

**MINUTES OF THE SPECIAL MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, APRIL 6, 2009  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The special meeting of the Hailey City Council was called to order at 5:35 P.M. by Mayor Rick Davis. Present were Council members Don Keirn, Carol Brown, Martha Burke and Fritz Haemmerle. Staff present included City Attorney Ned Williamson, and City Administrator Heather Dawson.

Mayor Davis opened the meeting up for public comment for any topic that is not on tonight's agenda. Robert Blackly, with the Liberty Lobby of Idaho asked what the city planned on doing about the judgment Judge Elgee passed down regarding the Marijuana Initiatives. Ned Williamson, City Attorney advised Mr. Blackly that it is on the April 13<sup>th</sup> agenda.

Mayor Davis told the public and council that we are confirmed as a Tree City USA city, thanks to our Tree Committee and we have been given a \$300.00 Arbor Day Grant to help us with Arbor Day.

**PUBLIC HEARING**

An application by Quigley Green Owners, LLC for Annexation of approximately 1,109 acres to be developed with a total of approximately 379 residential units and an 18 hole public golf course and Nordic facility. The property is currently located in the County and is zoned R-5 and A-10. The annexation application requests that the property be zoned as RGB, NB LR-1 and LR-2 and GR upon annexation. The Planning and Zoning Commission having been presented with all information and testimony in favor and in opposition to the proposal, hereby recommends to the City Council approval with conditions of this annexation.

Discussion topics:

Trail system

Traffic mitigation

Idaho Department Fish and Game comments on amended upper canyon plan

Water and Wastewater

Mayor Davis asked Beth Robrahn, Planning Director to begin the meeting. Robrahn opened by outlining all the additions to the packet that council received when they arrived to tonight's meeting.

- Two letters from Idaho Fish and Game with 2 different dates. She explained that they are the same letter and the recommendations are the same as those in the IDFG letter dated April 23, 2008.
- The applicant submitted a revised upper canyon development summary and comparison and updated the upper canyon site plan.
- There are several public comments (5) have been submitted today (Dana Hofstetter, James Foster, Matthew Wells, Beth Duke and Daralene Finnell).

**CITY COUNCIL MINUTES**

**April 6, 2009**

- There is a memo from applicants traffic consultant (Lochner)
- Included were slides that the applicant presented in January on traffic mitigation (to go with neighborhood traffic plan)

Mayor Davis asked for staff remarks. There were none.

Fritz Haemmerle asked the applicant to address all staff concerns that were outlined in Tom Hellen's memo.

### **Trail System**

Dave Hennessey representing Quigley began his presentation by addressing all of Becki Keefer's concerns in the memo about trails and access. He agreed to construct trails on their property and agreed to work with the BLM to construct a trailhead on BLM land beyond the applicant's property. They don't want to present anything that would impact wildlife on the trails that connect Deadmans to Hangmans, but will look into working on this scenario. Mayor Davis asked how the Idaho Fish & Game (IDFG) will weigh in on this connector. Robrahn will check with them. Haemmerle asked if Hennessey has talked to IDFG about the dates, times of year and hours the trail would be open. Hennessey continued his presentation by saying that the trail between Quigley Rd. & Quigley Pond Rd. would stay non-motorized. He advised that they are fine with going with Idaho Fish & Game's recommendations. Hennessey explained that last fall they completed special species assessment and determined that the Red Devil/Quigley proposed trail system would not adversely affect any special status species in their habitat. This is the first step in their environmental assessment which could take 12 to 18 months. Haemmerle asked about hillside parks being dedicated to the City of Hailey and deed restricted to prevent non-motorized recreational uses. He also questioned Quigley's current position on dedicating parcels to the city of Hailey. Evan Robertson spoke for the applicant and said they have not been told by the Council whether they are interested in having this land deeded to the city. He said that most cities are not interested in taking large chunks of land because of the liability issue. He does not have a clear read from the council on how they feel about it. From the applicant's standpoint having all the area within the project is important and their goal is not to give that land to the city.

