

**MINUTES OF THE MEETING OF THE  
HAILEY CITY COUNCIL  
HELD AUGUST 8, 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, Pat Cooley, and Martha Burke. Staff present included City Attorney Ned Williamson, and City Clerk Mary Cone.

[5:30:12 PM](#) Call to order by mayor Haemmerle

[5:30:42 PM](#) **Burke moves to amend agenda for the late added item to NB 316 “and consideration of Annexation, Services and Development Agreement (Quigley) and Resolution No, 2017-083, seconded by Cooley, motion passed with roll call vote. Teevin, yes. Keirn, yes. Cooley, yes. Burke, yes.**

Open Session for Public Comments:

No comments

**CONSENT AGENDA:**

- ~~CA 301 Discussion on whether to cancel August 21<sup>st</sup> meeting or keep it as scheduled, next regular meeting is set for September 18, 2017 (no documents)~~
- [CA 302](#) Motion to approve grant agreement with previously approved Resolution 2017-075 authoring AIP # 3016-044-2017, for \$104,981 and to expect 2 other grants upcoming for a total amount of \$2,500,000 and authorize the Mayor to sign .....
- [CA 303](#) Motion to approve Resolution 2017-079, authorizing a design agreement amendment in the amount of \$7,030 for additional work required to complete the Pathways for People bid package.....
- [CA 304](#) Motion to approve Resolution 2017-080 and authorize the Mayor to sign an amended Memorandum of Understanding with the Wood River Land Trust to address the payment of consultants and other items pertaining to the Hailey Greenway Master Plan increase cost share amount from \$25k to \$35,000.....
- [CA 305](#) Motion to approve Resolution 2017-081, authorizing contract with Integrated Technologies for a new printer in the Community Development Department for a monthly cost of \$69.00 for 60 months.....
- [CA 306](#) Motion to approve Resolution 2017-082, authorizing execution of an arena rental agreement for a Cowboy Dressage meets Sawtooth Rangers event on August 25th and 26th, 2017.....
- [CA 307](#) Motion to approve Alcohol License Renewals for Hailey Businesses.....
- [CA 308](#) Motion to approve minutes of July 24, 2017 and to suspend reading of them.....
- [CA 309](#) Motion to approve minutes of July 31, 2017 and to suspend reading of them.....
- [CA 310](#) Motion to approve Treasurer’s report for month of July 2017 .....
- [CA 311](#) Motion to approve claims for expenses incurred during the month of July, 2017, and claims for expenses due by contract in August, 2017 .....

[5:31:43 PM](#) CA 301 pulled by Cone for council discussion.

[5:31:56 PM](#) **Burke moved to approve all consent agenda items minus CA 301, seconded by Keirn, motion passed unanimously.**

[5:32:14 PM](#) CA 301 – next meeting date suggested by Haemmerle, as Aug 28<sup>th</sup>, all good with it.

[5:33:09 PM](#) Keirn moves to have next meeting on August 28<sup>th</sup>, motion seconded by Burke, motion passed unanimously.

### **PROCLAMATIONS AND PRESENTATIONS:**

PP 312 *Presentation by Ryan Colyer, a fluvial morphologist and primary author of the Big Wood Watershed Assessment Study, will make a presentation on the geomorphology of the Big Wood River and watershed hydrology in anticipation of restoration and floodplain management recommendations for the river through the Hailey Greenway Master Plan*

[5:33:39 PM](#) Lisa Horowitz announced that both Ryan Colyer with Biota Research and Consulting and Jennifer Zung are going to give council updates tonight. Horowitz then hands over floor to Zung.

[5:34:53 PM](#) Jennifer Zung, with Harmony Design and Engineering presents to council. Zung is based out of Driggs Idaho and is excited to work on this project. The Hailey Greenway Master Plan stretches from Bullion bridge to Colorado Gulch. The project scope includes future land uses, river/floodplain management, restoration, recreation and the connection between all of these. The overall Master Plan Process, looked at site assessment right now we are looking at master plan concepts. After master plan concepts, they will prepare the draft plan review and then the final master plan. A lot of public outreach including a meeting tonight (Community Campus, Minnie Moore room from 7-9:30) after this presentation and from 1-5pm at city hall tomorrow. In September they will be conducting an online survey and in October a mobile public outreach. Zung discussed the ways that the public can provide input in this process, including through public meetings, email, online survey, work sessions and public outreach. There is also a website page set up: [haileygreenway@HarmonyDesigninc.com](mailto:haileygreenway@HarmonyDesigninc.com) where you can provide comments. Zung gave the goals of the Master Plan, including the goal: to improve floodplain functions where possible without creating further flood impacts to existing development or infrastructure, public or private. Zung handed over floor to Colyer.

[5:37:45 PM](#) Haemmerle asked Horowitz if we added scope to include the Della Vista flooding issues recently experienced. Horowitz confirmed yes. And Zung confirmed yes and described what will be identified in the Master Plan process. There will not be final designs for park or administration. The plan will be high level.

