

AGENDA ITEM SUMMARY

DATE: March 8, 2010 DEPARTMENT: Planning DEPT. HEAD SIGNATURE: *BL*

SUBJECT: Second Reading Ordinance 1049 - Rezone of Blocks 128 & 133, Hailey Townsite from LB to B

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code 14.6
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On February 22, 2010, Council held a public hearing on the city initiated rezone of Blocks 128 & 133, Hailey Townsite, approved the rezone and Ordinance 1049 and authorized the Mayor to conduct the first reading by title only.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Casele # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---------------------------------------------------|----------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Safety Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct second reading of Ordinance 1049 by title only.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date 3/22 - 3rd Reading & authorize Council president to sign & conduct 3rd reading.

City Clerk M. Core

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

HAILEY ORDINANCE NO. 1049

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND THE OFFICIAL ZONING MAP INCORPORATED THEREIN, BY CHANGING THE ZONING DISTRICT DESIGNATION OF THE HAILEY ZONING MAP, BLOCK 128 AND BLOCK 133, HAILEY TOWNSITE, FROM LIMITED BUSINESS (LB) TO BUSINESS (B); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Official Zoning Map will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the Hailey City Council has found that 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;

WHEREAS, the Hailey City Council has found that the proposed uses are compatible with the surrounding area; and

WHEREAS, the Hailey City Council has found that the amendment will promote the public health, safety and general welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Hailey Ordinance No. 532 and Hailey Official Zoning Map incorporated therein are hereby amended by changing the zoning district designation of Block 128 and Block 133, Hailey Townsite, from Limited Business (LB) to Business (B).

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 22ND DAY OF MARCH, 2010.

Fritz Haemmerle, Council President, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express, March 24, 2010

AGENDA ITEM SUMMARY

DATE: 2/8/2010 DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: NW

SUBJECT:

Annexation Ordinance Amendment

Ord. 1050

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a proposed ordinance amendment, which would revise the standards of evaluation for an annexation. The proposed amendment eliminates the standard which calls for an analysis of specific comprehensive plan provisions and adds a standard which requires an annexation to be in the best interests of the citizens of Hailey. The Planning Director and I feel that an analysis of specific provisions of the comprehensive plan is not necessarily a productive exercise. In contrast, the general analysis of the comprehensive plan is probably a better planning tool. I have added the standard of best interest as directed at the last meeting.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input type="checkbox"/> City Attorney	<input type="checkbox"/> Clerk / Finance Director	<input type="checkbox"/> Engineer	<input type="checkbox"/> Building
<input type="checkbox"/> Library	<input checked="" type="checkbox"/> Planning	<input type="checkbox"/> Fire Dept.	_____
<input type="checkbox"/> Safety Committee	<input type="checkbox"/> P & Z Commission	<input type="checkbox"/> Police	_____
<input type="checkbox"/> Streets	<input type="checkbox"/> Public Works, Parks	<input type="checkbox"/> Mayor	_____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss whether the City should amend the annexation ordinance as presented. If the Council wishes to proceed with this amendment, then instruct staff to place the ordinance on the agenda under public hearings at the next convenient meeting.

FOLLOW-UP REMARKS:

*2/8 - council authorized moving forward with the public hearings on this item.
2/22 - public hearings - council approved, authorized Mayor to conduct 1st reading by title only - Ord. # 1050
3/8 - 2nd Reading
3/22 - 3rd Reading; authorize council President to sign*

Hailey Ordinance No. 1050

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 14.01 OF THE HAILEY MUNICIPAL CODE, ENTITLED ANNEXATION PROCEDURES, BY AMENDING SECTIONS 14.01.080 AND 14.01.090 TO ADD A STANDARD REQUIRING A FINDING THAT A PROPOSED ANNEXATION WOULD BE IN THE BEST INTERESTS OF THE CITIZENS OF HAILEY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and the City Council of the City of Hailey desire to add a standard of evaluation requiring a finding that a proposed annexation would be in the best interests of the citizens of Hailey; and

WHEREAS, the Mayor and the City Council of the City of Hailey believe it is appropriate to amend Chapter 14.01 to add the requirement that a proposed annexation would be in the best interests of the citizens of Hailey.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 14.01.080 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

14.01.080 COMMISSION REVIEW. Subject to its bylaws, the Commission shall conduct a public hearing to review the application for annexation. The Commission shall review the particular facts and circumstances of a proposed annexation for the purpose of determining (1) whether the proposed annexation will be harmonious and in accordance with specific the goals and policies of applicable components of the Hailey Comprehensive Plan, and (2) ~~whether the proposed annexation generally complies with the Hailey Comprehensive Plan~~ whether the proposed annexation would be in the best interests of the citizens of Hailey. The Commission shall also make a recommendation that the property sought to be annexed should be zoned as one or more particular zoning districts, as more fully described in the Hailey Zoning Ordinance. The Commission shall make findings of fact and conclusions of law relating to the application's general compliance with the Hailey Comprehensive Plan and to the Commission's recommendation for zoning. The Commission shall forward those findings and conclusions in writing to the Council and the applicant.

