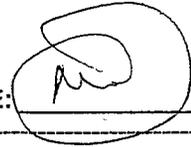


AGENDA ITEM SUMMARY



DATE: 4/5/2010 DEPARTMENT: Legal DEPT. HEAD SIGNATURE: _____

SUBJECT: Security Agreement (Sweetwater Landscaping)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Late last year, Hailey and the Sweetwater developer amended the Sweetwater PUD Agreement. Under the amendment, Sweetwater agreed to fully reimburse Hailey for the traffic light at the intersection of Countryside and Highway 75, pay park fees of \$49,000 and post security of \$96,592.50. Upon payment of those financial obligations, Hailey agreed to allow the plats to be recorded. Sweetwater has tendered the payments and I believe has either recorded the plats or intends on recording the plats soon. With the recording of the plats, Sweetwater is now able to sell units. As part of posting security, Sweetwater is required and has signed the attached security agreement.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Approve the attached Security Agreement and authorize the Council President to sign.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____
City Clerk _____

FOLLOW-UP:

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

SECURITY AGREEMENT
(Sweetwater)

APRIL THIS SECURITY AGREEMENT ("Agreement") is made and entered into this 5th day of ~~March~~, 2010, by and between Sweetwater Company, LLC., an Idaho limited liability company, whose mailing address is 100 Peabody Place, Suite 1200, Memphis, TN 38103 (hereinafter referred to as "Developer"), and the City of Hailey, Idaho, a municipal corporation, (hereinafter referred to as "Hailey").

RECITALS

- A. The City, Sweetwater and 474 Club, LLC ("474") are parties to that certain Planned Unit Development Agreement dated August 14, 2006 (hereinafter, as heretofore amended, referred to as the "PUD Agreement") recorded on December 15, 2006, as Instrument No. 542953, records of the County Recorder, Blaine County, Idaho.
- B. The PUD Agreement sets forth Sweetwater's rights and obligations with regard to the development of a multi use project consisting of 421 residential units and related improvements in Hailey, Idaho, to be developed in four (4) phases (the "Development").
- C. One of the requirements of the PUD Agreement is that Sweetwater post a bond, letter of credit or cash deposit for certain landscaping work ("Landscaping") the PUD Agreement requires be done on the vacant land portion of the Development.

AGREEMENT

NOW, THEREFORE, Developer and Hailey hereby covenant and agree as follows:

1. Security. Sweetwater, simultaneously with the execution of this Agreement, deposits with Hailey cash ("Cash Deposit") in the amount of Ninety Six Thousand Five Hundred Ninety Two and 50/100 DOLLARS (\$96,592.50), as security for complete performance and construction of the Landscaping upon the terms and conditions set forth herein. The cash shall be held by Hailey in an interest bearing account with a mutually acceptable financial institution in lieu of Sweetwater filing or depositing other security with Hailey. Sweetwater may replace the Cash Deposit at any time with a letter of credit or bond issued by a financial institution or insurance company reasonably acceptable to Hailey, at which time the Cash Deposit, plus all accrued interest thereon, shall be promptly returned to Sweetwater.
2. Completion of Work. Sweetwater shall complete the Landscaping in accordance with the terms of the PUD Agreement. Once complete, according to applicable ordinances, regulations, plans and specifications, as certified by the city engineer or planning department, the Cash Deposit, plus all accrued interest thereon, letter of credit or bond, as the case may be, shall be promptly returned to Sweetwater.
3. Remedies. In the event Sweetwater fails or refuses to complete the Landscaping or any portion thereof as required by the PUD Agreement, Hailey shall have the right, but not the

SECURITY AGREEMENT/1

obligation, to apply such of the cash, letter of credit or bond as is necessary to the completion of the Landscaping. In case of default by Sweetwater, if the total cost of completion of the Landscaping is less than the amount of the Cash Deposit, bond or letter of credit, Hailey agrees to promptly return to Sweetwater the unused portion thereof. However, if the cost of completing the Landscaping is greater than the amount of the Cash Deposit, Sweetwater agrees to reimburse and hold Hailey harmless for any and all additional costs and expenses incurred by Hailey associated with completing the Landscaping.

4. Relationship of Parties. This Agreement is not a guarantee that any of the Development will be constructed and does not obligate Hailey in any way to complete any of the Development. This Agreement is not intended nor shall it be construed as a third party beneficiary contract or creating any third party beneficiary rights.

IN WITNESS WHEREOF, the parties hereto have signed this document the day and year first written above.