Mayor Davis asked Keefer to speak as to why the request was made for that area to be dedicated to the city. Keefer said that all the hillside triangles on the map marked RGB have been dedicated to the city, except for one parcel owned by the school district, and has been the precedent for annexations and subdivisions in the past. Keefer explained that the bottom of these hillside areas provide additional places to build trails. It's the goal of the Parks & Lands Board to minimize confusion of private versus public property.

Robertson explained that they have no problem with easements open to the public however they are concerned with the city owning the easements because if we have a different city council at a later date they may not have the same ideas as this council. Burke asked who would be responsible for the trails and making sure they are not used in the winter if that is what is decided. Robertson said if the city wants control of trails they could grant that along with the easement. Keirn asked if the deed restriction could cover

## **CITY COUNCIL MINUTES**

**April 6, 2009**

that. Robertson said it could. Hennessey said they added onto the connectivity plan two potential snowmobile accesses, one on the north and one on the south side. They have concerns about snowmobiles and people together on the trail.

### **Traffic Mitigation**

Hennessey said that Lochner had summarized the updated traffic impact study. Originally Lochner had modeled 75% of the traffic going out Fox Acres Rd. and 25% out Quigley Rd. and they then modeled a 50/50 split. The level of service is the same in both scenarios. Hennessey explained that there are traffic calming measures that will be included within the development and would be in addition to the Deerfield neighborhood traffic calming measures. Don Keirn asked about construction traffic. Tom Hellen, Public Works Director, said they would limit the construction access to Fox Acres. Haemmerle would like a good way to discourage use of Quigley Road and has not yet seen any way to do this. Haemmerle would like to see how traffic will flow from Quigley to the city core and how it is going to be dispersed. The plan currently goes from 8<sup>th</sup> & Croy and then it splits down Bullion and Croy. Hennessey would like to know exactly what the city wants to know. Haemmerle wants to see what a complete street would look like. Hellen explained that it is hard to predict which way the traffic will go. Haemmerle thinks a good study could be done. Brown asked for clarification on the 3rd paragraph in the memo dated April 2<sup>nd</sup> from Hellen. There currently is a roundabout on Woodside Blvd included in the proposed off-site improvements. Hellen explained that that is a conceptual idea. Nothing has been formally submitted.

### **Idaho Dept. of Fish & Game**

Mayor Davis explained that Idaho Fish & Game could not be present tonight, however their recommendations have remained the same.

### **Water & Wastewater**

#### **WATER**

Hellen confirmed that council and Mayor received a memo that addressed all of his recommendations. His conclusion is that improvements are all requirements of a subdivision of a development. This will also give the city an opportunity to complete other improvements. Mayor Davis confirmed 800 gallons per day per connection. Hellen said this is a Department of Environmental Quality (DEQ) requirement. Brown questioned Dana Hofstetter's letter where she is concerned about the water supply. Hellen said that the water rights are irrigation season water rights. Robertson confirmed that is correct. Haemmerle clarified there would be 2 lines, one for irrigation and one for domestic use. Hellen confirmed they are planning separate water rights for irrigation and domestic use and explained peak use would not come into play if they are using their own rights for irrigation use. Haemmerle wants to talk about Water Rights and the fact that the city wants the applicant's water rights. Robertson said they currently have enough water rights for irrigation and if they are conveyed to the city he doesn't know if that will work. Brown questioned Hellen's memo that without the water rights we don't have enough water. Hellen said they would keep separate water rights for irrigation and they would be looking at the excess water rights. Haemmerle thinks the council needs to have a separate meeting on the water rights issue. He needs to see and know specifics on who's going to

## **CITY COUNCIL MINUTES**

**April 6, 2009**

own what water rights;. this is a significant issue.and could affect the decision on annexation. April 28<sup>th</sup> is a tentative date for the next meeting to discuss fiscal impact. Brown thinks we should talk about water rights instead. Williamson will talk to each council member individually and then he will pull information together with Hellen.

### **WASTE WATER**

Brown's general feeling is to go with staff's recommendation.

Noah Denvers from B3 Company and Bill Erickson from Applied Technologies are Civil Engineers representing the applicant presented a Powerpoint presentation on Wastewater alternatives.