Section 2. Section 14.01.090 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

14.01.090 COUNCIL REVIEW.

A. Conduct and Notice of Council Hearing. Upon receipt of the Commission's findings of fact and conclusions of law, the Council shall schedule a public hearing to review the application for annexation. Notice of the public hearing shall be conducted in the same manner as the notice for a Commission hearing pursuant to Section 14.01.070 of this

Chapter. The Council shall have the right to request further information deemed necessary by the Council at any time during the proceedings.

B. Fiscal Impact. To assist the Council in the determination whether an annexation will have any negative fiscal impact, the Council may, in its sole and absolute discretion, require the applicant for annexation, at the applicant's sole expense, to submit a fiscal analysis or an updated fiscal analysis by a qualified and independent person or firm acceptable by the Council and in a format acceptable by the Council, to determine the proposed annexation's impact and to recommend the base amount of annexation fees. The Council retains the right to require further monetary or non-monetary contributions for any annexation. The applicant has the right to seek the City's approval of such a fiscal impact study at any point in the annexation process.

C. Findings. During the public hearing process of the application for annexation, the Council shall make its own findings of fact and conclusions of law to determine:

1) whether the proposed application will be harmonious and in accordance with the specific goals and policies of applicable components of the Hailey Comprehensive Plan, and

2) ~~whether the proposed annexation generally complies with the Hailey Comprehensive Plan, and~~ whether the proposed annexation would be in the best interests of the citizens of Hailey, and

3) to the extent possible, whether the proposed annexation will have a negative fiscal impact upon the existing citizens of Hailey at the time of an annexation and in the future.

If the Council finds general compliance with the Hailey Comprehensive Plan, the Council shall then consider the application for a zoning classification and consider any and all factors it deems, in its sole and absolute discretion, important to determine whether an application for annexation shall be granted or denied. If the Commission made negative findings related to the Comprehensive Plan under Section 14.01.080 and therefore did not make a recommendation on zoning classification for the property sought to be annexed, but the Council subsequently made favorable findings related to the Comprehensive Plan and wishes to proceed with the annexation, the Council shall remand the proceedings to the Commission for its recommendation on zoning classification.

D. Decision. The Council has the sole and absolute discretionary right to approve, approve with conditions or deny an application for annexation. In addition, the Council is authorized to require, as a condition of approval, that the applicant and the City enter into an annexation agreement providing for the terms and conditions of an approved annexation. In the event a subsequent development proposal materially differs from the development shown in approved annexation, the annexation agreement shall provide that the proposed development may be denied, that the applicant shall be responsible for any increased annexation fees and/or that the property may be deannexed. There shall be no right of an appeal by an applicant or by an affected party from an adverse recommendation by the Commission or from an adverse decision of the Council on an annexation application. If the Council elects to approve the application for

annexation with or without conditions, the Council shall also establish the appropriate zoning district(s) for the annexed property in accordance with the procedures set forth in Article XIV of the Hailey Zoning Ordinance.

Section 3. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 22ND DAY OF MARCH, 2010.

Fritz Haemmerle, Council President, City of Hailey

Attest:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 2/8/2010 DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: NW

SUBJECT:

Business License Amendment

Ord. 1057

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a proposed ordinance amendment, which would revise the definition of "business" to delete a home occupation. I have been advised that the city has interpreted the business license ordinance and the zoning ordinance to exempt home occupations from the requirements of a business license. To be consistent with that interpretation, I have eliminated language which on its face would require a business license for home occupations.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	<u>Clerk</u> Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	<u>X</u> <u>Administrator</u>
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss whether the City should expressly eliminate home occupations from the requirement of obtaining a business license. If the Council wishes to proceed with this amendment, then instruct staff to place the ordinance on the agenda under public hearings at the next convenient meeting.

