

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD JULY 10, 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 Husbands Husbands, Thea Thea, Linnet Linnet, and Martinez Martinez. Staff present included City Attorney Christopher P. Simms, and City Administrator Lisa Horowitz.

[5:31:54 PM](#) Call to Order:

Open session for public comments: [5:32:20 PM](#) No comments.

CONSENT AGENDA:

CA 210	Motion to approve Resolution 2023-091, authorizing the Mayor to sign the Work-Based Learning Experience (WBLE) Agreement with Idaho Division of Vocational Rehabilitation for Library assistant grant ACTION ITEM	1
CA 211	Motion to ratify the Mayor's signature give contractor permission to enter the deck to conduct roofing corrections on the River Street Townhomes (City of Hailey owns Unit #8) ACTION ITEM	6
CA 212	Motion to ratify the Mayor's signature on a letter of support to Blaine County regarding maintenance on Indian Creek Road, location of Hailey primary water supply ACTION ITEM	11
CA 213	Motion to ratify the Mayor's signature on a letter of support regarding ERC composting and recycling services at City of Hailey sponsored events ACTION ITEM	14
CA 214	Motion to approve Resolution 2023-092, authorizing a Public Art Contract with artist, Gemma Valdez Daggatt, for the Chinese American Heritage Memorial structure ACTION ITEM	17
CA 215	Motion to approve Alcohol License Renewals ACTION ITEM	32
CA 216	Motion to approve minutes of June 26, 2023 and to suspend reading of them ACTION ITEM	59
CA 217	Motion to ratify claims for expenses paid in June, 2023 ACTION ITEM	66
CA 218	Motion to approve claims for expenses incurred during the month of June 2023, and claims for expenses due by contract in July, 2023 ACTION ITEM	72

[5:32:45 PM](#) All but ca211.

[5:33:24 PM](#) **Thea moved to approve consent agenda items minus CA 211, seconded by Husbands. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Martinez, yes. Thea, yes.**

[5:35:27 PM](#) Lisa addressed roof question related to CA 211, that it has something to do with stripping. Davis stated it's not the entire roof, but related to the deck.

[5:36:08 PM](#) **Husbands motioned to approve CA 211, Linnet seconded. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Martinez, yes. Thea, yes.**

MAYOR'S REMARKS:

[5:33:45 PM](#) Mayor thanked Street, Fire and Police Departments and Chamber of Commerce for successful 4th of July. Mayor hopes in the future that the community realizes someone has to pick up the mess after.

[5:34:46 PM](#) Thea stated need to somehow use less trash.

PUBLIC HEARINGS:

*PH 219 Consideration of a Planned Unit Development (PUD) Application by Kathleen Miller QTIP Trust and Sophie Nunberg Trust, represented by Lee Young of CSHQA, for a 1,213 square foot building addition to Albertsons, as well as Consideration of Resolution 2023-____, with licensing and agreements with Albertsons for a proposed 0.42-acre public recycling area for the City. This project is located at 911 North Main Street (Sub Lots 2 and 3, Block 1, North Hailey Plaza) within the Business (B) and Townsite Overlay (TO) Zoning Districts. Under the PUD, the Applicant is proposing to develop and operate a new city-wide recycling center, and in exchange, is requesting the following waivers: **ACTION ITEM**..... 96*

- *Waiver to the maximum floor area permitted within the Business (B) Zoning District for an additional 3% of square footage to the existing building, totaling 37,127 square feet of individual retail/wholesale trade*

[5:36:51 PM](#) Davis introduced project and provided brief history of previous hearing that took place earlier this year. Davis summarized revised agreement and that the term is now in perpetuity.

[5:38:15 PM](#) Lee Young, CSHA Architect, introduced himself and deferred to Eric Holtzer.

[5:38:39 PM](#) Eric Holtzer, summarized change is the agreement in perpetuity and some minor clean up needed.

[5:39:44 PM](#) Mayor asked applicant and staff if they have reviewed the agreement in the packet. Davis confirmed staff has reviewed the agreement including minor changes done today.

[5:40:23 PM](#) Mayor opened public comment.

[5:40:58 PM](#) Unknown male speaking, Albertsons was kind of a compromise and to expand 1200 ft, seems a little out of character. He doesn't understand why they need to expand. Just curious.

[5:42:07 PM](#) Mayor closed public comment.

[5:42:13 PM](#) Linnet asked staff and applicant, if agreement is in perpetuity, is it binding if someone takes over Albertsons. Simms stated yes, explaining key changes to the agreement. Simms summarized the City would have the right to operate on this portion for perpetuity. Linnet asked if Linnete if applicant trust dissolves. Simms confirmed.

Thea noted it seems to depend on if the City maintains the recycling center.