Bill Erickson addressed concerns, alternatives and explained how the proposed system will minimize the amount of moving parts and manpower while minimizing the amount of operation and maintenance. The applicant's proposed system will benefit the city of Hailey because it has less operation and management costs associated with a typical municipal system and the developer pays for everything up front.

Wastewater facilities are prepared with EPA regulations and guidelines. The applicant's objective is to identify the most cost effective environmentally sound alternative. They look at the regulatory requirements for wastewater management over a minimum 20 year planning period. The plan has to show capacity for future growth and meet water quality standards for Quigley Canyon.

Erickson talked about Wastewater Management Alternatives and showed 5 alternative approaches. Alternatives 1 - 4 are decentralized approaches and alternative 5 is a conventional centralized approach. Erickson outlined each alternative and talked about economics and the present worth/cost. It would range from \$2.3 million to \$6.9 million.

The decentralized reclaim approach is a growing area in water resource management. The Environmental Protection Agency (EPA) has gotten involved in the last 10 years because of the numbers of these systems that are being installed; 40% of new developments are using decentralized systems. The advantages of a decentralized treatment system in comparison to a conventional centralized system is it produces high quality effluent, lower construction costs, lower operation and maintain costs, easier to match with staged phased construction and avoids transfer of drainage basin.

Noah Denvers said that one of the advantages to Quigley is the Sustainability Element. There are opportunities to recharge groundwater and to irrigate on-site using subsurface drip irrigation. LEED gives 3 points for doing retreatment and reuse onsite.

Both types of filtering systems they are proposing, re-circulating sand filters or re-circulating textile filters, have been highly effective in upgrading the effluent to a reusable quality, have a long and proven track record in cold weather and have minimal maintenance requirements. Another advantage to Quigley is it provides an opportunity for community education. There is a sense of local pride in the sustainability component and an opportunity to promote the systems and bring the education to the community and

### **CITY COUNCIL MINUTES**

**April 6, 2009**

the schools. The advantage to the City of Hailey is the fact that it would eliminate operation and maintenance. There would be much less staff involvement.

By not having Quigley tie into the Woodside Blvd. sewer eliminates disruption of 1 1/2 miles of sewer that would have to be replaced to allow this project to tie in. In regards to the Woodside Treatment Plant, the city has an opportunity to charge typical sewer fees for a typical wastewater connection.

The burden for the alternative system is on the developer not Hailey. The on-site system places the up front cost on the developer. After construction the system can be transferred to Hailey.

Noah talked about Mobile, Alabama 400,000 residents that have two large central plants, five clusters. They have discovered that the cluster system is far less costly. They collect the same fees and use those fees to finance other improvements on the system.

Richard Jenks from Oranko Systems was also present to answer questions.

Haemmerle asked how many municipalities in Idaho use decentralized systems when they have an existing sewer system. The applicant's representatives replied none; Alabama is the only one that they know of. Robertson said that the Eagle area could have used decentralized systems but they have not. Haemmerle confirmed that this would be the first in Idaho to have both systems and asked if there have been any discussions with DEQ as to whether or not they would approve of such a system. The applicant's representatives stated the RTF system that they are looking at is approved by the State of Idaho. It has been submitted to DEQ in draft form for their preliminary review. DEQ said it is typically approved on a state by state basis. Haemmerle wants to know an exact track record. They said they have been dealing with this type of system for 25 years. There are quite a few under construction. Haemmerle would like to know the age of the oldest system and when it was installed along with their track record. Keirn talked about the diagrams that were shown and asked how many homes each unit served. They explained that there would be 1 tank per home. Keirn is concerned about maintenance and oversight. Currently our ordinance does not allow for this type of system. Hellen said that DEQ says some standards are required that would have to be met. Mayor Davis said, currently we do not know if DEQ will approve any of these alternative systems. Haemmerle explained that we need to know what DEQ says before we can make any type of decision.