SWEETWATER COMPANY, LLC

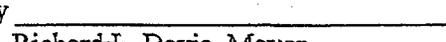
By



J. Kevin Adams, CEO

CITY OF HAILEY, IDAHO

By



~~Richard L. Davis, Mayor~~
FRITZ HAEMMERLE, COUNCIL PRESIDENT

AGENDA ITEM SUMMARY

DATE: 4/5/2010 DEPARTMENT: Legal DEPT. HEAD SIGNATURE: 

SUBJECT: Letter for Wertheimer Park Subdivision

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

As you know, Hailey has conducted considerable title work on the Hailey Elementary School, Rodeo Grounds and Blaine Manor properties, and has vacated all of the alleys and street within those properties. As part of this work, the school district, Hailey and Blaine County have agreed to process a three lot subdivision to be known as the Wertheimer Park Subdivision. The school district has taken the lead on preparing the plat. To meet Hailey's subdivision application process, it has been suggested that the three governmental entities jointly sign a letter authorizing the city to process the subdivision application.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Approve the attached letter and authorize the Council President to sign.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____
City Clerk _____

FOLLOW-UP:

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

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

City of Hailey

115 MAIN STREET SOUTH, SUITE H
HAILEY, IDAHO 83333

(208) 788-4221
Fax: (208) 788-2924

April 1, 2010

Beth Robrahn
c/o Hailey Planning and Zoning Department
115 S. Main St., Ste. H
Hailey, Idaho 83333
HAND DELIVERED

Re: Wertheimer Park Subdivision

Dear Beth:

The Blaine County School District No. 61, Blaine County and the City of Hailey are the owners of the property within the boundaries of the property shown on the enclosed Wertheimer Park Subdivision plat. The governing bodies of all of the property within the plat have approved of the submittal of an application for a three lot subdivision.

BLAINE COUNTY
SCHOOL DISTRICT NO. 61

BLAINE COUNTY BOARD OF
COUNTY COMMISSIONERS

Julie Dahlgren, Chairperson

Larry Schoen, Chairman

CITY OF HAILEY

Richard L. Davis, Mayor

AGENDA ITEM SUMMARY

DATE: 04/05/2010 DEPARTMENT: Finance & Records DEPT. HEAD SIGNATURE: MHC/RL

SUBJECT

Motion to accept the Hailey Historic Preservation Commission's recommendation for the selection of Madeline Buckendorf Consulting LLC as the professional historian to prepare an Intensive Level Survey of the Fox House, 119 E. Bullion (Land Trust Building), to further assess the property's potential NRHP (National Register of Historic Places) eligibility and, if found eligible, to prepare the NRHP nomination, under the Idaho Certified Local Government grant application by Hailey Historic Preservation Commission, and to authorize the Agreement for Services with Madeline Buckendorf Consulting LLC.

AUTHORITY: ID Code IAR _____ City Ordinance/Code _____

BACKGROUND:

Originally the Hailey Historic Preservation Commission planned to solicit Requests for Proposals under the terms of a federal grant for the assessment of eligibility of the Harris Apts. and the J. J. Tracy Building for listing on the NRHP. Since the respective property owners were not interested in pursuing NRHP listing, the plan was changed to solicit Requests for Proposals to determine the eligibility of the Fox House for listing as described above. Two proposals were received and evaluated by the Commission. The Commission's recommendation to the Hailey City Council is to select the proposal of Madeline Buckendorf Consulting LLC.

Proposal Submitted By	Cost	Determining Factors
1. Madeline Buckendorf LLC	\$3,500.00	Lowest Bid, and Ms. Buckendorf's excellent work for the City of Hailey in the past
2. T.A.G. Historical Research	\$11,213.76	

The final deliverables of the project will be survey forms, nomination forms, photos, a location map and final reports. The grant award is \$5000, which is matched by \$5346.25 cash contribution by the city and in-kind work by the Project Coordinator and the HHPC.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

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

This grant is a reimbursement program, so the city will be required to pay costs up front, with reimbursement occurring upon project completion. Hailey's budget has sufficient funds appropriated for the match.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:

<input type="checkbox"/> City Attorney	<input type="checkbox"/> Clerk / Finance Director	<input type="checkbox"/> Engineer	<input type="checkbox"/> Mayor
<input type="checkbox"/> P & Z Commission	<input type="checkbox"/> Parks & Lands Board	<input type="checkbox"/> Public Works	<input checked="" type="checkbox"/> HHPC

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

The council will make a motion to accept one of the proposals, and to authorize execution of the Contract For Services

FOLLOW UP NOTES:

PROPOSAL, SCOPE OF WORK, AND BUDGET
FOR
HAILEY HISTORIC PRESERVATION COMMISSION
By Madeline Buckendorf Consulting, LLC
March 2010

RECEIVED
MAR 23 2010

Introduction

The following document is a formal proposal by Madeline Buckendorf Consulting, LLC, to conduct the following project(s) concerning the Fox House, located at 119 East Bullion Street in the City of Hailey:

- (1) Prepare and complete an intensive-level historic sites survey and photo documentation of the Fox House;
- (2) **If the property is determined eligible**, prepare and complete a nomination to the National Register of Historic Places (NRHP) of the Fox House.