[5:38:36 PM](#) Ryan Colyer a principal fluvial morphologist with Biota out of Jackson, WY. Colyer shows a presentation, of the Walla Walla River, in Milton Freewater Oregon, flooding plans did not work, and the project failed – picture was from winter 1964-1965. Colyer explains that a successful project is one that does not change dramatically the flow of the river and sediment while flooding. Colyer explains the picture of Walla Walla River, at flooding shows the tendencies of the river. So the tools for the Big Wood River include recognizing what the river wants to do on its own, allowing the river to complete those meanders while protecting the adjacent infrastructure. In 2014, Colyer describes that he was originally hired by Trout Unlimited, BLM and the WRLT to perform a geomorphic assessment of the Big Wood River main stem from North Fork all the way down to Glendale. During this assessment, about 15

Survey sites were assessed, identifying sediment transport. [5:42:19 PM](#) This report is available online and helps document the river, predict what the river would be available for land resource managers to use. At the 15 sites, the research documented the width, depth and sediment use that data with flow data to make predictions with models, of what would happen during flooding. This flow model makes predictions on the sediment transport capacity and lateral stability of the river. The results showed that the sediment transport capacity was highly unstable, there is excessive deposition in the vertical stability (aggradation) and slightly incised vertical stability (degradation), channel enlargement was predicted to be extensive and sediment supply was very high. Colyer shows the flow duration at bullion bridge from this year. Result, sedimentation widespread and flooding in adjacent areas of big wood river. Geomorphic assessment of big wood river, showing a cross section of where to add fill and where to dredge. Colyer then shows Teton Creek in Driggs Idaho recently, this worked here, stable channel was green line, floodplain areas in the blue line taking into consideration of infrastructure around it. [5:45:11 PM](#) This project was implemented in 2015, the channel is defined and it survived very well this year. [5:45:44 PM](#) Haemmerle asked the cost of this project. Colyer responded that it cost about 2 million, funding from FEMA in addition to countless grants, they formed watershed improvement district, which will provide money for long term maintenance. Haemmerle asked another question, how long did it take? Colyer, 8-10 years, the initial issue was a clean water act violation that sparked it. Once the design was worked, a few years. Colyer then shows Big Wood River pictures from the 1940s, a Mallory picture, it shows meanders and now the river is straighter, it is not feasible to restore the meandering, but there is significant floodplain adjacent to use. Any questions.

[5:49:19 PM](#) Paul Richards Della resident, asks a question. Colyer answered, 150 people attended. Richards asked does Colyer work with corps of engineers. Colyer answers. Come to the Community Campus, Minnie Moore room for a meeting right after this meeting.

[5:51:13 PM](#) Haemmerle commented and Burke asked a question. Zung answered. Did the court push the Driggs problem forward? Zung responded, it was mostly a community led effort, residents said we can't wait, they created the flood control district, with FEMA grants and 30 other funding sources and had 60 stakeholders.

[5:52:58 PM](#) Cooley asks how large was the taxing district? Zung responded not sure of the number of entities taxed but it was a much larger area than immediate folks impacted, it was voted in by 2/3 of voters.

[5:53:49 PM](#) Haemmerle reminds the public that Blaine County has had recent meeting about this topic, and a recent press release from the Mayor is available tonight for all to get a copy.

[5:54:33 PM](#) Larry Schoen, Blaine County Commissioner asks, what was the condition of the area upstream from the impacted area. Colyer responded. A wide range of conditions upstream helping to contribute to the issues downstream. Schoen asked a follow up question about upstream sediment. Colyer responded, that is the challenge in a long-impacted area, need storage facility and design for the removal of the sediment load.

[5:56:30 PM](#) Haemmerle any ideas where the sediment is coming from? Colyer, initial assessment quantified the sediment 15 locations, amount of sediment that should be there and then what is there. As to the direct origin, can't speak to that Colyer. Walking around it could be clear where it is coming from.

Thank you for coming, Haemmerle. If you want to go to the Community Campus for the next discussion of this, please take this opportunity to depart.

*PP 313 Presentation by John Kurtz of the Bureau of Land Management (BLM) regarding the BLM travel plan for Blaine County and the Hailey area. This plan addresses motorized and nonmotorized recreational uses on BLM lands surrounding Hailey, including numerous new trails. Options will be presented (no documents)*

[5:59:41 PM](#) John Kurtz from BLM (Shoshone) presents to council their travel planning process, roads trails campgrounds surrounding Hailey.