**Mayor Davis said he would take 40 minutes of public hearing comments. He asked the public to keep their comments to the topics that were discussed this evening.**

**Robert Blake**, 2030 Briarwood. Pumps eventually fail. What will the cost to the city be when 370 pumps go at once?

**Bill Hughes** spoke to council and stated the entire process is irrelevant until we get past the first two conditions. "No development above the pond or out Deadmans." Until that is

**CITY COUNCIL MINUTES**

**April 6, 2009**

decided all these issues are moot. The developer said he would withdraw his application if he cannot develop into those areas that intrude into critical wildlife habitat. A lot of people wanted to make comments on that tonight and 3 people have already left the meeting.

**Jennifer Montgomery** - 720 4<sup>th</sup> Ave S. This application cannot be scrutinized enough. Water in the west is more precious than oil. She said she is not an expert in wastewater treatment but she understood the presentation. There are financial problems all over and nothing is certain in these times. A healthy ecosystem goes hand-in-hand with a healthy society.

**Steve Crosser** - 431 Aspen Dr. With 370 homes there will be a lot of garages. In a garage there is a drain. Will it be hooked up to the wastewater systems or go in the ground?

**John Barton** - 530 Bullion. He is wondering if broader issues will be discussed at a later time. Empty homes, jobs, etc. Mayor Davis explained that as soon as the council is done gathering information on the project he will have a public hearing to invite public to speak on other issues.

**Mary Roberson** - 1580 Baldyview agrees with Bill Hughes. The last meeting limited public comment. She thought tonight's meeting was about developing beyond the pond.

**John Wiese** - 1141 Buckskin Dr. He would like to discuss traffic and wastewater. One of the traffic monitors on Quigley was located too far south so the data was diluted. The people in Deerfield would like to know how Deerfield will be impacted. Will additional studies be performed? Another traffic point is that drivers will go the easiest route. The model will not physically reflect the future traffic flow. In regards to wastewater, if they hook up to existing wastewater we have the most control. If we allow decentralized, we lose control.

**Larry Outz** - 601 Beach in Bellevue. How close do you plan to follow the Fish & Game recommendations on this project? Mayor said that will come out when the council deliberates.

**Sandra Sullivan** - 530 McKercher Blvd. She has lived in this valley for over 50 years and has served on the Blaine County Planning & Zoning Commission. Quigley is private property and will eventually be developed. This is the best chance the city of Hailey has to say what goes into this project. The size of the lots in Quigley is very appealing. After all, in these studies, she has heard very little about the public golf course, winter ski trails, hiking and biking trails. Half acre lots currently costs between four and five hundred thousand. If we allow this to go to a 5 acre development we will look like Ketchum.

**Jim Phillips** - 20 Quigley Road. Mr. Phillips encouraged council to have a broad issue public hearing. He talked about traffic mitigation along Quigley Rd. and suggested 2/3<sup>rd</sup> should use Quigley and 1/3<sup>rd</sup> should use Bullion and Croy. This is where you will see the

## **CITY COUNCIL MINUTES**

**April 6, 2009**

majority of traffic. He pointed out that Quigley is used at every season. How do you plan on accommodating all of this? You need to look at a sidewalk plan. Parking is an issue along with snow plowing. You need a plan for detail in this area. He talked about emergency lanes to allow emergency access.

**Chris Lamane** - 162 Bullion St. He is a Trail Advocate in the valley and has been developing dirt trails in Hailey for a number of years. This is a great opportunity to access trails. It's been a struggle in the past. This applicant has been very open and accepting to what the community wants.

**Lily Simpson** - 7 Quigley. Ms. Simpson is a contractor for Blaine County on the draft BLM Recreation and Trail Plan and is also a Blaine County Planning & Zoning Commissioner. She would like to talk about trails and wildlife. Mule Deer have been in decline in the west since the late 70's because of habitat fragmentation and fire suppression. It is important where you put your houses for fire suppression reasons. She has a recent wildlife study that she will leave with council. Ms. Simpson said that she hopes council will take very seriously the IDFG recommendations. She supports winter closure as outlined in Keefer's recommendations.

**John Dean** - 1510 Heroic. Mr. Dean questioned the 4 alternatives that were presented and if the basin is below grade. A place to park and access is extremely important.