FOLLOW-UP REMARKS:

*2/8 - council asked city staff to move forward with these changes.
2/22 - Public Hearings - council approved & authorized Mayor to conduct 1st Reading by title only - Ord. # 1057
3/8 - 2nd Reading
3/22 - 3rd Reading & authorize council president to sign*

HAILEY ORDINANCE NO. 1051

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, REVISING CHAPTER 5.02 OF THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 5.02.010 TO REVISE THE DEFINITION OF "BUSINESS" OR "OCCUPATION"; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and the City Council of the City of Hailey wish to amend the definition of "business" or "occupation" to exempt home occupations from obtaining a business license; and

WHEREAS, the Mayor and City Council find that such an amendment will further the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 5.02.010 of the Hailey Municipal Code is amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

"Business" or "occupation" means all activities, trades, and pursuits conducted or engaged in for profit, including without limitation, wholesale businesses, retail businesses, and personal service businesses and professions, and businesses conducted as home occupations in any and all situations where suppliers, vendors, customers, clients, and/or members of the general public visit or frequent the premises where the business or occupation is conducted, but shall not mean home occupations as defined by the Hailey Zoning Ordinance, Hailey Ordinance No. 532, as amended.

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 3. Repealer Clause. All ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this 22nd day of March, 2010.

Fritz Haemmerle, Council President
City of Hailey

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express, March 24, 2010

AGENDA ITEM SUMMARY

DATE: March 8, 2010 DEPARTMENT: Planning DEPT. HEAD SIGNATURE: DR

SUBJECT: Second Reading Ordinance 1052 - Rezone of Lots 4 - 10, Block 69, Hailey Townsite from GR to LB

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code 14.6
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On February 8, 2010, the Hailey City Council held a public hearing and approved an application by Ed Uhrig for the rezone of Lots 4 -10, Block 69, Hailey Townsite.

On February 22, 2010, Council approved Ordinance 1052 and authorized the Mayor to conduct the first reading by title only.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---------------------------------------------------|----------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Safety Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct second reading of Ordinance 1052 by title only.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date 3/8 - 2nd reading conducted
3/22 - 3rd reading: authorize the council president to sign

City Clerk Mary Core

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record *Additional/Exceptional Originals to: _____
Copies (all info.): _____ Copies (AIS only) _____
Instrument # _____

HAILEY ORDINANCE NO. 1052

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND THE OFFICIAL ZONING MAP INCORPORATED THEREIN, BY CHANGING THE ZONING DISTRICT DESIGNATION OF THE HAILEY ZONING MAP, LOTS 4 - 10, BLOCK 69, HAILEY TOWNSITE, FROM GENERAL RESIDENTIAL (GR) TO LIMITED BUSINESS (LB); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Official Zoning Map will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the Hailey City Council has found that 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;

WHEREAS, the Hailey City Council has found that the proposed uses are compatible with the surrounding area; and

WHEREAS, the Hailey City Council has found that the amendment will promote the public health, safety and general welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Hailey Ordinance No. 532 and Hailey Official Zoning Map incorporated therein are hereby amended by changing the zoning district designation of Lots 4 - 10, Block 69, Hailey Townsite, from General Residential (GR) to Limited Business (LB).

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 22ND DAY OF MARCH, 2010.

Fritz Haemmerle, Council President, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express, March 24, 2010

AGENDA ITEM SUMMARY

DATE: 2/22/2010 DEPARTMENT: Admin & Legal DEPT. HEAD SIGNATURE: MHC/NW

SUBJECT

Public Hearing on new Rubbish ordinance and contract with Obras, Inc. dba Clear Creek Disposal.

AUTHORITY: ID Code 50-329 IAR _____ City Ordinance/Code _____

BACKGROUND:

The following text is excerpted from the 12/28/09 minutes:

NB 582 *Discussion of OER Compost Treatment Grant in light of Rubbish Hauling Franchise Agreement renewal or extension*

Recently Hailey was awarded an OER Grant for a feasibility study, which will be conducted in the next year. The focus will be on the feasibility of treating food waste, yard waste, sludge and other organic materials to generate compost. Dawson reviewed this with council and the vision of asking future rubbish companies to haul 30% of waste stream to another location other than the Ohio Gulch Landfill site.

Dawson suggests extending our rubbish contract for up to 3 years with clauses to terminate early and/or provide flexibility to implement new programs within the contract term.

Brown and Keirn appreciate staff's recommendation. Brown is okay with a 2 year extension as is Keirn and Burke. Haemmerle feels that it may be a good idea to put out to RFP.

Williamson explains the process to council. Mayor suggests continuing for a 2 year period.

