

**AGENDA OF THE
HAILEY CITY COUNCIL MEETING
Monday May 4, 2015 * Hailey City Hall Meeting Room**

5:30 p.m. CALL TO ORDER - Open Session for Public Concerns

CONSENT AGENDA:

CA 165	Motion to approve Resolution 2015-35, authorizing execution of State/Local Agreement and Addendum for Cobblestone Sidewalk Project and approval of notice to advertise for bids	1
CA 166	Motion to approve sole sourcing for Universal Controllers, YSI-IQ SensorNet and declaring there is one vendor for the controllers.....	14
CA 167	Motion to approve Resolution 2015-36, authorizing execution of an Agreement with Advanced Irrigation Solutions for Smart Irrigation controls, central controller and weather station at city parks in the amount of \$24,540.....	19
CA 168	Motion to approve Resolution 2015-37, ratifying signature on proposal with Alpine Tree Services for fertilizing and care of Main Street trees in the amount of \$2,468.....	30
CA 169	Motion to approve Resolution 2015-38, authorizing agreement with Valley Paving for paving work.....	34
CA 170	Motion to approve Resolution 2015-39, authorizing MOU with G&G Landscaping for 2015 park adoption services at Balmoral Park.....	40
CA 171	Motion to approve Special Event, Girls on the Run, with consideration of Resolution 2011-17, which names the events which qualify for a fee waiver under Municipal Code 12.14.070(1)(a)	45
CA 172	Findings of Fact Conclusions of Law for Sunburst Hills Final Plat – approved at the April 20 th council meeting	56
CA 173	Motion to approve minutes of April 20, 2015 and to suspend reading of them	68
CA 174	Motion to approve claims for expenses incurred during the month of April 20, 2015, and claims for expenses due by contract in May, 2015	81

PROCLAMATIONS & PRESENTATIONS:

PP 175	Presentation by Harry Griffith of Sun Valley Economic Development Corporation of latest economic data	96
------------------------	---	----

PUBLIC HEARING:

PH 176	Airport Discussion.....	102
PH 177	Hailey Infrastructure Report – Idaho Power Franchise Agreement	110
PH 178	Consideration of Resolution 2015-_____amending the Park Reservation Fee, Arena Use Fee, and Water Fill Spout Fees (continued from April 20, 2015).....	112

NEW BUSINESS:

NB 179	Discussion of application for Special Event and Arena Reservation made by Jordan World Circus for two circus shows at the Hailey Arena on Saturday, June 6, 2015	128
NB 180	Discussion of off-site vendor options.....	147
NB 181	State legislative update on several topics including fireworks, initiative and referendums and curfew violations which take effect on July 1, 2015.....	167

OLD BUSINESS:

OB 182	3 rd Reading of Social Hosting, Runaway and Beyond Control Ordinance No. 1172 and Ordinance Summary	169
OB 183	2 nd Reading of Ordinance No. 1173 - vacating portions of 6 th Avenue and Carbonate Street– Mary Mizer property..	178
OB 184	2 nd Reading of Ordinance No. 1174 - Non-Discrimination Ordinance, which establishes protections against discrimination based on gender identity or sexual orientation within the City of Hailey	184
OB 185	2 nd Reading of Ordinance No. 1175 – Floodplain Ordinance Amendments	194

STAFF REPORTS: Staff Reports Council Reports Mayor’s Reports

SR 186	Draft Agenda for next council meeting	211
------------------------	---	-----

EXECUTIVE SESSION: : Real Property Acquisition (IC 67-2345(1)(c))

Matters & Motions from Executive Session

Next Ordinance Number -1176 Next Resolution Number- 2015-40

AGENDA ITEM SUMMARY

DATE: 5/14/2015

DEPARTMENT: Public Works

DEPT. HEAD SIGNATURE: MP

SUBJECT: Motion to approve Resolution 2015-³⁵___, approving the ITD State/Local Agreement for Construction of the Cobblestone Lane project, approving the ITD Addendum to the State/Local Agreement for Project Development, and authorizing the mayor to sign the agreement and addendum.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

State/Local Agreement for Construction: The State/Local Agreement for construction of the Cobblestone Lane project is attached for review and approval. The agreement contains the following:

- The grant funds are federal aid funds, and therefore the city is required to comply with the applicable sections of Title 23 and Title 28 of the U.S. Code.
- The responsibilities of, and coordination between, the city and the Idaho Transportation Department during construction of the project.
- The federal participation is contingent upon 100% project completion.
- The state is a governmental agency, and the agreement in no way binds or obligates the state "beyond the term of any particular appropriation of funds" at the federal or state level as may exist from time to time.
- The total estimated cost of construction, and the corresponding federal and city shares.

