MAYOR'S REMARKS:

MR 013 Employee Service Recognition

[5:39:24 PM](#) It is National Law Enforcement Appreciation Day. Mayor expressed the City's thanks to Hailey Police Chief Steve England.

[5:40:40 PM](#) Dalia, Brian, and Kelly approached the podium. Dalia presented Kelly Schwarz with a certificate commemorating Kelly's 30 years of service. Brian Yeager, Mayor Burke, and City Administrator Horowitz made remarks about Kelly's years of service.

APPOINTMENTS & AWARDS:

*AA 014 Consideration of Resolution 2023-006, for the reappointment of Darin Sales to another Parks and Lands Board 3-year term ending December 31, 2025, setting board membership and terms
ACTION ITEM*

[5:54:32 PM](#) **Motion to approve Resolution 2023-006 reappointment of Sales by Martinez, seconded by Linnet, Motion passed with roll call vote; Linnet, yes. Thea, yes. Husbands, yes. Martinez, yes.**

*AA 015 Consideration of Resolution 2023-007, for the reappointment of David Anttila to another Tree Committee 3-year term ending December 31, 2025, setting board membership and terms
ACTION ITEM*

Motion to approve Resolution 2023-007 reappointment of Anttila by Martinez, seconded by Linnet, Motion passed with roll call vote; Linnet, yes. Thea, yes. Husbands, yes. Martinez, yes.

PUBLIC HEARINGS:

PH 016 Consideration of a Text Amendment Application by The Valley Club to amend the Hailey Municipal Code, Title 17: Zoning Regulations, Chapter 17.05: Official Zoning Map and District Use Matrix, Section 17.05.040: District Matrix, to remove the description, Employee housing for golf courses or recreational facilities, from the Hailey Municipal Code. ACTION ITEM

[5:56:47 PM](#) Community Development Director Robin Davis, made the proposal that this section be struck from municipal code and city ordinance.

Jim Laski on behalf of Valley Club made comments. That it does not make sense and is probably illegal.

Thea asked if anyone knew why it was in the code.

Mayor Burke made comments speculating that it was an attempt to protect the RGB zone.

Horowitz: Valley Club is one of our key employment partners. They take employee housing needs very seriously.

[6:00:30 PM](#) Public Comment: None

Martinez disclosed possible conflict of interest. City attorney stated that Council Member Martinez was able to remain part of the discussion and vote on this matter.

Linnet had questions for staff. Do we have any guidelines for when we waive fees? Are we setting precedent?

City Attorney: there is nothing in code. As far as expediting this matter; city council has the right to do so.

Linnet made comments that waiving fees should be used sparingly.

Robyn: Made comments. Council discussed waiving second and third readings. Attorney: will need to amend language regarding waiving the second and third readings

Motion to approve Ordinance no. 1317 by Linnet waive 2nd and 3rd Readings authorize the Mayor to sign, seconded by Thea, Motion passed with roll call vote; Linnet, yes. Thea, yes. Husbands, yes. Martinez, yes.

[6:06:39 PM](#) **Mayor Burke conducted the 1st and only reading of Ordinance No. 1317, by title only.**

PH 017 Consideration of Resolution 2023-008, establishing 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

[6:07:41 PM](#) Robyn spoke to intent of ordinance change. Parking changes are the applicable aspect of the changes made. Applicant is proposing to modify the parking

Mr. Williams, Owner of Saddle River subdivision spoke to request. Mr. Williams spoke about the business that were in place when he bought the properties along Main Street and the lots behind. He spoke about development of the properties. Movie theater or a bank development would require a

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subdivision. City Mayor at the time proposed that if he wanted a subdivision, the city wanted River Street to go through. Owner considered installing a car wash. City liked the idea of a movie theater instead of a car wash. City proposed giving parking credit for having River Street go through. The trade of twenty-seven parking spaces was for having River Street go through. Owner is asking that the parking spaces can be spread out among all the lots in question.

