

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD AUGUST 28, 2017
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 Fritz Haemmerle. Present were Council members Colleen Teevin, Don Keirn, and Pat Cooley. Staff present included City Attorney Ned Williamson, and City Clerk Mary Cone.

Martha Burke not present

[5:30:33 PM](#) Call to order by Mayor Haemmerle

Open Session for Public Comments:

[5:30:54 PM](#) Elizabeth Jeffrey reads a letter on climate change which she handed out to council tonight. Disconnect between discussions and imminent change happening now. Local initiatives must be done as Federal government is cutting back. Jeffrey asks mayor to re-ignite the climate program to act now and reduce emissions. Jeffrey implores, add a position or other ways to increase sustainable practices.

WATER environmental group from the high school present tonight in support.

[5:34:53 PM](#) Molly Page, comments, she would like to see Hailey be a leader in climate change issues.

CONSENT AGENDA:

- ~~CA 323 Discussion of possible dates for a second Council meeting in the month of September (currently 1 meeting scheduled for September 18, 2017) (no documents)~~
- [CA 324](#) Motion to authorize the Mayor's signature on required submittal documents for the National Flood Insurance Program Community Rating System routine cycle visit (Form CC-230).....
- [CA 325](#) Motion to approve Resolution 2017-083 and Contract for Services for School Resource Officers at Blaine County Middle and High Schools for 2017-2018 school year.....
- [CA 326](#) Motion to approve the new alcohol license for El Toro Mexican Restaurant
- [CA 327](#) Motion to approve alcohol license renewals for Hailey Businesses.....
- [CA 328](#) Motion to approve Special Event Permit for Street Dance and Summer Potluck on August 27, 2017 on Second Avenue, between Bullion Street and the alley
- [CA 329](#) Motion to approve Resolution 2017-084 and the Hailey Police Facility Rental Application and Agreement for the Folklife Fair Quilt Show, to be held on October 7, 2017, and authorize the Mayor to sign
- [CA 330](#) Findings of Fact, Conclusions of Law and Decision regarding a request by Colorado Gulch Preserve, LLC, for annexation of Lot 1A. Block 1, Stevens Family Ranch, LLC (North of 81 Broadford Road, Section 15 & 16, T.2N., R. 18E., B.M., Blaine County, Idaho) and including within said annexation Tax Lots 7731, 7732, 3913 and 7505.....
- [CA 331](#) Motion to approve minutes of August 7, 2017 and to suspend reading of them
- [CA 332](#) Motion to ratify claims for expenses during the month of August 2017
- [CA 333](#) Motion to approve claims for expenses incurred during the month of August, 2017, and claims for expenses due by contract in September, 2017

[5:35:25 PM](#) CA 323 – pulled by Haemmerle

Keirn will miss 9/18 meeting. Cooley will be late to that meeting on 9/18. Teevin okay with 9/25. Mayor directed staff to help determine best meeting dates for September as Burke was absent from tonight's meeting.

[5:37:44 PM](#) Cooley moved to approve all consent agenda items minus CA 323, seconded by Keirn, motion passed unanimously.

MAYOR'S REMARKS:

[5:38:05 PM](#) Mayor Haemmerle speaks about Hailey's alleys. We took back our alleys thanks to Kelly Schwarz and his crew. Thank you, Kelly for all your hard work announced Mayor Haemmerle.

Haemmerle reminded public that September 8th is the deadline for submitting your declaration of candidacy forms for the November General Election.

PUBLIC HEARINGS:

PH 334 Consideration of a Preliminary Plat for Colorado Gulch Preserve, LLC, for Lot 1A. Block 1, Stevens Family Ranch, LLC (North of 81 Broadford Road, Section 15 & 16, T.2N., R. 18E., B.M., Blaine County, Idaho). The plat consists of thirty-six (36) lots and associated open space and floodplain areas (continued from August 7, 2017)

[5:39:34 PM](#) Horowitz Preliminary staff report, Yeager will review highlights of plat to council.

