

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD AUGUST 28, 2023
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.

Heidi Husbands not in attendance

CALL TO ORDER:

[5:30:31 PM](#) call to order by Mayor Burke.

[5:31:49 PM](#) Lisa Wharton Blaine County resident is interested in a safe wildlife corridor in our valley, just north of Hailey. The first overpass is being built in Idaho right now. In our valley we've had 76 collisions with wildlife more than the area that is getting an overpass. There are other options besides a bridge.

CONSENT AGENDA:

| | | |
|-----------------------------------|--|----------------|
| CA 244 | Motion to ratify Mayor's signature on letter of support for EECBG grant (Energy Block Grant) joint community application ACTION ITEM | 1 |
| CA 245 | Motion to approve the Mayor's signature on a thank you letter to the Idaho Transportation Department regarding the Main Street chip seal project ACTION ITEM | 5 |
| CA 246 | Motion to approve language of underwriting process for the 2023 Aging Headworks Wastewater Bond ACTION ITEM | 8 |
| CA 247 | Motion to adopt Resolution 2023-103, ratifying the Mayor's signature on a Sales Agreement with Western States Cat through Summit National Bank. ACTION ITEM | 89 |
| CA 248 | Motion to approve Resolution 2023-104 , authorizing The Mayor's signature on Change Order #1 with Idaho Materials and Construction, for the Croy to Quigley Path project, which increases the project price by \$4,084.50 for a change in material quantity and additional work during construction. ACTION ITEM | 118 |
| CA 249 | Motion to authorize the mayor's signature on a support letter to the Blaine County Commissioners regarding the revised layout of Quigley Ranch Subdivision, a 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..... | 124 |
| CA 250 | Motion to approve business Alcohol license renewals ACTION ITEM | 129 |
| CA 251 | Motion to approve Resolution 2023-105, ratifying the Mayor's signature on the extension of the Mountain Rides Transportation Authority Joint Powers Agreement ACTION ITEM..... | 144 |
| CA 252 | Motion to approve summary of Ordinance No. 1329, wildlife feeding prohibition ACTION ITEM | 159 |
| CA 253 | Motion to approve minutes of August 14, 2023 and to suspend reading of them ACTION ITEM | 161 |
| CA 254 | Motion to ratify claims for expenses incurred paid in August, 2023 ACTION ITEM | 167 |
| CA 255 | Motion to approve claims for expenses incurred during the month of July 2023, and claims for expenses due by contract in August, 2023 ACTION ITEM | 173 |
| CA 256 | Motion to approve unaudited Treasurer's report for the month of July 2023 ACTION ITEM | 197 |

[5:31:00 PM](#) CA 246, CA 249 and CA 251 by Horowitz

5:34:33 PM Martinez moved to approve all consent agenda items minus CA 246, CA 249 and CA 251, seconded by Linnet, motion passed with roll call vote; Linnet, yes. Thea, yes. Martinez, yes.

5:35:04 PM CA246 aging headworks bond, Eric Heringer is on the call to present options. Heringer July 24, received 4 responses. DA Davidson, Stifel, Hilltop Securities and Raymond James. Heringer reviewed the proposals with specific criteria and factors, DA Davidson and Stifel were very close, 1 point difference. Okay with either the top 2, suggest hiring DA Davidson based on his review.

5:39:07 PM Linnet moved to approve CA 246 hiring DA Davidson as recommended, seconded by Martinez, motion passed with roll call vote; Linnet, yes. Thea, yes. Martinez, yes.

5:39:45 PM CA 249 Horowitz, we will revisit at another time.

5:40:16 PM CA 251 – Horowitz approve, not ratify.

5:41:01 PM Martinez, Hailey only has 1 seat, why not 2 seats on board. Mayor Burke is currently on this board and will reiterate these concerns.

5:44:16 PM Martinez moved to approve CA 251, seconded by Linnet, motion passed with roll call vote; Linnet, yes. Thea, yes. Martinez, yes.

MAYOR’S REMARKS:

5:44:38 PM Mayor Burke discusses fire and emergency services consolidation; she recently attended a meeting with Wood River Fire and Ketchum Fire departments. Other jurisdictions have agreed to participate in consolidation discussions. Next meeting Wednesday Oct. 11th 10-12 Blaine County Commissioners meeting room, please attend.