Mayor asked for staff comments. [6:16:30 PM](#) City Attorney affirmed that the city received a coveted piece of property when it gained River Street going through what had been private property. Mayor would prefer to wait until it is known how the property would be redeveloped in the future. [6:18:15 PM](#) Public comment opened: none. Thea made comments that it would be good to know what plans will be developed before making changes to parking. Linnet commented that this is a policy decision on whether we can improve on the decision that was made thirty years ago. Linnet agrees with applicant that spreading out parking spaces makes sense. Linnet made comments about the caveats about residential developments. He does not want to see a residential development that does not require parking. Linnet is okay with changing parking standards. He does not want to have unintended consequences. Linnet pointed out that it is still a development agreement. Linnet thinks the options in the packet are better than the thirty-seven spaces on the one lot. [6:22:32 PM](#) Husbands feels comfortable with options one and three in the packet. I think we can determine what choice to make when redevelopment plans are known. Thea wants to know why it's important [6:23:33 PM](#) Public Comment. Jim Laski: How can he plan what he wants to do if he does not know what changes can or cannot be made with parking? With the flexibility with a new agreement, then plans can be made. Also, Mr. Laski thinks it would be great to keep the movie theater in town. [6:24:41 PM](#) Martinez commented that if the movie theater stays, it makes sense to keep the parking spaces where they are. Let's hear a really good plan and see how we can work with that. Martinez thinks this could take some time. Martinez thinks that allowing parking flexibility will make keeping the movie theater less likely. Linnet asked some clarifying questions about agreement of Robyn. Linnet thinks council needs more time to consider options. Administrator Horowitz is not convinced that taking more time will produce better options than what is in front of council tonight. Discussion amongst council members that not providing flexibility makes it very difficult to create redevelopment plans. [6:34:12 PM](#) Mr. Williams responded to discussion. Between status quo and option three, his answer is that he would stay with the status quo. If you want to keep the movie theater, please give the flexibility to distribute parking spaces among the three lots. Choice he wants is to have the flexibility to decide where to put the parking spaces on the three lots. [6:37:21 PM](#) Linnet pointed out that it is a development agreement and that the city can negotiate the terms. Administrator Horowitz stated that she did not see that the city would be in a worse position if the council complied with owner's request.

[6:38:54 PM](#) Two minute recess requested by Martinez.

[6:42:51 PM](#) Meeting continues.

Linnet points out that this issue is new for council; council needs to take time to digest and make sure they are protecting public interests. They need to ensure against unintended consequences. Linnet cannot come up with any unintended consequences. He thinks the council should lean towards granting it. The proposal is better than the status quo. Martinez spoke about the added risk of unintended consequences. Sometimes risks need to be taken.

[6:46:36 PM](#) Mr. Williams again. If the council wants to think about this and come back to it at the next meeting, please feel free to do so. Mr. Williams understands the position of the council members. He would take no offense at the council needing to take some time to ponder the proposal.

He does not have a plan for redevelopment. [6:49:37 PM](#) Brian Yeager, director of public works: parking credit is not the same thing as operations if it redevelops into residential.

Motion to approve Resolution 2023-008 2nd amended development agreement by Linnet, seconded by Martinez, Motion passed with roll call vote; Linnet, yes. Thea, yes. Husbands, yes. Martinez, yes.

NEW BUSINESS:

NB 018 Motion to approve the Request for Qualifications from the Community Development Department which seeks the services of a consultant or team to complete Hailey's Comprehensive Plan Update. ACTION ITEM

[6:54:54 PM](#) Robyn: Informational item talking about the Comprehensive Plan, which has not been updated since 2010. Due every ten years, so City of Hailey is a few years behind. Mayor opens up for questions from Council.

Motion to approve made by Martinez, seconded by Thea. All in favor.