[5:40:24 PM](#) Zoning districts next discussion, Williamson gives overview. 3rd item annexation agreement, thought plat would be best at first but all are inter-connected.

[5:41:16 PM](#) Yeager speaks on behalf of applicant and discusses the plat map. Yeager reviews some of the standards of evaluation from the staff report, first standard, semi-radiuses max of 89 feet. Yeager feels that this radius is too tight and should be updated in the city code. Next standard of evaluation, several properties exceed ½ acre, but plat notes restrict to watering to ½ acre as ordinance directs within the city limits, staff is okay with this. Next, open space parcel, a,b,c,d,e,f – landscape strip, have donated property to WRLT. Flag pole of the flag lot, tapering triangle, usable portion is within the standard, wider than 75 feet. Zoom into plat, lower left-hand lot, once you get into the setback, it is in compliance with buildable area. Yeager continues to review the standards. Next was mitigation of impacts regarding Broadford Road traffic, etc. We've discussed all of these impacts in past meetings. Building envelopes are outside the floodplain, they have come up 2 feet above the 100 year floodplain – for building height minimum. [5:49:48 PM](#) Preston Ziegler, applicant, during the flooding this year, the water level did not encroach beyond the toe of the slope on this property. Horowitz comments on the building envelope placement at the Planning and Zoning Commission (P&Z). P&Z discussed

whether all building envelopes should be at the top of the slope on these lots, and they thought it was not necessary and allow people to have some daylight basements. Yeager continues with the standards, Superior alternatives, sidewalks, not proposing sidewalks, but will be paying in-lieu fees. Yeager implored, this area doesn't warrant sidewalks. Alternative proposals to roads, 2% road grade, Yeager feels is an outdated standard, and has discussed this with city engineer. Last standard, bike path concept, did a preliminary design, not a final design, wanted to estimate costs, did not do vertical alignment, for cost estimating. There was an implication that it is too steep, they will grade it when go to put the path in to get a gradual slope. Yeager shows the map from the Alta Engineering report, will need to be more discussions with property owner, may be able to put path in front of property, in right-of-way, 2nd property has a flat section and wider right-of-way.

[5:57:01 PM](#) What about no further subdivisions language? Asks Haemmerle. Laski responds that it is limited in the development agreement. Yeager, responded, they are okay with no further subdivisions of the development.

Public Comments:

[5:57:58 PM](#) Woman spoke, without stating her name, she is a nearby neighbor. She doesn't understand why they can have more than 24 lots. Flooding happened in lower lots in 2006. What about a public park? Haemmerle asked to see zoomed plat map again. Yeager displayed the map, and the Mayor asked if this person saw flooding on the building envelope. She replied that she did not.

[6:00:44 PM](#) William Miles comments to council, right-of-way, would you like a bike path in your front yard? It is unsafe to have bikes coming past his driveway.

[6:01:53 PM](#) Brad Billger Broadford road resident, comments on the west side of his property it seems to be the logical side for the bike path. Big consideration if he sells next week.

Applicant rebuttal, Yeager responded to some comments. Park space on Broadford, cul de loop and buffer for HOA. There is a public piece within the subdivision which connects to the WRLT land which is open to public. Flood waters rebuttal. Bike path rebuttal, the grade of path will be safe once designed. Billger likes Alternative A of bike path.

[6:05:54 PM](#) Haemmerle asks a question on flooding. Ziegler responded some areas it reached the toe of the slope.

[6:07:12 PM](#) Keirn asks a question on the lots to the west. Yeager responded, property must be in floodplain, if building is not in floodplain don't require flood insurance. None of these building envelopes are in the floodplain.

[6:08:59 PM](#) Cooley comments on plat #5, asks about putting on a floodplain note. Paragraph I, dedicated 5.3 acres to open space. Yeager findings should include parcel f which is the path into the WRLT property.

[6:10:29 PM](#) Teevin asks, where to spend the money, bike or road? Haemmerle responded. Horowitz commented. Burke may want bike path to be prioritized, need cost estimate for this to happen.

Council deliberation.