PUBLIC HEARINGS:

*PH 257 Consideration of a Planned Unit Development (PUD) Application by F & G Idaho, LLC, for approval of a three-story, eighteen (18) unit residential project, to be known as Maple Street Apartments. The project will be located at 51 W. Maple Street (Lots 16-20, Block 5, Hailey Townsite), within the General Residential (GR), Townsite Overlay (TO), and Downtown Residential Overlay (DRO) Zoning Districts. The project includes proposed public amenities and a request for waivers. As the public amenity, the PUD Application includes a proposal for six (6) community housing units, and the Applicant is requesting the following waivers: **ACTION ITEM***

..... 206

- 1. Waiver to the Maximum Building Height of the General Residential (GR) and Townsite Overlay (TO) Zoning Districts: Increase the maximum building height from 30' to 32'-6".*

2. *Waiver to the Minimum Lot Size for Planned Unit Developments: Reduce the minimum lot size from one (1) acre to 0.47 acres.*

[5:46:39 PM](#) Robyn Davis opens this item and gives a history, requesting height waiver 32' 6" and reducing the minimum lot size from one acre to .47 acres and requirement to be employed in Blaine County.

[5:48:32 PM](#) Owen Scanlon presents for applicant, explains how they ended up asking for roof height. Scanlon explains height request and why they are asking, mainly for potential high rain events, and drainage. All units are deed restricted, other 6 are available? 12 are available for owner for employees, 6 are deed restricted units in perpetuity, explains Davis.

More discussion about these units, [5:55:53 PM](#) and who is eligible. A draft agreement document is in this packet.

Public comments:

[5:57:31 PM](#) Carol Thompson, South River St. resident. Why do we have codes in place if all we have to do is ask for a variance? Codes are in place to protect growth and taxpayers. If it doesn't fit on the lot, redraw and resubmit. You are protecting developers and not homeowners, we lot parking spaces because they did not fit. Mr. Scanlon, on the commission, you'd think that he would follow the code and not ask for a variance. She is confused, heard 40ft height, what is it? Amatopia subdivision, will offer them as affordable, they are asking 1.2 million for each unit.

[6:04:24 PM](#) Tom Dixon Hailey resident, in 2019, town hall meeting, employer offered to build housing and none were interested, now employees are interested. Section 2 part e, conflict of interest, seems like Scanlon has a conflict of interest. Are cars within 4 ½ feet going to be moved for snow removal, usually 6 feet. P&Z doesn't know where this came from, why size.

[6:08:24 PM](#) Robert Richardson, thanks for not approving the previous plan. Now it seems this design is too big for the lot. Using vacated Maple street and still too big for the lot. This property is in the DRO and TO. In TO original look and feel must be preserved, reads code. We need to put more pressure on the design and architecture to fit the property. Could not find shade zoning in Hailey's code. Ketchum has this type of code. Would like a clarification of short-term and long-term use. We need guidance on conflict of interest.

[6:14:20 PM](#) Alycia Cavadi 517 S. River Street, voiced concerns about the size, rezoning and spot zoning is not right. As proposed, it is too big, for transient employees of a business owner. How is the local employee enforced? We will be stuck with a bad precedent. Would like to see a traffic study done and would like to see a shadow zone implemented. [6:18:24 PM](#) city should get binding document on this deal. We ask that these guidelines be revisited. Please ask this developer to go back and change to make something to fit the lot and character. Feel there is a conflict of interest with Architect being a P&Z Commissioner.

[6:21:32 PM](#) Davis, explains the PUD application, to provide flexibility, creativity and design, in exchange for those waivers, must give city benefits, have a list to choose from, they selected housing. The P&Z reviewed this application several times against the standards in our code and

felt that it met those requirements. The community housing units, would be a city developed document, not a direct replica of the BCHA guidelines. There will be a maintenance agreement, requires developer to maintain snow removal, street trees maintained.

[6:24:38 PM](#) Simms, has reviewed this for a conflict and have found no conflicts.

Council deliberation.

[6:25:26 PM](#) Linnet, remembers seeing this before, don't think evidence supports a conflict of interest. When applicants are doing something creative. Common land use practice not treating this applicant "special." To the substance, we need affordable housing, 6 units are 1/3 of the units of the development. Feels this waiver is well worth the 6 units being deed restricted, minimum lot size waiver is warranted also.