The final construction drawings and specification will be submitted to ITD for review and approval by May 15. Once the drawings and specification are approved, and the State/Local Agreement for Construction is signed by all parties, ITD will initiate the fund obligation process. Obligation of funds is expected to occur by June 1, at which time the city will be authorized to commence advertising the project for bidding. The current schedule anticipates construction commencing in mid-July and concluding in early September.

Addendum to State/Local Project Development Agreement: An Addendum to the State/Local Project Development Agreement is attached for review and approval. The agreement revises Paragraph 4 of the original agreement to clarify design and construction standards for the project.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input type="checkbox"/> City Administrator	<input type="checkbox"/> Library	<input type="checkbox"/> Benefits Committee
<input 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:

Motion to approve Resolution 2015-³⁵___, approving the ITD State/Local Agreement for Construction of the Cobblestone Lane project, approving the ITD Addendum to the State/Local Agreement for Project Development, and authorizing the mayor to sign the agreement and addendum and Motion to approve ITD's Resolution and authorize the City Clerk to sign.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

FOLLOW-UP:

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

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

**CITY OF HAILEY
RESOLUTION NO. 2015-35**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY
AUTHORIZING THE EXECUTION OF A STATE/LOCAL CONSTRUCTION
AGREEMENT AND THE EXECUTION OF AN ADDENDUM TO A STATE/LOCAL
PROJECT DEVELOPMENT AGREEMENT WITH THE IDAHO TRANSPORTATION
DEPARTMENT**

WHEREAS, the City of Hailey desires to enter into a State/Local Construction Agreement with Idaho Transportation Department under which Idaho Transportation Department will provide the Community Choices Grant funds of \$137,000 (total project cost of \$157,000) for Sidewalk Improvements From Wood River Middle School To Hwy 75 in the City of Hailey.

WHEREAS, the City of Hailey desires to amend, via addendum, a State/Local Project Development Agreement, with the Idaho Transportation Department, a copy of which is attached hereto,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, that the City of Hailey approves the State/Local Construction Agreement and the Addendum to the State/Local Project Development Agreement, between the City of Hailey and the Idaho Transportation Department and that the Mayor is authorized to execute the attached Agreement and the attached Agreement Addendum,

Passed this 4th day of May, 2015.

City of Hailey

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

STATE/LOCAL AGREEMENT

(CONSTRUCTION)

PROJECT NO. A014(348)

COBBLESTONE LN SIDEWALK, HAILEY

BLAINE COUNTY

KEY NO. 14348

PARTIES

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the IDAHO TRANSPORTATION DEPARTMENT, hereafter called the State and the CITY OF HAILEY, acting by and through its Mayor and Council, hereafter called the Sponsor.

PURPOSE

The Sponsor has requested federal participation in the costs of constructing Cobblestone Lane Sidewalk, which has been designated as Project No. A014(348). This Agreement sets out the responsibilities of the parties in the construction and maintenance of the project.

Authority for this Agreement is established by Section 40-317 of the Idaho Code.

The Parties agree as follows:

SECTION I. GENERAL

1. This Agreement is entered into for the purpose of complying with certain provisions of the Federal-Aid Highway Act, in obtaining federal participation in the construction of the project.
2. Federal participation in the costs of the project will be governed by the applicable sections of Title 23 U.S. Code (Highways) and rules and regulations prescribed or promulgated by the Federal Highway Administration, including, but not limited to, the requirements of 23 U.S.C. §313, 23 CFR §635.410, and 28 CFR Part II.
3. This State/Local Agreement (Construction) upon its execution by both Parties, supplements the State/Local Agreement (Project Development) by and between the same parties, dated June 24, 2014.

SECTION II. That the Sponsor shall:

1. Before advertisement for bids, provide to the State a certification that all rights-of-way, easements, permits, materials sources, and agreements necessary for the construction and maintenance of the project have been acquired. The Sponsor

State/Local Agreement
Cobblestone Lane Sidewalk, Hailey
Key No. 14348

will also certify that the contract proposal includes FHWA Form 1273 (Federal-aid Contract Provisions), and will provide an environmental determination in accordance with 23CFR 771.117.