[6:01:36 PM](#) John Kurtz, Cody Martin and Holly Crawford are also here, to present the travel management plan. Scope of information package, had been working with Blaine County for a long time, it halted, and now is resumed. In this plan, there are 2 levels of planning, 1, area designations, limit motorized vehicles to roads only, and 2 implementation planning, what to do about all the roads out there. Dealing with summer and winter trails / roads. Kurtz explains the options, keep open, close them, allow right holder use only, or designate use of new trails / roads. A lot of things have changed, i.e. sage grouse and winter trails have changed. BLM has a contract with Advanced Resource Solutions, they were hired to help with this planning, every route has been reviewed in detail, what wildlife is there, resources there, how they interface, helped us come up with options. Have begun the scoping period, comments will be taken through September. They want to hear back from public and the city. Winter component is there, last winter, wildlife came into the community due to the snowpack. Don't have any proposed plans to restrict human entry. But can put in emergency restrictions as necessary. Information on the BLM e-planning website, in tonight's packet. (handout at beginning of meeting). KMZ files, with google earth. Kurtz there are very few places that you can legally access BLM property, so with the proposed plans are 100% access through easements, county or city roads. Proposed lines are in blue, red lines are closed areas (to motorized vehicles). It doesn't restrict humans from moving around on any BLM land. [6:12:02 PM](#) Burke what is light blue lines, Kurtz says it is the first legal access to BLM area, way out Quigley Canyon. Idea is to connect Old Cutters to Quigley, Kurtz states, in a more sustainable fashion. Trail is designed from the saddle at Colorado Gulch to Croesus Creek. [6:16:07 PM](#) Haemmerle asked about the Croy Creek bike trails. BLM estimated about 2000 visits per year, the counters came back at 20,000, they realized the demand and have modified the trails, to accommodate more volume. It was built originally for locals, now visitors know about it. We are seeing use here. Kurtz speaks to the changes in areas based on sage grouse conservation areas. Haemmerle, so you need comments on this. [6:19:01 PM](#) Kurtz, need comments through September and then analyze comments, then another round of public comments, consider them before making decisions, in Jan 2019. [6:20:03 PM](#) Haemmerle announces that Hailey has a trail map of near vicinity bike and walking trails, this is a huge opportunity to define ourselves, what we want to be and do, please comment on this project, get involved.

## **PUBLIC HEARINGS:**

### *PH 315 Consideration of FY 2018 Budget and Ordinance No. 1223*

Mayor Haemmerle is moving Ph 315 up next for discussion.

[6:21:20 PM](#) Haemmerle gave an overview of this item, have had 4 meetings on this budget, total budget is \$13,077, 110. Tonight, we are going to adopt the budget, approve ord, and conduct 1<sup>st</sup> reading.

[6:22:49 PM](#) Becky Stokes, Treasurer, has received the L-2 form from county, about \$12,000 less than anticipated, in response she increased state shared funds to offset this change.

[6:23:25 PM](#) no public comments

[6:23:55 PM](#) **Motion to approve by Burke, adopt Ordinance No. 1223, waive 2 readings, conduct 1<sup>st</sup> reading and authorize the Mayor to sign, \$13,077,110 seconded by Keirn, motion passed with roll call vote. Teevin, yes. Keirn, yes. Cooley, yes. Burke, yes.**

[6:25:14 PM](#) **Mayor Haemmerle conducts 1<sup>st</sup> and only reading of Ordinance No. 1223 by title only.**

### *PH 314 Consideration of Annexation Application from Colorado Gulch Preserve, LLC, to annex 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), comprising a total of 24.46 acres, into Hailey City Limits. Proposed zoning of the property is Limited Residential 2 (LR-2) (continued from July 10, 2017)*

[6:25:58 PM](#) Colorado Gulch annexation, continued from July 10th, 5<sup>th</sup> public meeting on this topic. Horowitz begins, and the 1<sup>st</sup> hearing of the preliminary plat, also in packet is the draft annexation and services and development agreement, also have annexation staff report and annexation ordinance, preliminary plat staff report and public comments received since July 10<sup>th</sup> and one that was received just before 5 pm today and handed out to council at meeting. Have applicant team to walk through the agreement.

[6:27:40 PM](#) Mayor Haemmerle stated at the last meeting, there was a tentative nod to proceed.

[6:28:00 PM](#) Jim Laski presented for applicant Preston Ziegler. Before you is a draft annexation services agreement, where the recitals go through the ownership of properties as they are adjacent to the proposed annexation property, then description of the annexed area, references the plat, which must be approved to allow annexation. Paragraph 4 discusses annexation. Zoning for the various parcels on exhibit D, key items are how property will be developed. Other issue, part b, in holder lots, 4 lots would not receive notice to hook up to cities system right away, until change of use, would be able to cap off septic system (this would require a city ordinance change). Barfuss and Miles lots would have a stub put in by applicant (CGP, LLC), the other lots water is accessed by airport west line. [6:32:34 PM](#) listen (sidewalk in-lieu fee - \$142,350). Then in Paragraph 8, are the Broadford Road improvements, lots of work has been done with

staff since the last meeting. What would be the improvements to the road and what is the cost is contained in this section. Exhibit E, discusses the scope of work for the improvements, maps show the scope, doesn't have the estimate. [6:34:08 PM](#) Preston Ziegler, preliminary estimates from contractor. Jim Laski explains the scope, estimates coming in around \$260,000. Could be done this fall if decisions are made by September. Laski explains some money would come from annexation fees. \$131,000 but it won't cover all road improvements, then the city could use sidewalk in-lieu fees, totaling \$273,000. Remaining could go into a sidewalk fund for Broadford Road. Laski explains the possibility of costs exceeding estimates due to unforeseen circumstances. [6:38:06 PM](#) Then in paragraph 9, Laski doesn't think a sewer lift station will be needed but they will cover it if required. Paragraph 10, onsite improvements, include a drought resistance water policy in the neighborhood, have the homeowner's association detail in the CC&R these provisions to integrate with Hailey's Water Smarty program. And the CC&R state that this cannot be amended without the City's approval. Irrigation needs until water call, association would pay city for irrigation as needed at the end of the season. [6:40:53 PM](#) Broadford Road pictures shown in last meeting. Will dedicate parcel B to the Wood River Land Trust (WRLT) at base of hill. Regarding the Broadford and Cedar intersection, applicant would pay for striping and signage for traffic mitigation. Water rights will stay on property, and would connect to city water after water call. At this time, from in-holders, Miles does not want to participate in annexation.

