

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD MAY 5, 2020
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at 5:33 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, City Administrator Heather Dawson, and City Clerk Mary Cone.

[5:33:17 PM](#) Call to order by Mayor Burke

Open Session: no comments

PUBLIC HEARINGS:

PH 192 Continuation of consideration of a recommendation of the Hailey Planning and Zoning Commission for a Planned Unit Development (PUD) Application by Marathon Partners, LLC, represented by Ben Young Landscape Architects and Galena Engineering, for development of a Two-Phased PUD totaling 145 units, with 90 units in Phase 1, to be located on Tax Lot 6655, Section 9 & 10, T2N, R18E, Hailey. The project will consist of:

- *Park and Open Space for Residential and Public Use*
- *Bike and Pedestrian Connector Trails*
- *Recreation Field, Natural Play and Scenic Area*
- *Curtis Park Connection*
- *Single-Family Lots and Cottage Single-FamilyLots ACTIONITEM.....*

[5:34:48 PM](#) Ed Lawson opens up., represents marathon partners. Jim Speck will discuss the water. Samantha Stahlnecker, Engineer. Ryan Hale, will discuss traffic, then open up for public comments. 2 applications PUD and Preliminary Plat. Zoned LR-1, this is the last infill parcel of significance in Hailey, and planned 6 connections to nearby properties. Discussed density and diversity at the last meeting, seeking 108 units, like Northridge, but was asked to increase density to 145 units. Applicant does not want more than 108 units but City has asked for more density. Lawson recounts council discussion in last meeting, higher density belongs on the West side of the city, River Street area. Later will request waivers with 2 flag lots. Lots 5800 sq ft to 12,000 sq ft. One of the keys to your finding, is to find that the irrigation water is not part of this project, Jim Speck will present on this later. Will implement covenants of the CCR's to promote water conservation, ultimately this application lacks any fatal flaws. Benefits of this project include \$200,000 annexation fee, 1.4 Acre park, added trees and 10-foot wide pedestrian trail through middle of property in North/South direction.

[5:44:15 PM](#) Jim Speck water rights attorney for applicant speaks to council. Speck has been working on water rights matters in Blaine County since 1976. Speck shows the canal in blue on an aerial map. Water right is delivered by the canal from the head gate to the subdivision. 67-6537, enacted April 2005, LLUPA, not part of chapter 42, part of water rights laws. It is an additional tool, only applies in a land use change. Stated purpose shown in red, encourage use of surface water, does not mandate. The issue council must address, is the water right reasonably available. Idaho water law priority date,

first in line, first in right. March 23, 1883 priority irrigation date. Delivered with approximately another 180 water rights. The water master has determined, older than a certain date, then turns off junior water rights after that date. This water right was cut for priority, shown in red, cut off by water master, curtailed, when this happens, not available to water after that (for last 17 years it has been curtailed). Speck shows email from Jim Phillips Hiawatha Canal, anticipate earlier curtailment dates this year due to less snow pack. Based on this, it has been used for over 100 years as agriculture irrigation, certainly not acceptable to use as municipal irrigation. Property is next to Old Cutters, which uses municipal water to irrigate. This water right is reasonably unavailable in August and September, citing Idaho Code 67-6537. Council should also consider the economic feasibility to determine whether this is reasonably available. Practical delivery issues presented by Galen Hanselman, who irrigates this property has done so for many year, and nearby property owner. Projected cost to deliver water right to the property, is approximately \$750,000, and curtailment in August (likely), must have capacity to provide water July through September. [5:57:07 PM](#) Speck references recent annexations, did require system to be constructed by developer, Quigley. One right dated 1880, is never curtailed. They don't need to rely on municipal water for irrigation. Colorado Gulch, delivered by Cove canal, near the subdivision, not many other rights delivered and only serve a few lots.

Based on all this info, Speck urges council to follow unanimous recommendation, that this water right is not reasonably available and need municipal water to irrigate this subdivision. [6:01:55 PM](#)

[6:02:51 PM](#) Samantha Stahlnecker, engineer with Galena Engineering, explains the irrigation plan. Applicant is willing to cover irrigation for the park, and improving the Curtis Park irrigation system, which utilizes canal water. The difference between what we've done and other applications, there is a deficiency in water pressure in Northridge, we have incorporated their model including Old Cutters. Northridge is minimum of 45 psi, DEQ requires minimum of 40 psi. We acknowledge small impact to existing water systems, as Lawson mentioned, applicant is proposing to give \$200,000 towards a new well and currently working to identify a new well site within the subdivision. By next meeting may have this site identified. Hands over to Ben Young.