[6:12:01 PM](#) Williamson parcel F, parcel D will be open dedicated to public, should include parcel F to this plat note. Yeager, applicant is in agreement with this plat note, and will revise condition I, Laski commented. Asked plat note identifying floodplain lots, applicant will add a note, lots will be specified.

[6:14:30 PM](#) Williamson, add a note regarding the subdivision.

[6:15:08 PM](#) Kathy Barfuss, clarified there is a spring in the area and it is marshy all season long, natural spring, never been river water on the upper bank, but it is marshy from the spring.

Horowitz, [6:16:34 PM](#) reviews the P&Z conditions A-R, plat note #4, #5, #6, property near airport, Condition I, D& F parcels as open space. R condition is from staff, portion of land right-of-way, deeded to Blaine County at their request, in the upper right-hand corner for all Broadford Road to be inside the annexation. New condition mentioned tonight #S, no further subdivisions.

[6:21:21 PM](#) Laski comments, condition G, application Development fees, not DIF's right? Not associated with DIF, should read application development fees, Horowitz concurs with this correction.

[6:22:44 PM](#) Williamson, conditions L & M, condition B, minor point, B should read "...except as otherwise provided on L & M for consistency."

Williamson responds to Mayor's question. The Findings of Fact Conclusions of Law and Decision will spell out the "superior design."

Page 180 of packet, development agreement [6:24:12 PM](#) Teevin okay with it in the Development Agreement, also part of the CC&R's for HOA.

[6:24:56 PM](#) Teevin asks a procedural question. Williamson explains the order of the discussions tonight. Teevin believes this road should stay rural, the comp plan is not a rational document, lowering # of lots may get a more rural feel. Haemmerle responds to Teevin's comment. Once zoning is set, you cannot deny or lower the number of lots allowed by zoning. Page 121, transition from urban to rural, number of lots are less than other parts of nearby city. This is probably the best transitional area in the city.

Haemmerle will go to zoning discussion and vote on that and then come back to vote on plat.

PH 335 Consideration of Zoning Designations for Colorado Gulch Preserve, LLC, Lot 1A. Block 1, Stevens Family Ranch, LLC (North of 81 Broadford Road, Section 15 & 16, T.2N., R. 18E., B.M., Blaine County, Idaho) and Tax Lots 7731, 7732, 3913 and 7505. Proposed zoning for Lot 1A.

Block 1, Stevens Family Ranch, LLC (North of 81 Broadford Road, Section 15 & 16, T.2N., R. 18E., B.M., Blaine County, Idaho) is Recreational Green Belt (RGB), Limited Residential-2 (LR-2) and Flood Hazard Overlay (FH). Proposed zoning for Tax Lots 7731, 7732, 3913 and 7505 is Limited Residential 2 (LR-2) (continued from August 7, 2017)

[6:33:23 PM](#) Horowitz goes through the page 151, propose LR-2, lowest density in the city. This subdivision is on average of 1.47 lots/acre, and nearby Della View is about 2.14 lots / acre. In-holding parcels LR-2, other parcels could be SCi-I for industrial uses in the future.

Comp plan map and standards of review was conducted by the P&Z Commission. Second standard of review, essential public services are available without putting undue stress on existing infrastructure. P&Z Commission determined that these uses could be served without adding additional excessive requirements. Standard around proposed uses compatible with surrounding area, P&Z Commission felt this application meets this standard. And the final standard, P&Z found that it was compatible with the health safety and welfare of citizens. Horowitz refers to options for motions at end of report and time to take public comments.

There were no public comments.

[6:39:00 PM](#) Cooley feels that the 2 lots should not have access to Broadford road, if they are zoned in the future as industrial lots.

[6:39:51 PM](#) Keirn comments, Northridge is the largest transitional zone, this satisfies his interpretation of the comp plan.

[6:40:31 PM](#) Teevin, understands the transition compared to other areas, but still feels it is too many lots. Haemmerle LR-2 zoning is the largest lots in the city. You can't make any fewer lots.