In this process, there is an opportunity for other haulers to participate with comments, once the public hearing has been set and noticed. Haemmerle asked Dawson to send a letter to potential haulers of this proposed action.

At the 1/11/10 council meeting the draft ordinance allowing for a two year extension on the franchise agreement granted to Clear Creek Disposal was introduced. The proposed ordinance was published on 01/20/10 within the 30 day waiting period. The current agreement in Ordinance Nos. 840 and 866 will expire on April 10, 2010. The proposed two year term would effective April 11, 2010.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS

Budget Line Item # _____ YTD Line Item Balance \$ _____

Hailey currently collects a 6% franchise fee and a 6% billing contract from the rubbish hauler, which amounts to more than \$150,000 per year.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:

City Attorney Clerk / Finance Director ___ Engineer ___ Mayor
___ P & Z Commission ___ Parks & Lands Board ___ Public Works ___ Other

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct Public Hearing regarding proposed two year extension of franchise agreement. Make a motion to approve Ordinance and authorize Mayor to conduct 1st Reading of Ordinance by title only.

*2/22/10 - council approved & authorized Mayor to conduct 1st Reading by title only of ord. # 1053
3/8 - 2nd Reading
3/22 - 3rd Reading & authorize -237- in President to sign*

HAILEY ORDINANCE NO. 1053

AN ORDINANCE OF THE CITY OF HAILEY, BLAINE COUNTY, IDAHO, AMENDING HAILEY ORDINANCE NOS. 840 AND 866 BY EXTENDING THE FRANCHISES GRANTED TO OBRAS, L.L.C., d/b/a CLEAR CREEK DISPOSAL, INC. FOR AN ADDITIONAL TWO (2) YEARS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Hailey City Council finds that it is in the best interests of the citizens of Hailey to maintain a comprehensive solid waste and recycling program for both residential and commercial properties within the City of Hailey; and

WHEREAS, the Hailey City Council adopted Hailey Ordinance No. 840 that granted Wood River Rubbish, Inc. an exclusive franchise to provide solid waste and recycling services for both residential and commercial properties within the City of Hailey, subject to the residential and commercial franchise agreements dated April 11, 2003 ("Franchise Agreements");

WHEREAS, the Hailey City Council adopted Hailey Ordinance No. 866 that amended Ordinance No. 840 to show that Obras, L.L.C., d/b/a Clear Creek Disposal, Inc. was the franchisee;

WHEREAS, the franchises granted Obras, L.L.C., d/b/a Clear Creek Disposal, Inc. in Ordinance Nos. 840 and 866 will expire on April 10, 2010;

WHEREAS, the Hailey City Council finds that there are proposed changes to composting of solid waste which may significantly alter the responsibilities of any franchise for solid waste and recycling services within the City of Hailey; and

WHEREAS, the Hailey City Council finds that it would be in the best interests of the City of Hailey to extend the franchises established in Hailey Ordinance Nos. 840 and 866 to Obras, L.L.C., d/b/a Clear Creek Disposal, Inc. for an additional two (2) year period, subject to

the terms and conditions set forth therein and subject to the terms and conditions of the Franchise Agreements.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HAILEY, BLAINE COUNTY, IDAHO:

Section 1. Section 1 of Hailey Ordinance No. 840 is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

Pursuant to Idaho Code §50-329, the City of Hailey hereby grants to Obras, L.L.C., d/b/a Clear Creek Disposal, Inc. ("Franchisee"), an Idaho corporation, the authority, right, privilege and franchise for a term of two (2) years, with ~~an additional two (2) year renewal term~~, beginning April 11, ~~2003-2010~~, to engage in the business of collecting, transporting, processing and disposing of solid waste and separated recyclable materials kept or accumulated and placed for collection by all residential and commercial customers within the corporate limits of Hailey, Idaho, and to perform all of the work described in the Franchise Agreements; provided, however, this authority, right, privilege and franchise does not extend to the self-hauling of solid waste or recyclable materials, hazardous waste or medical waste. It shall be unlawful for any person or legal entity to engage in the business of solid waste and recyclable material collection and transportation over and upon the public right-of-ways within the City of Hailey, except as otherwise provided herein.

Section 2. Severability Clause. The provisions of this Ordinance are severable and the invalidity of any part of this Ordinance shall not affect the validity of the remainder of the ordinance.

Section 3. Repealer Clause. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 22ND DAY OF MARCH, 2010.

Fritz Haemmerle, Council President

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express, March 24, 2010