This work will be conducted for the Hailey Historic Preservation Commission (HPC).

Professional Qualifications

Madeline Buckendorf has worked for 30 years in the fields of historical research and historic preservation. She holds an M.A. in Public History and is certified as a Historic Preservation Specialist under 36 CFR 61, Appendix A, of the Code of Federal Regulations.

Madeline Buckendorf has successfully completed numerous intensive level surveys and over 18 Nominations to the National Register of Historic Places (NRHP). These nominations included the Eben S. Chase House and former Rialto [Hailey] Hotel in Hailey, the former Mountain States Telephone and Telegraph Company building in Meridian, Caldwell's Steunenberg Residential Historic District, and the James Baker House in Cottonwood. Buckendorf has nominated or determined as NRHP-Eligible a wide variety of structures and buildings in Idaho and Oregon, including mining sites, barns and entire farmsteads, water towers, highway culverts and historic ruins of a grain elevator in the American Falls Reservoir.

Her clients include the Army Corps of Engineers, BLM, USDA National Forest, Bureau of Reclamation, Idaho Transportation Department, several city and county historic preservation commissions, engineering firms, and environmental planners in Blaine and Ada counties.

Scope of Work and Deadlines

- (1) Intensive-level historic sites survey of the Fox House—Buckendorf will conduct survey and complete an Idaho Historic Sites Inventory form at the intensive level; all features and their elevations will be photographed and measurements taken. A site sketch map will also be developed. **She will compile a complete history of all alterations, when they occurred, and what impact they have had on the structure's potential eligibility.**

Historic research will also provide context for evaluating the property's historic significance and possible eligibility to the NRHPC. Copies of historic Sanborn Fire Insurance maps will also be submitted. The form will be ready for review by the HHPC and submission to the Idaho SHPO by June 30, 2010.

(2) If the property is determined eligible by the Idaho SHPO, preparation of a nomination to the NRHP will begin--Buckendorf will reformat the information gathered during her intensive-level survey of the Fox House into the required Nomination Form, and hard and digital copies made of the form and its attachments. The Statement of Significance will need to be annotated with endnotes, citing all primary and secondary historical sources used in the development of the statement. A bibliography of all sources examined will also need to be developed, along with a site sketch map with photo points (the number and direction each photo was taken). All information, maps, and photographs will be combined into the final National Register form and attachments.

Once the award is granted, the following is an estimated timetable for completing the intensive-level survey:

- **April 2010**--Research and survey work on the Fox House will begin.
- **June 30, 2010**--the Intensive-Level Survey form will be submitted for a determination of eligibility to SHPO.
- **August 15, 2010**--If an NRHP nomination is prepared, the final document to be submitted to SHPO and Hailey for approval.
- **August 30, 2010**--final revisions to the nomination and attachments will be completed.

Project End Products

For the Intensive-level survey of the Fox House:

- Three copies of the Intensive Level Survey form and three copies of photos of the Fox House (one each for the SHPO, Hailey HPC, and Wood River Land Trust (property owners)). SHPO should receive a hard copy and an electronic copy.

For the National Register Nomination of the Rialto Hotel:

- One digital copy and two paper copies of the completed nomination form 10-900 (available from the National Register web site or SHPO);
- Three labeled sets of archival quality (black-and-white, 5" x 7") photographs, and one set of digital images for use by SHPO;
- One original plus two copies of a USGS map with the property marked on it and a site sketch map with photo points.

Budget

The budget for both the preparation of the intensive-level survey and the National Register Nomination includes costs for the following items: research, writing, mileage, lodging, per diem, photographs and archival processing, photocopies, maps, discs, and other indirect costs such as liability insurance, telephone, and supplies.

Cost for the Intensive-level Survey of the Fox House:	\$2,500.00
Cost for the National Register Nomination of Fox House:	<u>1,000.00</u>
Total Cost for both the NRHP Nomination and Intensive-level Survey:	\$3,500.00