NB 019 Discussion of possible May ballot measure related to: "1% for Air" with discussion of .5% for "Air" and .5% for "Housing"

[6:56:44 PM](#) Administrator Horowitz stated that it is a discretionary discussion by the council. She gave brief history of the Hailey LOT tax. Showed chart on LOT spending. Hailey's 1% for Air does not expire until 2050. Since north valley cities are discussing splitting revenue stream to create a split for residential purposes. It is timely for Hailey council to discuss putting it on a ballot. People are on the call who can speak to this issue. [7:00:06 PM](#) Carol Waller joined meeting online. There are min. revenue guarantees for flights. Spoke of agreements in Ketchum and Sun Valley. Thea would love start getting a bank account for housing. Linnet thinks a dedicated revenue stream for housing, even if small, is a good thing. Husbands asked if the wording of ballot measure would show that it would be of benefit for residents of Hailey. Thea pointed out that it is just splitting what we are already receiving, not increasing. Martinez asked about entities that would receive less money due to potential splitting of current revenue stream. [7:03:55 PM](#) Nate Hart representing Hailey Blaine County Housing Authority. Housing Authority does not see a downside. Residents are aware of the issue.
City staff will be working on ballot language.

NB 020 Discussion of possible May ballot measure related to: Wastewater Division Aging Headworks infrastructure replacement and funding discussion including possible Bond measure in excess of \$5 million dollars

[7:05:15 PM](#) Brian Yeager: 2020/2021 Waste water facility underwent study to keep it in good operating condition. Tonight he is speaking about headworks facility at wastewater treatment plant. This facility filters raw effluent. This facility needs upgrades; it is an expensive facility. It is one of the more expensive facilities in the city. Current proposal of Headworks upgrades is \$5.2 million, which is a 40% increase from the last estimate. Public Works has budgeted for a 20% increase from

the last estimate. Yeager spoke about loans and bonds. [7:12:20 PM](#) Linnet asked questions about the bonds. [7:14:42 PM](#) Yeager simply wanted to present the needs, without asking for any decisions tonight. Material in the packet is presenting what needs to be done to service our current needs. It is not for growth. Horowitz stated that the council may want to consider two items on the May ballot. A discussion ensued about bonds and loans and what is required, either voter approval or judicial decision. Staff asked if the council was amenable to a bond on the May ballot. All expressed buy-in. Martinez had more questions about this issue verses future needed bonds for growth in Hailey residential numbers. Martinez asks if Hailey should simply address the growth issue now. Yeager stated that Hailey is not yet at the need to address future growth. There is still a lot of use to be had of current facility. The Headworks issue is one of condition, not capacity. Discussion ensued between council members, Yeager, and Horowitz about various specifics.

OLD BUSINESS:

OB 021 Motion to approve and conduct the first reading of Ordinance 1314, an ordinance amending the City of Hailey Zoning District Map, Section 17.05.020. The proposed change includes amending Lots 1-3, Block 69, Hailey Townsite (619 N 1st Avenue) and Lots 4-7, and N. ½ of 8, Block 69, Hailey Townsite and Lots S. ½ of 8, 9-10, Block 69, Hailey Townsite (17 E Myrtle Street) to be located within the Downtown Residential Overlay (DRO), motion to waive the 2nd and 3rd readings, read by title only, and authorize the mayor's signature on Ordinance 1314. ACTION ITEM

[7:27:32 PM](#) Robyn Davis: Ordinance was approved on Nov 28, 2022, but not published in Mt. Express within the thirty days.

Motion to approve Ordinance No. 1314 by Linnet waive 2nd and 3rd Readings authorize the Mayor to sign, seconded by Martinez, Motion passed with roll call vote; Linnet, yes. Thea, yes. Husbands, yes. Martinez, yes.

Mayor Burke conducts 1st and only reading of Ordinance No. 1314, by title only.

OB 022 3rd Reading of Ordinance No. 1313, zoning map change Section 17.09.040.02, parking for theatres reduced ACTION ITEM

[7:30:49 PM](#)

[7:31:35 PM](#) Mr. Williams spoke about brutality of economy toward movie theaters. One of the biggest challenges is the parking. It absorbs all the land, which drives up the rent on the movie theater. Ketchum and Sun Valley can sell alcoholic beverages due to being grandfathered in at the state level. State legislature denied this to Hailey theater when it came up later. Mr. Williams put this text amendment forward as an attempt to save the movie theater. Passing this ordinance would be a big help.