[6:28:12 PM](#) Martinez, listening to comments tonight, felt similar, can see how they feel. I understand how they can get to that conclusion, but knows Mr. Scanlon and feels he would not do what they are suggesting. To waivers and public benefits, 2 ½ feet waiver for the height limit is a trade-off for the 6 units. Martinez worried about how smushed it will be, tighter, see some issues during snow time. [6:31:22 PM](#) thanks for all your comments and passion for this project. Like to see the project go through.

[6:33:04 PM](#) Thea, agrees with Linnet, don't see a conflict of interest, we denied the original request. Thea has some concerns, in TO, bulk design should be possibly changed. Concerned about shadowing. Question/discuss about the 4 ½ feet versus 6 feet, not sure what that is about, want to discuss. Thea would like rent controlled assurances.

[6:37:13 PM](#) Category L is for housing for middle to upper area median income, deed restricted definition, Mayor Burke reads from our code.

Continued discussion about deed restriction and this application. [6:41:46 PM](#)

Simms suggested that maybe staff and applicant would consider an agreement for the 12 units would be for employees of company first right. Scanlon, could discuss with owner, need to get under construction. [6:50:21 PM](#) Simms, can discuss in 2 weeks and/or include additional condition. Linnet gives scenario of the condition, specific details and terms would be worked out with applicant, staff and attorney. [6:52:10 PM](#) Simms, can have FFCL&D in next meeting so will know if it falls apart by then.

[6:54:16 PM](#) Sam Stahlnecker speaks for the applicant, 4 ½ feet from travel lane, standard for City of Hailey.

[6:55:33 PM](#) **Linnet, motion to approve Ordinance No. 1331, PUD for Maple Street apartments, additional condition #5, that the 12 proposed units have category L restriction if employee is not placed in those units first, preference to be defined by staff, applicant and city attorney, seconded by Martinez. Motion passed with roll call vote; Linnet, yes. Thea, yes. Martinez, yes.**

[6:57:28 PM](#) Mayor Burke conducts 1st reading of Ordinance No. 1331, by title only.

[6:58:51 PM](#) Mayor calls for a 5-*minute break.

NEW BUSINESS:

NB 258 Consideration of design for a grant application to the Idaho Transportation Department Strategic Initiatives for the reconstruction of Myrtle Street, and authorize the Mayor's signature on the grant cover letter ACTION ITEM

[7:04:24 PM](#) Mayor Burke reconvenes meeting and opens this item. Met with neighbors and staff, if Brian will re-draw and put roundabout at 3rd some concerns would be met. Burke asks Yeager to speak. [7:06:13 PM](#) Yeager speaks to Mayor and council, current plan set, has roundabout at Myrtle and 2nd o relocate that at 3rd and Myrtle and other specifics the same. Will make those suggested changes if council approves, there will be some reduction of points in the application with the roundabout relocated to 3rd.

[7:08:57 PM](#) Yeager, grant timeline, application deadline Sept. 1, 2023, \$2 million grant potential award. Feel we are going to score high in this grant. Staff initial goals, Myrtle Street would like to reconstruct this street, never been done, it is considered a major collector street, expect tremendous growth over time on this street. In the past 5 years, we have put many pathways in place.

[7:13:52 PM](#) Next budget time, we will need to prioritize maintenance and service of the pathways.

[7:14:42 PM](#) Yeager, 3rd goal is traffic calming in this area. Project timeline, July 29th creative idea on how to apply for this grant, Saturday. Have 24 working days to make this application buildable construction plans. Yeager explains the 24 days and project application and engineer drawings. [7:23:16 PM](#) Yeager now shows aerial plans and overall design with expansion of the roadway to the southern side of Myrtle. [7:30:49 PM](#) Yeager shows a typical road section, existing street and proposed. 3 goals, new road, better path and traffic calming.

[7:35:17 PM](#) Linnet appreciates all the public comments. Roundabout on 3rd sounds like a good edit. Lane width, overall widening of asphalt, Yeager responds, happy to do what council wants. The operational changes posed and presume grant changes, Yeager explains and guesses on impacts to grant. [7:40:30 PM](#) Horowitz, explains the public right-of-way, 100 feet on this street. Thea agrees with Linnet's suggestions, narrowing the impact to Southern area. Suggests rumble strip, non-vegetation area, would want to keep good separation between pathway and road. Would love to use pathway in winter as well.