[6:42:46 PM](#) **Cooley makes a motion to recommend zoning for the annexed Colorado Gulch Preserve Parcel D as RGB and the remainder of as Lot 1A, Block 1, Stevens Family Ranch, LLC as LR-2. Designated floodplain areas shall be zoned Floodplain Overlay District. Taxlots 7731, 7732, 3913, 7505 shall be zoned LR-2. Zoning may be revised to SCI-SO for Tax Lot 3913 in the event legal access is constructed to the lot through Airport West and the existing Broadford Road access is terminated. Zoning may be revised to SCI-I for Tax Lot 7505 in the event legal access is constructed to the lot through Airport West and the existing Broadford Road access is terminated. The Council finds that the proposed zoning is in accordance with the Comprehensive Plan; essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services; the proposed uses are compatible with the surrounding area; and the proposed amendment will promote the public health, safety and general welfare, as shown on Exhibit B, Proposed Zoning, seconded by Keirn, motion passed with roll call vote. Teevin, no. Keirn, yes. Cooley, yes.**

Horowitz then mentioned that there is a proposed ordinance for council to consider. Williamson the ordinance does 2 things, annexes the property and adopts the zoning districts. State law

suggests that these should be done at the same time as annexation. Ordinance will be effective at the 3rd reading and publishing.

Will come back to the ordinance.

Back to PH 334 preliminary plat - [6:46:10 PM](#) Keirn makes a motion to approve the **Preliminary Plat application for CGP, LLC, represented by Galena Engineering located at Lot 1A, Block 1, Stevens Family Ranch LLC, (North of 81 Broadford Road, Section 15 & 16, T.2N., R. 18E., B.M., Blaine County, Idaho), with conditions (a) through (s) finding that the application meets all City standards. Williamson added the changes discussed tonight: with Conditions B, introductory phrase added “except as otherwise provided,” Condition I to include parcel F as part of public access, Condition G, remove the word “impact,” with conditions A-S, Keirn amended motion with these additions, amended motion seconded by Cooley. Motion passed with roll call vote. Teevin, yes. Keirn, yes. Cooley, yes.**

PH 336 Consideration of an Annexation, Services and Development Agreement and Resolution 2017-085, for Colorado Gulch Preserve and Tax Lots 7731, 7732, 3913 and 7505(continued from August 7, 2017)

[6:48:20 PM](#) Laski reviews the agreement, in recitals, tax lot numbers instead of present owners names, 2 in-holder property owners will sign, not Mr. Miles. Definitions on page 2 of agreement, annexed property 46.06 acres includes new boundaries, will be adjusted slightly down, 34.94 acres, including in=holders lots and road, minus property pulled out to give to county late Friday. Annexation of consenting parties, A, 50-322.22? miles property, paragraph 4. Paragraph 6B, hook up language, a cities request, fine tuned, hook-up change in nature, use/modifying clause refers to both items change or expansion of use – not lot line shift triggering hook up. Biggest changes in consideration section, broadford road and path, and money allocated across projects. Galena engineers came up with estimate, \$325,000 portions of bike path, in staff report. Road improvements have bid for this \$250,000?[6:55:27 PM](#) could go down to amend ord. for catch basin, to top off. Would pay annexation fees, totaling \$133????, at time of annexation, time of publishing ordinance. Would do broadford road improvements this fall. Use sidewalk fees to finish road improvements. \$272,570, would leave about \$40,000 go towards bike path improvements. City projects agreed to help with the funding and within next 2 years would pre-pay DIF for transportation \$51,000 for help with the bike path construction. Provide services or cash to city for this, Laski adds. Paragraph 8, if city did not go forward in next 2 years, then would not pre-pay DIF fees. Lift station language added from last meeting. Final change, added exhibit F, shows striping and signage at Cedar Street. Misc. Force Majore language, removed ‘economic instability.’”

[7:00:35 PM](#) pg 170, spreadsheet on funding for road and bike path and funding sources and estimated costs.

[7:01:15 PM](#) Horowitz reviews this table on estimates and funding. Total \$557,000 for both projects.

No public comments.