[6:08:56 PM](#) Kaz Thea asks question, how a new well will affect, workings of it, how assist with water pressure, Stahlnecker answers, when add well increases pressure in existing system close by. [6:10:24 PM](#) Brian Yeager PW Director/City Engineer adds comment, when we did pressure improvement analysis, will take to 45 psi. could increase the psi to 49 possibly. Reason, all water running down South, increases pressure, help build Quigley well also. It will help with pressure in Old Cutters and Northridge, adds Yeager. Would upgrade Quigley with 12-inch lines, this would increase the pressure to 49 psi.

[6:13:38 PM](#) Ben Young, Landscape Architect presents now about water savings in the project, how they will use water most efficient as possible. Key part of the project, to conserve water in 4 ways, design, restricting turf people can have and water application - have ways to conserve and what plants are allowed to conserve. First, design of park, 62% of park is native grassland. 2nd way, limiting amount of turf any lot can have. Can only have 25% of buildable lot as irrigated tarp. 22 acres can be irrigated but with their plan only 9% can be irrigated, 55% reductions right off the bat, on area able to irrigate per lot. All lots will be required to use EPA approved water sense certified equipment, certain clocks and systems, save 20% water. [6:19:40 PM](#) Turfgrass Water Conservation Alliance (TWCA) means drought tolerant turf plants, will require certified seed that uses less water. Kentucky Bluegrass

will use 53% less water than non-certified cultivar. Put together with all other requirements, will be mandating less water use than any other development in Hailey.

[6:23:16 PM](#) Kaz Thea asks question, commends applicant on this approach, impressive effort, like seeing the size of turf on the lots, would like to see on other lots as well. Issue is bad soil below the turf. Tree committee suggests putting compost below whatever you are planting. Wonder if we could suggest putting compost down as well. City has Water Smarty program.

Burke asks to discuss increasing size of pipes to 12 inches to increase psi to 49, [6:26:21 PM](#) Stahlnecker responds, would be willing to provide 12 inch larger cost difference between 8 and 12 inch.

[6:27:13 PM](#) Husbands ask \$750,000, willing to give \$200,000 of this cost? Stahlnecker, to install a second line cost \$750,000, willing to give \$200,000. This contribution is to offset the impact on the water system.

[6:28:51 PM](#) Linnet, asks about the need for the 12-inch line. Stahlnecker answers, 8-inch not large enough to efficiently fill the new Quigley Tank. Yeager will show which areas, need larger pipe size to reduce friction,

[6:31:21 PM](#) Yeager shows his screen, SPF report, evaluating the water supply connecting through Eastridge, main line up Quigley Road. Balances resistance that it takes to go to the tank. In 2015, facilities planning study, identifies cost at approximately \$750,000. Estimate in today's cost would be roughly \$1 million. We would be looking at a new tank site even without Sunbeam. The location of Sunbeam is a good spot for a new tank. Could get higher production rate of this well site with increase of 12-inch line.

[6:35:29 PM](#) Husband, ask deadline, Yeager answers less of deadline, more of a goal. In goal planning study, would take about 2 years to get through process. Now is a good time to do this. Husband, what is stopping us from doing this? Yeager, the well study and site are primary things holding us back. Sunbeam property is ideal location.

[6:37:56 PM](#) Burke, page 9 of staff report, could incorporate new well into the park. Horowitz, can bring well sites to next meeting. Husband asks, do we have the money? Yeager, new well costs \$1 million, if city and applicant agree to an amount, have money in the enterprise fund to cover the remaining cost of the well.

Public comments:

[6:44:46 PM](#) Lili Simpson attempts to comment, we are unable to hear her.