[7:44:47 PM](#) Mayor Burke speaks, can work together if we get the grant. Horowitz, asks for Fire chief to weigh in. Mike Baledge, travel lanes, 26 feet wide, striping roundabouts, fire trucks

ignore the striping and traffic signals. Always have concerns about widths, lessening widths is a concern to get safely to an emergency.

Thea likes roundabout on 3rd.

Public comments: [7:48:56 PM](#) Erin rumble strips, 4 feet now, rolled into the bike path, unaccounted for 4 feet. Overall comment, not a huge fan, not at Brian Yeager's fault, tricky thing, hard to go for big money is fast, likes the roundabout at 3rd. The divide, hope we can make it minimal. Care about the trees, please take into consideration.

[7:51:17 PM](#) Wally Jarman 305 Myrtle, a chronic complainer about traffic. Good to see the timeline, and great to see everyone together, Brian is exemplifying a great job.

[7:52:56 PM](#) Jenna Lagergren lives on North side of Myrtle, talking about the section view, suggest separation be narrowed, and crushed gravel help drain the snow storage area, suggests no trees in that area.

[7:54:39 PM](#) Justin Petty 2nd Ave, thank you to Lisa Horowitz and Brian, considering time and comments from citizens. Thank you for taking this seriously. Encourage you to lower speed limit on 2nd Ave to 15 mph. supportive of neighbors on myrtle.

[7:56:33 PM](#) Man asking Yeager a question. Primary intention, 10-foot separation between pathway and roadway. There is some variability to reducing it but comes with an operational burden.

[7:58:46 PM](#) Hope Page, 316 E. Myrtle, why are we doing this? Short timeline. It's not what it sounds like, we need more time to respond. Start slow get working on it.

[8:02:11 PM](#) Kristine Bretall, no noticing, understand this is a different process. With moving roundabout to 3rd, good news but wonder if can just put 4 way stop. All for more protective bike path.

[8:03:47 PM](#) Dustin Sandoz, speed of this makes everyone nervous. Not totally a fan of the scale or of the speed of this going through. It doesn't feel like Old Hailey if we add another lane. This will take away Old Hailey, there are other ways of diverting traffic in the city. It would be better to have the roundabout at 3rd would not really like a roundabout, liked the temporary roundabout. Safety is a concern, no data showing kids getting hit by cars, have never felt unsafe on Myrtle. Encourage council to shrink this down. Appreciate you taking the time today to meet with them.

[8:08:16 PM](#) unknown person speaking, incredible what Brian has put together. We lived on 6th, rented, have 2 young kids and bike everywhere. Never feel unsafe on the roads. Why are we doing this, is it just for the cash? Just seems too fast for this area.

[8:10:18 PM](#) Rick Cappel, commend Martha and Brian for the meeting today. Having an opportunity to discuss, gives a better option. That still doesn't allow for appropriate time to

understand. Moving the roundabout probably a great plan, expanding roadway will certify the road. Should be sensitive to concerns of citizens.

[8:13:26 PM](#) Elizabeth Cassion, lives on 2nd Ave. agrees with Wally Jarman, likes roundabout on 3rd, concerned about the width of the road. There is a speeding problem in Hailey, like that we are talking about it.

Mayor Burke has closed the public comments. We are asking if we should apply for this grant. If awarded, we will go through the public process. This council is trying to look ahead in the future, all streets in Hailey have pressure at different times. If we apply and receive the grant, conversation is just beginning.

[8:19:01 PM](#) Linnet is sympathetic that this feels like a fast process, flip side, we get complaints that things take too long. There are tradeoffs in quick and slow processes. We have to balance what is best for the city, we are taking your comments seriously. You will still have a voice if we get this grant. In favor of applying.

[8:21:54 PM](#) Thea money is often very difficult to get, have a great grant writer. The public process may have felt rushed, if we move forward and apply for the grant, public process will continue. Committed to pathways, and supportive of this grant application. Decision on Oct 18th, have approx. 6 weeks.

[8:26:51 PM](#) Martinez speaks about grants generally these opportunities come and go. It is our responsibilities to go after these monies. We have to go after this money, we need your input.

[8:32:08 PM](#) Mayor summarizes, sounds like apply for grant with roundabout at 3rd, narrower lanes and if awarded, public process will go through.