[7:02:49 PM](#) Teevin, do we need to decide this priority tonight? Haemmerle, responds, no we don't need to decide tonight.

Keirn asks a question about resolution and ordinance.

[7:03:58 PM](#) Cooley page 173 and 174, no dollar amount in misc. utilities, Yeager responds. In the upper half page 1 of 2, northern portion (constrained portion) and southern portion and unrestrained portion. Move a utility power pole in north portion, move utility box in south end.

[7:06:46 PM](#) Teevin still not comfortable with forcing Mr. Miles into annexation.

[7:07:08 PM](#) **Motion to approve approving the Annexation and Services Development Agreement by Keirn, seconded by Cooley, roll call vote. Teevin, no. Cooley, yes. Keirn, yes.**

Motion to approve Resolution 2017-085 and authorize the Mayor to sign made by Keirn, seconded by Cooley. with the Annexation and Services Development Agreement, Keirn, yes. Cooley, yes. Teevin. No.

Back to Annexation Ordinance discussion.

[7:08:10 PM](#) ordinance on page 158. Williamson suggests motion to approve ord. no. 1224, allow read by title, **Motion made by Keirn to approve Ordinance no. 1224 and conduct 1st Reading by title only, seconded by Cooley, motion passed with roll call vote with Teevin, voting against. Keirn, yes. Cooley, yes.**

[7:09:26 PM](#) **Mayor Haemmerle conducts the 1st Reading of Ordinance No. 1224, by title only.**

Next meeting will present the Findings of Fact Conclusions of Law and Decisions and the zoning Williamson, 2nd & 3rd readings of ord.

OLD BUSINESS:

*OB 337 3rd Reading of Ordinance No. 1221 -Text Amendment to Title 17, Section 17.04G.050, Bulk Requirements, to Title 17, Section 17.05.040 District Use Matrix, Multi-Family Residential Density, and to Title 17, Section 17.09.040 On Site Parking Space Requirements. Proposed changes would create a housing district titled, Small Residential Overlay District, and would allow for a greater number of residential units in the Business Zone District, while retaining current bulk requirements and providing required parking and **approval of summary of Ordinance 1221***

[7:10:37 PM](#) Horowitz explains item.

[7:11:43 PM](#) Keirn moves to approve 3rd Reading of Ordinance No. 1221 by title only authorize the summary of Ord. No. 1221 and authorize Mayor to sign, seconded by Teevin, motion passed Teevin, yes. Cooley, yes. Keirn, yes.

[7:12:04 PM](#) Mayor Haemmerle conducts 3rd Reading of Ordinance No. 1221, by title only.

OB 338 3rd Reading of Ordinance No. 1222 - Zone Change amendment to the City of Hailey Zoning District Map. Proposed changes would rezone the Northridge X Subdivision, Lot 1, Block 2, from Limited Residential 1 (LR-1) to Limited Business (LB)

[7:13:18 PM](#) Keirn moves to approve 3rd Reading of Ordinance No. 1222 by title only and authorize Mayor to sign, seconded by Cooley, motion passed Teevin, yes. Cooley, yes. Keirn, yes.

STAFF REPORTS:

[7:14:11 PM](#) HFD received new SCBA's and will have in service within 2 weeks.

[7:14:30 PM](#) Haemmerle announced that Williamson has submitted his resignation letter from being the city attorney, he will be the next district judge. Effective when Mayor identifies a replacement.

[7:15:46 PM](#) Laski asks about setting the next meeting, and timing of the final reading of ordinance, could affect the road paving asphalt plant closes in October for season.

EXECUTIVE SESSION: Real Property Acquisition (IC 74-206(1)(c)),

[7:15:37 PM](#) Teevin moves to go into exec. Session to discuss Real Property Acquisition (IC 74-206(1)(c)), seconded by Keirn, Motion passed with roll call vote. Teevin, yes. Keirn, yes. Cooley, yes.

Mayor Haemmerle and council came out of Executive Session

[7:23:59 PM](#) Cooley moves to adjourn meeting, seconded by Keirn, motion passed unanimously.