[6:43:17 PM](#) Haemmerle asked a question on the \$240k - \$260 for improvements? Brian Yeager responds to this question on behalf of the applicant.

Laski responds to Haemmerle's question [6:44:06 PM](#) the scope of the road improvements is very well defined.

[6:44:21 PM](#) Brian Yeager presents, he met with city staff, and city engineer, he shows plan sheets, which shows current width of Broadford Road. Yeager explains some of the proposed improvements, including widening. Pulverizing project, pulverize, then put material back in, repair any soft spots. [6:46:36 PM](#) Haemmerle asks how do you know these. Yeager points at a map, have attempted to identify a few areas where we believe there will be soft spots. Haemmerle asks Yeager, are you going to compaction spec the whole road? Yeager confirmed, yes. Yeager trying to get another 20 years out of this road after these improvements. Proposing 22 foot wide road, which is the width today.

[6:49:46 PM](#) Jim Laski would like an opportunity to respond to public comments. They are prepared to proceed with the subdivision as well. But waiting for annexation approval prior to that discussion.

[6:50:41 PM](#) Horowitz, proposes to wait on the subdivision as it is very detailed.

[6:51:17 PM](#) Haemmerle asked for public comment on annexation agreement. And asked that speakers please respect the 3 min allotted timeframe.

Public comments:

[6:52:08 PM](#) Ben Worst attorney present and representing Cathrine Sullivan, has received 150 signatures, opposing this annexation. Worst you better get a better deal. Worst reviews what the city will gain, if you read the annexation agreement, money goes to improvements first. Alta Planning, cost \$200 - \$275K project. If you want the path, city must pay for it. In-lieu fees won't cover the cost. You are not getting the water rights, you should get them. Water rights typically run out in early July, then city will provide water. City is not getting a traffic light.

[6:55:31 PM](#) Worst continues that council can reject an annexation if it has negative impacts on the city. Worst explains traffic predictions in detail and he suggests that it would be a negative impact to the city. The traffic study conducted indicates there will be no meaningful impact to the city, but he states the impact would be felt by neighbors. Worst has comments on the Hailey Comprehensive Plan. Haemmerle allows 3 more minutes to Worst. Complain 5.6, minimum development, prevents infill, adding 36 more lots, will eliminate any possibility of infill in the rest of the city [6:59:13 PM](#) Worst states that the Tischler report announces that annexations don't pay for themselves. Worst states that the Wastewater Treatment plant is maxed out capacity, section 10.1 create bike friendly community. Worst finally remarks that his client is opposed to this annexation.

[7:00:59 PM](#) Catherine Sullivan Broadford road resident for 6 years, speaks to council. Sullivan reads from a letter (and gives a copy to staff) stating what she likes about Broadford Road and why, 20 kids biking one afternoon, and also saw a heard of elk. There is too much density in this proposed application. There will be too much traffic if annexed. Road improvements will not change the congestion issues, only 1 way in and one way out. Cars still have to come out Cedar to get on Main street, from Broadford Road. Sullivan, obtained 152 signatures on her petition in 1 week's time. Every citizen Sullivan has spoken to is opposed to this annexation. This is not necessary, won't pay for itself. Annexing more land will lower property values for others. Wildlife will be displaced. This is a place to be protected, once it is gone, it is gone forever, don't annex this property.

[7:06:33 PM](#) Brad Billger is impacted by this annexation. Billger started commenting on this property annexation in 2003 with the first annexation application. Billger states contrary to Sullivan's comments, he is not in anyone's back pocket. Where have all of these people been there have been 5 public hearings on this topic?

[7:07:30 PM](#) Michele Bryson, built 40 years ago on Broadford Road. How many city lots are available to build on at this time? Do we really need more? It will stress city services. Why do you want this, Bryson asked council. Too many car trips now, we don't need more. It is not compatible with the neighborhood. This is a bad idea. This is still too many lots.

[7:09:59 PM](#) Bill Cantrell Broadford Road resident, has 3 concerns, density, cedar street exit and with this year's flooding you could be looking at some legal issues? Cantrell did not get a notice of this hearing. Cantrell, more planning needs to be done.

[7:12:26 PM](#) Al Love, a relatively new Broadford Road resident, agrees with Catherine Sullivan and Brad Billger. You will need more than striping and signage at Cedar Street and Main Street. Billger is opposed to the annexation.