Motion to approve Ordinance No. 1313 by Linnet, authorize the Mayor to sign and read by title only, seconded by Martinez, Motion passed with roll call vote; Linnet, yes. Thea, yes. Husbands, yes. Martinez, yes.

Mayor Burke conducts 3rd Reading of Ordinance No. 1313, by title only.

*OB 023 3rd Reading of Ordinance No. 1315, mobility design, chapter 18.14: standard drawings ACTION
ITEM*

[7:36:06 PM](#) Linnet made the Motion to adopt Ordinance No. 1315, read by title only and authorize the mayor to sign, seconded by Martinez. Motion passed with roll call vote; Linnet, yes. Thea, yes. Husbands, yes. Martinez, yes.

Mayor Burke conducts 3rd Reading of Ordinance No. 1315, by title only.

STAFF REPORTS:

[5:44:42 PM](#) Snow Removal report by Brian and Kelly. Primary snow blower is out of commission. Part needed to fix it are fourteen years out. Back up snow blower will be put into use; it has only 50% of the capacity of the primary snow blower. It has not been used full time for quite a few years. Secondary snow blower has only been used for a day or two while the primary blower is under repair. Snow stored in the middle of Main Street will take much longer to remove. Kelly is looking for alternative equipment to remove snow from the core of town. Summary: one blower is down, one sidewalk Kabota is down, another sidewalk Kabota is down, three of seven. Three of seven streets department positions are unfilled. Brian Yeager, Public Works Director will be out snow plowing tonight. City Administrator Horowitz made comments: We get a lot of phone calls about snow removal. We return phone calls from City Hall because Hailey is small. We are trying to remind people that we live in a mountain town and it requires some resiliency. Chief of Police England made comments: The police department also gets calls about snow removal. Police dept and streets department work well together to address issues. Chief England reminded people that vehicles need to be six feet from right of way during the winter. Police made contact with residents to move vehicles before city snow plows get to their street.

[7:37:47 PM](#) Police Department Staff Report: Chief England: Appreciative that Hailey PD is finally fully staffed for the first time in a long time. Appreciation of law enforcement: Chief England honored a retired Hailey Police Chief who died recently after a battle with cancer. FBI training: SLC field office asked Chief England if he is interested in training. They do it for smaller agencies.

[7:40:51 PM](#) Hailey Fire Chief: Started three new recruits in the academy. All of the recruits have been vetted. Promoted a new captain and three new lieutenants; needed middle management is back in place. Spoke about the number and nature of calls. Busiest fire department in the valley.

[7:42:43 PM](#) Public Works: Brian spoke very fast about items.

[7:43:52 PM](#) Thea brought up the possibility of writing a letter a support banning the trapping of wolves.

[7:44:42 PM](#) Martinez brought up library Town Center West reservation. **[7:44:59 PM](#)** Lyn, director of library, spoke of popularity of TCW (town center west). Lots of reservations and tight turn arounds. Many entities have been turned away due to popularity. English language classes are popular. The space is also used for lots of gatherings, as well as library events. All the events that have happened

in the space have far exceeded the library's expectations. Mayor thanked Lyn and Kristen Fletcher for taking the big step and making it a success.

7:47:55 PM Motion to enter executive session made by Linnet, seconded by Martinez. Motion passed with roll call vote; .

EXECUTIVE SESSION: Real Property Acquisition under IC 74-206 (1)(c) or Pending & Imminently Likely Litigation under (IC 74-206(1)(f) or Personnel Matters under (IC 74-206(1)(b)

Matters & Motions from Executive Session or Workshop

Next Ordinance Number – 1316 Next Resolution Number- 2023-006

Mayor and council came out of executive session and concluded the meeting with a motion.

8:15 pm Motion made by Martinez to adjourn, seconded by Linnet, motion passed unanimously.