[5:44:22 PM](#) Thea is ready to approve, asking if there is a way to make a motion tonight and waive the additional readings.

[5:45:30 PM](#) Linnet appreciates the applicant working with landlord and city.

[5:45:41 PM](#) **Linnet motioned to approve the Planned Unit Development (PUD) Application by Miller Kathleen Trustee and Sophie Nunberg Trust for construction of a 1,213 square foot building addition to Albertsons and a new 0.42-acre public recycling center for the City, to be at 911 North Main Street (Sublots 2 and 3, Block 1, North Hailey Plaza) within the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts, finding that the project meets the standards under Section 17.10 of the Hailey Municipal Code, and subject to Conditions of Approval, 1-9, as noted. Thea seconds. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Martinez, yes. Thea, yes.**

[5:47:29 PM](#) **Linnet motioned to approve Resolution 2023-093 and authorize the mayors signature on a Development Agreement and Licensing and Operations Agreement with Albertsons, LLC, pertinent to the PUD and operations of the Recycling Center, to be at 911 North Main Street (Sublots 2 and 3, Block 1, North Hailey Plaza) within the Business (B) and Downtown Residential Overlay (DRO) Zoning Districts, finding that the project meets the standards under Section 17.10 of the Hailey Municipal Code, and subject to the Conditions of Approval, 1-9, as noted. Thea seconded. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Martinez, yes. Thea, yes.**

PH 220 Consideration of proposed Ordinance No. ____ prohibiting feeding of wildlife, with exceptions within City Limits, that will make feeding of wildlife in the City of Hailey, first offense an infraction, and second offense a misdemeanor. ACTION ITEM

Simms gives introduction on this item.

[5:54:37 PM](#) Thea explained that she does feed birds but not during winter.

[5:55:03 PM](#) Linnet asked if we are getting more bear sightings in Hailey. Fish & Game summarized what they've been seeing.

[5:56:17 PM](#) Terry Thompson, doing bear spray training in Ketchum and Hailey this week.

[5:57:41 PM](#) Mayor opened public comment.

Unable to hear this person's comments. Mayor noted that is not part of this discussion, explaining what tonight's discussion is about, discussion about banning feeding wildlife in Hailey.

[6:00:46 PM](#) Chief England, stated this would provide the police with a tool that will help with those who purposely attract large game.

[6:02:07 PM](#) Mayor believes goal would be to retain these animals to stay in the foothills, thinks it's going to be a while before we stop seeing them in town. Mike, Fish and Game representative explained that there are a lot of folks working on this issue.

Mayor closed public comment.

[6:04:42 PM](#) Thea recommended adding pellets to 6) B.

[6:05:30 PM](#) Terry Thompson, this ordinance will handle people attracting and feeding the elk. Wanted to emphasize that the elk and deer are not going to magically disappear, understands why does not want to change things with birds and squirrels. This is a really great start. They are partners with the City and County, but wants to make sure no unrealistic expectations.

[6:07:51 PM](#) Linnet thinks this is a good first step.

[6:08:16 PM](#) Husbands thinks only hitting some of the problem. Husbands asked if can add something about discouraging. Simms confirmed can motion and have additions in next reading.

[6:10:22 PM](#) **Linnet motion to approve Ordinance No. 1392, Amending Title 6 of Hailey Municipal Code, by adding Chapter 6.10, prohibiting feeding wildlife and providing penalties therefore, and to have a first reading thereof, by title only with small edits including a definition of feed, including pellets and a general statement that discourages the feeding of birds and squirrels in winter months Thea seconds. Motion passed with roll call vote, Husbands, yes. Linnet, yes. Thea, yes. Martinez, yes.**

[6:11:23 PM](#) Mayor called 2 minute recess.

[6:15:47 PM](#) Mayor called session back to order.

[6:16:02 PM](#) Martinez left the call.

*PH 221 Consideration of 1) Resolution 2023-____, authorizing Memorandum of Understanding with ARCH for a Locals Only Deed Restriction Pilot Program and 2) Resolution 2023-____, adopting the Locals Only deed covenant as to form, Community Housing Deed Restriction Covenant to be used on future Deed Restrictions **ACTION ITEM***

[6:16:11 PM](#) Lisa introduced the project and explaining what was been presented tonight: 1) explains what it is and how it can be used and 2) is a deed restricted agreement. Lisa provided a presentation giving a broad explanation of this proposed agreement.

[6:18:29 PM](#) Linnet asked if the value is per each transaction. Lisa believes first one will be 20% and after possibly could be amended if determined changes are needed. Michelle Griffith stated after in depth research believe the 20%. Simms does not know if will get statistic value feedback for few years. Linnet is not questioning 20%, just asking for clarification if it's always going to be 20% or if it could be changed down the road. Horowitz continued with the presentation, noting closing cost. Linnet asked if anyone has discussed with Title Companies if they would be agreeable with some

kind of discount. Griffith stated they are not allowed. Horowitz continued to go through presentation and how staff came to their determinations.