[7:13:59 PM](#) David Hanks lives in Broadford Highlands, thanks for having all of these hearings. Hanks attempted to view the signs in the winter, but it was hard to see with the snow. Hanks is concerned with traffic, safety and our property values. This road is not wide enough for 2 vehicles to pass in the winter time. At 7:40 am, his wait can vary between 10 and 30 minutes, he goes through neighborhoods to find a way out to get to Hailey elementary. There is no bike path there, it is dangerous, at 7:45, sage school students drop off cause traffic. Hanks loves the feeling of Broadford road. There has to be a good reason for annexation.

[7:17:38 PM](#) Susan Martin Broadford Highlands resident, speaks to council. Martin feels chastised for not being here before now. Previous annexation denied, Haemmerle, asks Martin to stick to topic of annexation. This is a substantial impact to wildlife. Please maintain the rural integrity of the neighborhood.

[7:19:35 PM](#) Gini Ballou Silver Star Road resident is not necessarily opposed to this annexation. The Development fee, should be for the city to spend and not for the developer to spend on improvements. The owner has a right to develop their land. The Cedar and Broadford connection should be addressed for traffic. They have a right to do something.

[7:21:10 PM](#) Sally Metcalf, a bike rider comments to council. Metcalf uses a bike as her main mode of transportation, she rides to Bellevue often. Broadford should be protected, you can feel a sense of being when you ride it. Metcalf is opposed to this development.

[7:22:03 PM](#) William Miles Broadford Road resident speaks to council. Miles comments that the ACI does not allow for septic tanks. He cites a Supreme Court ruling. Miles disagrees that there could be a legal issue if his property is not annexed.

[7:23:35 PM](#) Hank Blanco, Colorado Gulch Road speaks to council. Blanco thanks Sullivan and her attorney. Blanco has been involved in past subdivisions and currently remodeling his home right now. This proposed density is too much for area.

[7:24:51 PM](#) Trent Jones Snow Fly resident comments to council. Jones lives just to the west of Silver Star and he sees the cut through traffic. And has a concern for the increase in traffic with this project. His other concern is policy related, as a citizen, he supports annexation, money benefit should be high for the city. Highest priority of city is to rebuild Broadford Road. This is primary benefit to annexation.

[7:26:49 PM](#) Bill Gehrke speaks to council. At 5:15 tonight, 15 vehicles were at star bridge, 22-foot-wide road is not wide enough for cars to pass. Access on Cedar street is ridiculous. No left turn would solve a big part of the problem. The density is the issue for him with this annexation it seems too much. You don't consider the wildlife that we have down there, animals have no place to go now. You are taking away the essence of why we all moved here – in the county. Why do you want to create more city in the pristine place we live in. Gehrke is opposed to this annexation.



[7:31:29 PM](#) Lyn Lucere Broadford Road resident would hate to see this annexed, it is a piece of paradise to her. Traffic would ruin this area. Lucere implores, it is a nice country road, don't want another highway 75.

[7:32:35 PM](#) Pat Busby Broadford Road resident for about 5 years. This is one of the most idyllic areas around. Great place to live. Busby sympathizes with owner as he is a builder. Willing to not see this developed at the cost of not having potential work. Busby is opposed to the development.

[7:34:30 PM](#) Travis Gaudreau speaks to council. He lives right off of Broadford Road, this would take away the serenity of area. There are 16 lots available around him still, 1 acre lot size. Rerouting traffic is a concern. Most people don't drive appropriately, yielding to pedestrians. Not a good idea to add more traffic. Gaudreau is opposed to annexation.

[7:36:32 PM](#) Unknown man asked if there is a timeframe on approval? Haemmerle, replied no, but this is the 5th hearing on this item.

[7:36:51 PM](#) Corey Weatherly, moved last year to Broadford Road, traffic is a hazard. Weatherly is opposed to this annexation.

[7:37:32 PM](#) Eric Bergland Robin Hood Drive resident comments. He agrees with concerns mentioned tonight. Cedar Street intersection is a problem and he is against annexation.

[7:38:18 PM](#) Tammy Young on Broadford Road speaks. Young agrees with comments tonight.

[7:39:39 PM](#) Worst asked if mayor wants a copy of the petition. Haemmerle stated yes please give to staff.

Simon Malk comments were handed out tonight to council before the meeting.

[7:40:16 PM](#) applicant rebuttal by Jim Laski. Laski explains relative densities of other subdivisions within city limits. Laski then addresses ACI area development, it must be approved by city if developed in the county. Historically this application was a 94-lot subdivision, that was denied in 2009. In 2011 there was a 55-lot subdivision presented it was denied and council comments were that the lower portion should not be developed. Laski, continues that the density is less than surrounding neighborhoods, namely Della View neighborhoods. Laski, explains that through public outreach meetings they've known about cedar street intersection traffic concerns and that is why they are propose striping and signage. Regarding Broadford Road, the city is repairing this street now but it is a county road right now. The city is paying to maintain it, does this make sense? Laski implores, lots of things have changed, these lots will pay Development Impact Fees (DIF) just like any other development in the city. This is an opportunity to repair the road, not a priority over flooding as mentioned tonight.