[8:33:10 PM](#) **Motion to submit a grant application made by Linnet, Thea seconds. motion passed with roll call vote; Linnet, yes. Thea, yes. Martinez, yes.**

OLD BUSINESS:

OB 259 Discussion and consideration of the proposed plan set for the Quigley Road Bike Path Project and to take public comment. ACTION ITEM

[8:34:54 PM](#) Brian Yeager introduces the Quigley Road bike path, detached pathway also, 2 foot off set, this is currently out to bid, a couple of contractors may bid.

[8:39:05 PM](#) Linnet separation between bike path and road? Yeager approx. 12 feet between.

[8:41:39 PM](#) Yeager talking about annexing road for side of roadway, so that it will be our road, it should have been done years ago. The northern 2/3rds of Quigley Rd., it was never annexed, but would need to be, city has been doing maintenance for more than 20 years though.

[8:44:46 PM](#) Linnet, concerned with maintenance of bike paths. Would love to see sidewalks and pathways be prioritized in winter. Separated paths are more difficult for snow removal, Yeager adds.

[8:46:54 PM](#) Yeager, snow removal would be more challenging here versus Myrtle Street.

Public comments

[8:51:52 PM](#) Jim Phillips 20 Quigley Road, supportive of bike paths, north side of road is best location. No public reach out concerns. Concern that path open for most of the year, city has been challenged with people and money to keep pathways open in winter. Historically, city not in a position to maintain the pathways, which drives my comments submitted earlier today. Sometimes attached path is better. [8:56:43 PM](#) Adjustments need to be made, but feel it is important for usability and safety of path. Take some time this winter and finalize issues and resolve them now. It would be good to meet with all Quigley owners.

[8:58:50 PM](#) Yeager responds to Mayor Burke's request. Horowitz will organize neighborhood meetings.

[9:00:03 PM](#) Debbie Town Quigley resident, agrees with Phillips feels it should be connected to roadway, would be thrilled to be in a public meeting.

[9:01:09 PM](#) **Linnet makes a motion to continue, Martinez, seconds. Motion passed with roll call vote; Linnet, yes. Thea, yes. Martinez, yes.**

OB 260 Motion to approve final design of the proposed River Street LHTAC Walnut to Galena Project, and authorize Public Works to issue a request for project bidding. ACTION ITEM.

[9:01:43 PM](#) LHTAC project Yeager, this has been a 5-year process, you've seen this before, final design, not a new design. Deadline Sept. 1st. once we agree on design, will come to us with a state / local agreement, hope is that LHTAC can take surplus funding towards our project next year.

[9:04:32 PM](#) **Thea moves to approve final design and go to bidding, Martinez seconds. Motion passed with roll call vote; Linnet, yes. Thea, yes. Martinez, yes.**

OB 261 Motion to approve L2 form to certify Hailey City tax levy, as approved in Hailey's FY 2024 budget, to Blaine County Board of Commissioners and the Idaho State Tax Commission ACTION ITEM

[9:05:10 PM](#) Horowitz, taking full 3% allowed by law. Becky Stokes, nothing to add, Horowitz handed out the worksheet to council tonight.

[9:06:54 PM](#) **Linnet moves to approve L2 as presented, Thea seconds, motion passed with roll call vote; Linnet, yes. Thea, yes. Martinez, yes.**

OB 262 2nd Reading of FY24 Appropriation Ordinance No. 1330 ACTION ITEM

[9:07:49 PM](#) **Mayor Burke conducts the 2nd reading of Ordinance No. 1330, by title only.**

STAFF REPORTS:

[9:09:09 PM](#) Mike Baledge speaks to council, expanding on Mayor's comments earlier in the meeting, consolidation, technical committee, planning and working out details. Another committee, steering committee where council would be involved. Other proposals, cautious to commit to those, any costs, would be expensive, more expensive than today. This proposal was built but did not include all fire agencies in the discussion. [9:12:28 PM](#) Thea asks question. Baledge. Ambulance district, consolidation or fire consolidation too? Not sure how all the agencies fit together with the consolidation. Meetings are coming up this Wednesday, 8/30/23.

Declarations of candidacy opened today, closes 9/8.

[9:15:45 PM](#) **Martinez moves to adjourn, Thea seconds motion passed unanimously.**