Traffic study, Ryan Hales, with Hales Engineering. Performed a traffic engineering study, went through data collection process during school, during peak hours, 7:30 – 8:30 and evening peak hour. Trip Generation and Synchro Analysis, software programs to look at each intersection. Level of service is how operating performance of an intersection or roadway and calculate on worst case traffic scenario, on a scale from A-F, intersections got C. [6:50:52 PM](#) As traffic grows in the future through 2024 year, based on worse-case scenario, July condition 7-9 and 4-6 pm, then added 2% per year growth and added Quigley Farms project. Trip Generation standard was last done in 2017. Up to 146 trips at full build out. Myrtle and Main, have level F during peak periods, wait up to 50 seconds in peak times to turn left. Another F level of service is at Bullion and Main. Hales, continues about

[7:00:23 PM](#) traffic mitigation, phasing flashing yellow protective permissive at Main and Bullion, at 2030 year. Myrtle and Main Street need may warrant a future traffic signal. Traffic at Quigley and Eastridge, not many cars in this intersection predicted, function level of C or better. In future, 6 accesses to bring traffic in and out of the development. 3 accesses are enough for phase 1. In review process, Stanley Consultants reviewed their document, gave Hales their thumbs up. Hales will take questions from council.

[7:06:30 PM](#) Stahlnecker speaks, we did look at Bullion Street as access into the subdivision, with a new potential road through private property, and intersecting with San Badger. Important to think about traffic in Hailey first. Bullion route from High School, would become a much easier route. If we extended Bullion, would likely be the attractive route creating an unequaled traffic pattern. Largest negative is that it crosses the development's bike path, interrupt that bike path through the subdivision. Last reason, not a fan of Bullion Street extension, concern for safety at 8th street. And it would go through private property. Stahlnecker suggests to remove landscaping from the intersection at Bullion and 8th for better visibility.

[7:14:01 PM](#) Thea asks about numbers through full build-out, does it include Quigley traffic also? Hales, yes those were included.

[7:14:49 PM](#) Linnet, when are roads being built in phase 1 and phase 2. [7:15:24 PM](#) Stahlnecker, no timeline on phase 2, want to see how successful phase 1 is first.

[7:16:06 PM](#) Thea why are all 3 access points in Old Cutters in Phase 1? Stahlnecker, 2 connections are in Old Cutters and one is off of Quigley Road. We are promoting strong non-vehicular traffic, they broke down infrastructure costs per lot.

[7:18:01 PM](#) Lawson, wanted to have agriculture use of phase 2, can still use for that use.

[7:18:38 PM](#) Horowitz comments on this application at the Planning and Zoning Commission.

[7:19:23 PM](#) Thea, remove vegetation to improve site line, as first potential step, [7:19:53 PM](#) Yeager spoke with Stahlnecker about this idea today, can remove brush, this would help visibility and safety.

[7:20:43 PM](#) Husbands, asked if we can stripe this road, Yeager will check into this.

[7:21:50 PM](#) Martinez, looking at the Bullion extension, appreciates this effort of looking at this option. What is our flexibility to our Park in the future, and opportunity for water conservation?

Public Comments on traffic:

[7:24:41 PM](#) Craig Aberbach, Old Cutters resident, Myrtle will feed in most of the traffic as it connects to Main street, asked for improvements.

[7:25:26 PM](#) Janet Carter, live at Bullion intersection being discussed.

[7:26:28 PM](#) Lili Simpson, submitted public comments today, Paul Reis former Forest Service employee, gives accurate numbers Eastridge and Quigley traffic, want council to look at his comments. References a professor who objected to the Quigley Farms traffic study, when it was presented. Our numbers were greater in those 2 documents.

[7:28:55 PM](#) Jim Parris, live on Carbonate Street across street from Curtis Park, it has always been a difficult corner at Bullion and 8th, he likes the idea of making 8th intersection safer. Speed through 6th Ave. is really fast, when students are tardy, suggests to maybe put stop signs at Mother Lode and 5th Ave, and suggests an idea of increasing the radius on Bullion, and extend the Bike Path to Atkinson's and Wood River Trail.

[7:31:21 PM](#) Rob Thomas, live near Jim Parris on Carbonate, likes the design, agrees with 6th and Mother Lode speedway comments made by Parris. Where bike path into 6th, goes nowhere 6th is a 60-foot street, Bullion is 100-foot street, it would tie together to downtown core.

Council deliberation on transportation.

[7:33:29 PM](#) Linnet, retracts request for Bullion connector, based on Stahlnecker's statement. Would like to see the bike path exit on Bullion and not Carbonate. Traffic study suggests that the access points are good where designed. Appreciates all hard work from applicant. Done a good job of mitigating traffic impacts.