[7:44:21 PM](#) Brian Yeager speaks to a few items, water rights, conflicts testimony presented tonight, the most recent water call was Sept 3<sup>rd</sup>. Someone commented that traffic will increase 2-3 times than what it is now, this is not correct. This is a significant road into Hailey, will

continue to grow, and will continue to need a trail in this area. If you look at the traffic impact study, annexation will bring 9 vehicles more in morning hours, not significant. Fact is there is going to be something happening, most animals are below the bench. If occasional wildlife on bench any development will conflict with it. This annexation according to the staff report will generate \$800,000 in fees once the property is developed. We proposed money for Broadford Road, the city can choose what to do with the money. From a traffic standpoint, the Cedar Street intersection is bad today. Majority of the time, this road functions as designed. At times, traffic preserved is greater than actual. Misperceptions have been presented tonight. Properties on Broadford Road are 50-60 feet from road now, not 100 feet as presented tonight. We understood that we were prepared to discuss an agreement tonight, the ship has sailed. Water rights have been discussed in past meetings. The developer risks the development not getting built out, Yeager feels this project is unique and will be built out, not much property left available. [7:52:12 PM](#) Yeager implores this Area of City Impact (ACI) is a candidate of annexation and that is why we are here tonight. Stay on task with issues already addressed. Some comments presented tonight represent perceptions and but factual numbers are presented here.

[7:53:24 PM](#) Laski, there are 36 lots available - current housing lots inventory right now. Not a huge amount of inventory in the city.

[7:54:02 PM](#) Yeager discusses the petition, “put a strain on financial resources...., it will significantly concern? Yeager addresses the petition, not based on facts and reality, not good information to base a good decision. Developer offers additional fees.

[7:55:41 PM](#) Laski, money for road, can be done cheaper by applicant, cost savings as part of a project like this.

[7:56:18 PM](#) Haemmerle is asking questions, pg. 115 and 116 of packet, total amount of paragraph 7, \$270,000. Laski confirms, it is inclusive of annexation and in-lieu fees. Paragraph 8, estimates for Broadford Road between 240-260k, at best there is \$13,000 left for path to be constructed. Haemmerle, it doesn't look like enough money to build path. Laski, it will be seed money. [7:58:02 PM](#) Haemmerle, we won't get both of these, right? Laski, agrees.

[7:58:29 PM](#) Haemmerle asks where he got the water right report. Yeager states it was done by Brockway Engineering in Feb 2017, referred to tonight. Yeager, using data between 1928 – 2014, delivery calls have happened 22 times, with the earliest on July 1<sup>st</sup>, on average it is cut October 2<sup>nd</sup>, from 2012-2014, it was cut on average of August 2<sup>nd</sup>, while it was not cut between 2008-2011. Yeager responds to question, on Aug 23<sup>rd</sup>, water was called in 2013-2014.

[7:59:35 PM](#) council deliberation. Burke discussed water use Water Smarty Program and in conjunction with rebates? Ben Young, landscape architect, not offer rebate but will adhere to water Smarty program outlines.

[8:00:31 PM](#) Cooley asks who will pay for the Bilger water connection stubs off of airport west? Yeager comments, at this point, the developer has not offered to pay for Bilger's but are paying for the other ones to be connected. Bilger comments, it is stubbed must connect a far distance away.

[8:01:31 PM](#) Cooley how were cost estimates for road repairs obtained? Yeager responds, we prepared them from walkthroughs and consensus with city staff. Preston Ziegler then took these figure to contractors to get bids from Valley Paving and Idaho Sand and Gravel.

[8:02:14 PM](#) Cooley who owns and maintains the lift station? Yeager, if a lift station is done, the homeowners will maintain it. Laski, if required, a lift station will be put in. Cooley wants language that the Homeowners Association (HOA) will own and maintain it if required. Laski concurred.

[8:03:36 PM](#) Cooley, why is force majeure clause in? Laski, if something happens this winter, they want the ability to extend entitlement for the subdivision. Haemmerle asks, in due respect, why is this expanded to economic instability, it may not be necessary, should it be there? Laski replies. Would you be willing to remove economic instability from the paragraph? Laski had not responded yet to this question.

[8:06:37 PM](#) Keirn asked about Mr. Miles' property. Laski commented Miles wants to be left out of the annexation agreement. Laski states 2 options, leave him out of the annexation and he would be an island as he wants or force annex him and he would not be a beneficiary of the annexation agreement like the others. Williamson agrees with Laski.

Teevin has same question about Mr. Miles.

[8:07:34 PM](#) Burke asks about the 2 Barfuss owned lots, will they pay city or county taxes? Williamson responds that they would be paying city taxes but would be excluded from paying Wood River Fire Protection District taxes (WRFD). As far as Mr. Miles' property, Williamson refers to Idaho Section §50-222 and feels that this statute indicates that we must annex this property, if not it would create an area island and we did not do this when airport west was annexed, it should have been done then. Williamson suggests that all of Broadford Road should be annexed. Also, Williamson suggests annexation of all properties, not in-holding. Miles has the prerogative to not sign the agreement. Williamson discusses a case law in Idaho, and need for reasonableness in annexation, in Coeur d'alene, a property was annexed and there was a line through the drive-in movie theater with part of the property in the county and part was in the city. The court said it was unreasonable, and it de-annexed that property. Williamson states it is the same issue here, Mr. Miles property, if it were an island, Williamson feels it is unreasonable for emergency services, and others to pay for city fees where he would not.