[6:23:48 PM](#) Husbands asked if there is a list, to keep consistent. Horowitz confirmed some kind of property checklist.

[6:24:56 PM](#) Horowitz summarized criteria that applicants need to meet. Council and staff continued to discuss proposed criteria.

[6:28:39 PM](#) Michelle Griffith stated her explanation is that once this becomes public, they will contact ARCH and that they will have a pretty good idea on how the market views the amount of the deed restrictions and the cap on equity or personal wealth. If we don't hear from anybody, we can revisit this, but my guess is we will hear from those interested in finding a unit.

Thea is glad we are moving forward with this.

[6:30:22 PM](#) Mayor opened to public comment.

[6:30:39 PM](#) Chris Wirth, lives at 521 Aspen Drive, would like to remind the council the language used regarding .5 percent of LOT to go towards housing, it's the same language on the City website as we speak. Wirth reads the language from the website.

[6:31:23 PM](#) Mayor closed public comment.

[6:31:47 PM](#) **Thea motions to approve Resolution 2023-094 authorizing a Memorandum of Understanding with ARCH for a Locals Only Deed Restriction Pilot Program, AND**

[6:32:06 PM](#) **Thea motions 2023-095 adopting the associated form (Community Housing Deed Restriction Covenant) to be used on future Deed Restrictions of Locals Only Deed Restriction. Linnet seconds. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes.**

*PH 222 Consideration and tentative approval of Not to Exceed FYE 23 Budget for all funds **ACTION**
ITEM*

[6:33:02 PM](#) Horowitz summarized to council, this is their second review of the 2024 budget and highlighted what was previously discussed. Horowitz explained tonight's hearing is for the Council to set a Not to Exceed Budget amount.

[6:35:01 PM](#) Mayor opened public comment. [6:35:15 PM](#) Mayor closed public comment.

[6:35:20 PM](#) Thea would like to see \$5,000 put towards the music festival in Hop Porter Park, to be a sponsor. Mayor asked how they could support local business events. Horowitz suggested a contract of services. Simms agreed, if that is the wish of the council. Horowitz suggested the contract be with the Chamber.

[6:37:31 PM](#) Linnet stated thinks it would be good to put it out there but after get through the not to exceed limit and get input from the businesses. Horowitz noted this event is a large and city does

provide resources. Linnet noted would like to see increase in City resources. Yeager explained issues experience with events like this. Thea suggested making the vendors or the event holder responsible and not allowing use of City trash cans. Council asked if had the budget for the \$5,000. Horowitz stated will review and see where it can be pulled from. Horowitz will bring more details to next meeting.

[6:43:08 PM](#) England stated does see what Horowitz is stating and at Linnete time giving funds to Chambers, that it is a different animal in a sense then some of the other business events. Yeager stated have immediate problem – restrooms and trash cans becoming overrun.

[6:45:02 PM](#) Yeager walked through the CIP budget, explaining difference to document in packet and handout. Yeager stated total net difference of is \$48,000.

[6:48:53 PM](#) Husbands asked about external restrooms by Library. Horowitz believes that is for exterior doors so existing restrooms can be used from the outside.

[6:49:53 PM](#) Thea asked how much of this can actually be done next year. Yeager explained variables that will affect proposed projects and what he believes we may spend. Thea asked if going to go through any kind of prioritization. Yeager explained process, that believes if prioritize all five equally can process with options available.

[6:52:24 PM](#) Husbands asked about the asphalt by Albertsons. Yeager provided update on this project.

[6:53:42 PM](#) Thea asked about roundabout. Yeager explained reasoning for T intersection, and that long term may be a roundabout. Yeager provided update on this project.

[6:56:17 PM](#) **Linnet motions to adopt a Tentative Not to Exceed Budget in the amount of \$23,972,425 which shall be subject to additional public hearing but shall not be exceeded and direct staff to prepare the Budget Notice for Public Hearing. Husbands seconded. Motion passed with roll call vote; Husbands, yes. Linnet, yes. Thea, yes.**

STAFF REPORTS:

[6:57:10 PM](#) England stated felt the 4th went well, with more people than usual.

[6:57:56 PM](#) Yeager stated Main Street Chip Seal project has slight delay and plan to start July 28th. Yeager stated concurrently running city chip seal project, starting July 21st.

[6:59:03 PM](#) Horowitz agreed with outcome of the 4th of July.

[6:59:44 PM](#) Husbands asked where the tiny house is. Horowitz provided update on tiny house.

[7:00:42 PM](#) **Husbands motioned to adjourn. Linnet seconded. All in Favor.**