**Denise Jackson Ford** - 421 Eureka Dr. Ms. Ford was very concerned about the Caring Capacity of the Canyon. Water rights don't always equate to availability. She questioned if sand has to be dug out and rejuvenated at some point, how that would be handled. Quigley is a popular canyon that is easily accessible. The popularity will still be there. Currently pedestrians have to select their routes carefully. A sidewalk plan is currently a long projection. She doesn't think we will be able to meet these needs and it will be dangerous. Regarding wildlife, she thinks it's tragic to build beyond the pond. She has seen Cutters and Sweetwater go under. She hopes we should not disturb the back part until we are assured this will be a successful development. Build full and upfront and close to the city. In summary she explained, this boils down to Care and Capacity.

**Richard Stopol** - 150 6<sup>th</sup> Ave. Stopol said that it is dangerous walking around Hailey in the winter now, more houses in that subdivision will only make things more dangerous. He would like to see the size of the subdivision sized down.

**John Deloranzo** - 100 Mustang Lane in Bellevue. Deloranzo wanted to talk about the importance of wildlife habitat. 90% of the people that were poled are concerned about wildlife. 70% of the people poled on the City survey were not interested in the golf course. Supposedly the developer will give the city the golf course. However, the developer will profit by selling the big homes on the golf course. That will not necessarily be usable space for the citizens of Hailey. Deloranzo said that it is up to City Council if they allow development past the Pond. Please consider the Idaho Fish & Game Recommendation ended Deloranzo.

**John Finnel** - 710 E Bullion. If we are going to consider sidewalks we have to be able to keep them clear. As far the decentralized sewer system that was presented tonight, how is the city going to enforce maintenance and repair in each home?

**Keith Perry** - 1340 Queen of the Hills. Regarding the wildlife, you have to consider the good things about this development. The golf course is strategically located to give access to animals to go up and down. If you asked Idaho Fish & Game if it would be better if Hailey didn't exist at all they would of course say yes. People live here and will continue to move here. How will snowmobile access be compatible? Perry is very concerned about how this will impact the Nordic Center.

**Mayor Davis closed the public hearing at 7:32pm.**

Mayor Davis asked council if they would like another meeting for more public hearing on all concerns. Haemmerle would like to know what type of project could be developed in the county and what density the county is looking at putting on our border compared to the density that is being proposed in Quigley. Brown said that the County is looking at 148 more units than the applicant's proposal, not including golf course land (developed land) and stated the county strongly believes in density in the city.

Haemmerle said that the county is currently very dissatisfied with the density we currently have in Hailey. Haemmerle wants to know from our staff what could be developed in this area and what the county foresees as the appropriate density in these areas. It needs to be put in prospective for everyone to hear.

**Mayor Davis scheduled the next public hearing for April 28, 2009. They will be discussing Water Rights.**

Brown disclosed an exparte conversation she had with Susan McBryant. McBryant was concerned about more housing inventory and how this will affect our existing homes. What would the additional home inventory do to the existing homeowner who may have bought in higher than what it is now worth and could that be factored into the financial study? What happens to golf course land if for some reason golfing stopped? McBryant also had concerns about the applicant's ability to perform on time given performance in other projects in the north valley. She also questioned the hiring of only out of state employees for the life of the project and our own local businesses and people would not be used. Keirn & Haemmerle had these conversations also.

Martha Burke disclosed that she had a conversation with Bill Hughes in Atkinson's and he then passed her a note at tonight's meeting saying that until conditions 1 & 2 are decided upon these conversations are pointless.

The Mayor advised that every aspect of the application will be deliberated.

Robertson requested that the City talk to Rich Caplan regarding getting the fiscal impact study completed.

**CITY COUNCIL MINUTES  
April 6, 2009**

Robrahn clarified that on April 28<sup>th</sup> the topic of discussion will be water in general (including wastewater) and recommended 1 or 2 future meetings dedicated to public comment. The Mayor will be in City Hall tomorrow and decisions will be made regarding future meeting dates. The meetings scheduled for May will be noticed.

Meeting adjourned 7:43 pm

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Rick Davis, Mayor

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Mary Cone, City Clerk