[8:11:36 PM](#) Cooley brings up Force Majore again. There is a situation just north of here, with potential lawsuit, where developer is asking for an extension to development agreement, claiming that beyond forces of economic time, the entity is forced to allow 7 more years for developer, Ketchum. Haemmerle feels that Ketchum they caved in. Cooley, Hailey has always been willing to negotiate. Laski, not one in Quigley, because not a subdivision with an advance payment. Because of the street improvements done upfront, we want option to proceed with subdivision based on the standard of reasonableness. Back and forth with Laski and Cooley about the language. Cooley, the money is spent on road, sidewalk money spent, and then we

would potentially go into spending development impact fees. In worst case scenario, we are allowing annexation at our cost.

[8:15:31 PM](#) Response by city engineer, Samantha Stallnecker, don't know without starting the construction or extensive boring on the roadway improvements.

[8:16:24 PM](#) Burke, 2 things of value here, improvements to Broadford Road and in conjunction of use of a bike path, otherwise we would not get. Burke is opposed to forced annexation. 4<sup>th</sup>, while this area is less dense, it is enclosed developed it does not flow, concept is like a gated community, Burke is opposed to the density. Feels should be developed in the county.

[8:17:58 PM](#) Teevin thanked the public in attendance. On July 10<sup>th</sup>, Teevin stated an idea to meet with Mr. Miles, - this was not in advisement by Williamson, and she did not meet with him. Teevin agrees with Burkes on the concerns of the rural character, to north it is denser but to south it is not. Refers to a section in comprehensive plan, and wants to see a road going east west. Teevin, with Old Cutters and Quigley, this is too much too fast, and it is a matter of timing. Some of major concerns, forced annexation of Mr. Miles. Teevin appreciates folks being a part of the annexation process, details are unprecedented, to be change of use and not sale of property, a little uncomfortable with this scenario. There will be more traffic no matter if developed in county or city. Don't want the city to be responsible for this road and traffic. Only benefit is Broadford Road improvement, it is unfortunate that we seem to be asking neighbors to pay for this experientially. Ultimately, her role is to make best decision for city, and she does not support annexation.

[8:23:39 PM](#) Cooley, upside, save 36 septic systems in close proximity to the Big Wood River, 24 lots in City or 16 in county with septic systems. they must do a discharge with septic so close to river and this is Cooley's concern. Cooley would like to see change of sale to trigger the notice to hook up to city services. Cooley can support annexation with these changes.

[8:24:58 PM](#) Keirn agrees with Cooley. Arguments against it are strong. Agree with Cooley on change of ownership. Hate to see annexation and in-lieu fees to go towards repairing the road, should get more money out of it.

[8:26:30 PM](#) Williamson reminds council that the court has spoken in the Cutters agreement, we have reset our annexation fees and we must stick to those figures. Also, if you deny this, then you will go through the ACI process and they would be forced to hook up to water and sewer unless there is a clearly superior design, keep this in mind.

[8:29:22 PM](#) Haemmerle states, we've been through 5 hearings and we are hearing a lot of things like traffic in prior meetings. Haemmerle agrees with the engineer, "the facts don't bear out the fears." Haemmerle is sensitive to annexations. We previously fought this annexation, we are doing the best we can. What we have here is a little more, 36 lots in city versus 24 lots in county development. It seems fundamentally wrong to not annex this property. This is a good deal, not the best, it preserves many aspects of what you desire, it is sensitive development i.e. water usage. The true testimony, there is not an overwhelming amount of new traffic based on the traffic study. Some of you, mention that county will do the "right thing," with the CHPUD

subdivision, the county is allowed up to 20 units per acre in the Red Top area, Haemmerle has litigated this in the past. Their faith is misplaced in county. There will be a lot of people using our services but not paying fees, that is bad policy. Testimony stated tonight was based on emotions and fears, but they don't have factual bases as presented tonight. We are trying to balance and do the right thing. Supports as revised suggested tonight.

[8:33:46 PM](#) Williamson suggests annex decision and then plat discussions.

[8:34:02 PM](#) Burke asks if council would consider putting in the multi use path first, and she explains why, a safety issue. What we are hearing, are safety concerns, what would happen if we reversed this? Haemmerle responds, worth discussing this suggestion. Current bike path is poor.

[8:37:03 PM](#) Cooley asks applicant, about suggestions mentioned tonight from council, are you okay with them? Haemmerle speaks. [8:37:59 PM](#) Laski responds with what changes they will make, add the HOA language, take out "economic instability" if you are so inclined to do bike path first, up to you. Haemmerle is willing to force annex all owners. Discussion ensued about forced annexation between Haemmerle and Cooley. Haemmerle, asks question, can all comment, Williamson says of course, yes.

[8:40:26 PM](#) Teevin feels that it is an unprecedented ask, forced annexation. If current landowners refuse, it compounds her concerns more.

[8:42:16 PM](#) Williamson refers to voluntary standards on page 147, 3 of them, including the best interests of City of Hailey and the impact to Hailey. Must look at zoning, not complicated, Horowitz suggested that council not review the zoning tonight.