[7:35:39 PM](#) Thea thinks routing bikes to Bullion makes sense. Would like to see the property first hand. Can she just walk the property? Thinks 6 access points is smart, still want to see it. Simms, comments, [7:37:35 PM](#) general policy matter, suggest against doing this, hard to record on-site meetings. Suggest that council can look at property if want to do so on her own. Thea will do that. Yeager can walk property with thea.

[7:39:01 PM](#) Husbands, in phase 1, foot path on Carbonate. Phase 2 would connect the roadway.

[M7:40:41 PM](#) Martinez, agrees with comments, connecting bikes to Bullion.

[7:41:25 PM](#) 3rd Public Hearing on May 19th for this project.

[7:41:46 PM](#) Ed Lawson, would like comments on 2nd water system, asks council.

[7:42:25 PM](#) Linnet, what will happen to the water right, if subdivision uses city water and not used for agriculture purposes. Lawson, answers Linnet's question, is the portion of water right used for park will it be transferred to city? Lawson, answers, yes.

[7:43:50 PM](#) Thea asked how large irrigation of park. Horowitz thinks about 2.8 acres about 28% of the 9 acres.

[7:45:18 PM](#) Burke comments, if you want to discuss water rights, we can negotiate.

[7:46:06 PM](#) Simms, the statutes have not been tested and is reasonably new law, as quoted by Speck earlier. Reasonably available arguments are persuasive, but not fully in agreement with them. The land is entitled to distribution of water, the water system is capable of delivering water, it is a seasonality issue, and so is Simms sees the arguments made but it is not a clear answer, no Idaho law has decided this situation.

[7:48:05 PM](#) Linnet's position, legal argument, room for different interpretations, think we can continue conversations, 12-inch water main discussions, practical solutions as we move forward.

[7:49:19 PM](#) Thea, if the water right is going to be "retired" should it be given to the city?

[7:49:52 PM](#) Horowitz we looked at this, but this is not our biggest need. Yeager would like to consider it added if that is a potential to our portfolio.

[7:50:49 PM](#) Thea, most important to her is the 12-inch pipe with adequate pressure, very important. Can developer pick up cost? Horowitz, may ask them to respond later.

[7:51:47 PM](#) Lawson, notion of negotiating, at the end of the day, this must make economic sense to the developer, we have struggled to maintain economic viability throughout this process. Not saying that negotiations are out of the question, arguably, this project should not be pursued in this economic climate, uncertainty of the market. At the end of the day, this project must make sense. We've made significant changes to this project at direction of city staff and public hearings. Asking the developer to make a greater contribution to the well or larger pipe does not seem warranted.

[7:53:30 PM](#) Burke, suggests to continue this discussion in next meeting. May need to meet weekly in the near future.

[7:55:42 PM](#) Horowitz gave Planning and Zoning Commission's statement about the water right.

[7:56:28 PM](#) Lili Simpson speaks again, please consider her comments, water rights are important.

[7:58:13 PM](#) Simms, you are not compelled to respond tonight, city council has shown they want to negotiate.

[7:58:51 PM](#) Burke, suggests staff reports.

[7:59:09 PM](#) Lawson addresses Mayor Burke regarding Lili Simpson, would like to hear what she has to say if she has something else to comment on. Simms agrees with Lawson.

PH 193 Continuation of consideration of a recommendation of the Hailey Planning and Zoning Commission for a Preliminary Plat Subdivision Application (Phase I) by Marathon Partners, LLC, represented by Ben Young Landscape Architects and Galena Engineering, where Tax Lot 6655, Section 9 & 10, T2N, R18E, Hailey, is subdivided into 90 units on 71 lots. The project is to be known as Sunbeam Subdivision and will consist of two(2) phases of development. This application is concurrent with a Planned Unit Development (P.U.D.)Application ACTION ITEM.....

[8:00:41 PM](#) Linnet makes motion to continue both items PH 192 and PH 193 to May 19th, 2020, Martinez seconds. Motion passed with roll call vote, Thea, yes. Husbands, yes. Linnet, yes. Martinez, yes.

[8:02:00 PM](#) Motion to adjourn meeting made by Linnet, Thea seconds. Motion passed unanimously.