Propose to vote on individual standards.

[8:43:50 PM](#) **A) harmonious to comp plan, Cooley yes, keirn, yes. Teevin, no. burke, abstain., Haemmerle, votes yes.**

[8:44:34 PM](#) **Haemmerle asks on the 2<sup>nd</sup> standard, whether or not this is in the best interest of citizens of Hailey, Burke abstains, Cooley, yes. Keirn, yes. Teevin, no. Haemmerle, yes.**

[8:44:53 PM](#) **future, Burke abstain, not negative impact Cooley, will not have negative impact. Keirn will not have negative impact, Teevin will not have negative impact.**

[8:45:20 PM](#) Williamson suggests, findings of fact, zoning district then do everything concurrently. Back and forth between Williamson

[8:46:48 PM](#) **Move to continue to this to the Aug 28<sup>th</sup> meeting by Cooley, seconded by Keirn motion passed unanimously.**

The August 28<sup>th</sup>, agenda will be limited to consent agenda items, readings of ordinances and this item, directed Mayor Haemmerle.

People allowed to leave room.

**NEW BUSINESS:**

*NB 316 Consideration of Findings of Fact Conclusions of Law and Decision on Quigley annexation and zoning \*and consideration of Annexation, Services and Development Agreement (Quigley) and Resolution No, 2017-*

[8:52:02 PM](#) conservation easement update. Laski, the easement was approved by WRLT, the board approved it last Thursday, they have signed it.

Haemmerle how do we move forward? Williamson suggests that we want to proceed with instructions to publish and get signatures at the end of this week. Once get signatures, then will publish ordinances. Deliver signatures on easement by 11 am this Friday to city, Hennessey agrees.

[8:55:47 PM](#) Williamson reviews 1) 2<sup>nd</sup> annexation agreement, there will be no gas station, pg 390 paragraph 6a. the county lots cannot go beyond the area of disturbance. Conservation easement keeping 1200 in perpetuity, keeping skiing, water rights stay with property in perpetuity. If proceed, condition approval on getting signatures, first and second? [8:57:38 PM](#) approve ordinances numbers 1219 and 1220 authorize the mayor to sign ordinances, and approve summary of ordinance no. 1220.

[8:58:29 PM](#) motion to adopt ffcd, on page 362 first asks Haemmerel.

**Burke moves to approve Findings of Fact Conclusions of Law and Decision on Quigley annexation and authorize the Mayor to sign, Cooley seconds, motion approved with roll call vote, Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.**

**[8:59:08 PM](#) Motion to approve Resolution 2017-083 and the Quigley Annexation Agreement and authorize the Mayor to sign made by Keirn, seconded by Burke. Motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.**

**OLD BUSINESS:**

*OB 317 3rd Reading of Ordinance No. 1219 - annexation ordinance for a city-initiated Category A annexation pursuant to Idaho Code § 50-222(3)(a). The property subject to the annexation is east of Hailey, and is located adjacent and contiguous to the Deerfield Subdivision located in the City of Hailey, and is known as Quigley Farms*

**[9:00:14 PM](#) Motion to approve 3<sup>rd</sup> reading of ordinance no 1219, conditioned on the fully executed easement to city hall as mentioned tonight authorize Mayor to read and sign made by Keirn, seconded by Cooley, Motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.**

[9:00:53 PM](#) Mayor Haemmerle conducted 3<sup>rd</sup> Reading of Ordinance No. 1219 by title only.

*OB 318 3rd Reading of Ordinance No. 1220 - zoning and subdivision text ordinance creating a Peri-Urban Agricultural overlay district and allowing private streets in the Peri-Urban Agricultural Overlay District AND consideration of Summary of Ordinance No. 1220*

[9:01:42 PM](#) Motion to approve ordinance no. 1220 approval of summary and authorize mayor to sign and read by title only conditional on easements fully conformed and the annexation agreement and delivered to city hall as discussed tonight. passed with roll call vote. [9:02:45 PM](#) Cooley amends motion to included fully conformed documents the easement and annexation agreement for both ordinances no 1219 and no 1220 , amended motion seconded by Keirn. Motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.

[9:03:12 PM](#) Mayor Haemmerle conducts 3<sup>rd</sup> Reading of Ordinance No. 1220 by title only.

*OB 319 2nd 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*

[9:06:03 PM](#) Teevin has 2 concerns, first council had concerns and considered changing the size of the living space, are we going to be able to change the size? No project will come through? 2<sup>nd</sup>, any project under this district and be short term rental, maybe worth putting language in that they. Horowitz comments.

[9:09:15 PM](#) Haemmerle proceeds with 2<sup>nd</sup> reading of ordinance no. 1221 by title only.

*OB 320 2nd 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)*

[9:10:33 PM](#) Mayor Haemmerle conducts 2<sup>nd</sup> reading of Ordinance no. 1222, by title only.

#### **STAFF REPORTS:**

No staff reports tonight.

[9:11:17 PM](#) Motion to adjourn made by Cooley, Burke seconded, motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Teevin, yes.

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Fritz X. Haemmerle, Mayor

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Mary Cone, City Clerk