2. Before advertisement for bids, provide to the State for review and approval a copy of the Contract Proposal form, Notice to Contractors, and construction plans, specifications and estimate. After the project is advertised for bids, provide the State with a copy of the bidding documents.
3. Advertise for the construction of the project, open bids, prepare a contract estimate of cost based on the successful low bid in accordance with State laws on procurement procedures for local governments, and request State concurrence prior to award.
4. Award a contract for construction of the project based on the successful low bid, and provide the State a copy of the contract.
5. During construction of the project, provide inspection services, inspection diaries, and support to the State Resident Engineer in the administration of the contract on this project. The Sponsor shall prepare all monthly and final contract estimates and change orders, and submit all change orders to the State for their approval. During the life of the construction contract, prior approval of the State will be obtained if it is necessary to deviate from the plans and specifications to such a degree that the nature of the completed work is significantly changed.
6. In cooperation with the State, establish and cause to be maintained all construction traffic controls deemed necessary to best serve the public interests and to expedite the work in accordance with the MUTCD.
7. At no cost to the federal-share, cause to be replaced to original, equal or better condition any existing pavement, regulatory signs, and other similar items damaged as a result of the contractor's operation, except as hereafter stated as obligations of the State.
8. During design and construction of the project, be responsible for payment of all invoices for work performed on the project. The Sponsor will provide monthly invoices, and proof of payment of same, to the State for reimbursement of the federal-aid share, up to a maximum of \$137,000.
9. Maintain all project records, including source documentation for all expenditures and in-kind contributions, for a period of three (3) years from the date of final acceptance. If any litigation, claim, negotiation, or audit has been started before expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues that arise from it.

10. Maintain the project upon completion to the satisfaction of the State. Such maintenance includes, but is not limited to, preservation of the sidewalk as is necessary for its safe and efficient utilization. Failure to maintain the project in a satisfactory manner will jeopardize the future allotment of federal-aid highway funds for projects within the Sponsor's jurisdiction.
11. Comply with all other applicable State and Federal regulations.
12. To the extent provided by the Idaho Tort Claims Act, indemnify, save harmless and defend regardless of outcome the State from the expenses of and against suits, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the Sponsor or its consultant in the design, construction and maintenance of the work which is the subject of this Agreement. The Sponsor shall defend and indemnify the State and its employees for all claims and losses arising out of the State's duty of supervision and inspection of the project.

SECTION III: That the State shall:

1. Enter into an Agreement with the Federal Highway Administration covering the federal government's pro-rata share of project.
2. Review and approve the project plans and specifications.
3. Authorize the Sponsor to administer the project and make any necessary changes and decisions within the general scope of the plans and specifications.
4. Designate a resident engineer and other personnel, as the State deems necessary, to supervise construction in accordance with the plans, specifications and estimates in the manner required by applicable state and federal regulations. The State will review for approval all change orders submitted by the Sponsor, and conduct a final inspection of the project when completed.
5. Upon receipt of monthly invoices from the Sponsor, submit same to the Federal Highway Administration for reimbursement at the federal-aid participation rate of 87.26%, up to a maximum of \$137,000.
6. Maintain complete accounts of all project funds received and disbursed, which accounting will determine the final project costs.
7. Cooperate with the Sponsor in selection and designation of suitable construction traffic control during project construction.

SECTION IV. Both Parties agree as follows:

1. Federal participation is contingent upon ultimate completion of the project. If for any reason the project is removed from the program without being completed, then the Sponsor shall be responsible for One Hundred Percent (100%) of all project costs, and shall pay back to the State all costs previously reimbursed. If the Sponsor's deposit exceeds project costs, then the State shall return the unspent balance to the Sponsor.
2. Sufficient Appropriation. It is understood and agreed that the State is a governmental agency, and this Agreement shall in no way be construed so as to bind or obligate the State beyond the term of any particular appropriation of funds by the Federal Government or the State Legislature as may exist from time to time. The State reserves the right to terminate this Agreement if, in its sole judgment, the Federal Government or the legislature of the State of Idaho fails, neglects or refuses to appropriate sufficient funds as may be required for the State to continue payments. Any such termination shall take effect immediately upon notice and be otherwise effective as provided in this Agreement.
3. All information, regulatory and warning signs, pavement or other markings, traffic signals required, the cost of which is not provided for in the plans and estimates, must be erected at the sole expense of the Sponsor upon the completion of the project.
4. The location, form and character of all signs, markings and signals installed on the project, initially or in the future, shall be in conformity with the Manual of Uniform Traffic Control Devices as adopted by the State.
5. This Agreement shall become effective on the first day mentioned above, and shall remain in full force and effect until amended or replaced upon mutual consent of the State and the Sponsor.

EXECUTION

This Agreement is executed for the State by its Engineering Services Division Administrator, and executed for the Sponsor by the Mayor, attested to by the City Clerk, with the imprinted Corporate Seal of the City of Hailey.

IDAHO TRANSPORTATION DEPARTMENT

APPROVED BY:

Engineering Services
Division Administrator

RECOMMENDED BY:

District Engineer

ATTEST:

CITY OF HAILEY

City Clerk

Mayor

(SEAL)

By regular/special meeting
on _____

Reviewed by FS JW 4-28-15

hm:14348 SLAConst.docx

RESOLUTION

WHEREAS, the Idaho Transportation Department, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Hailey, hereafter called the **CITY**, for construction of Cobblestone Lane Sidewalk; and

WHEREAS, the State is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System when there is federal participation in the costs; and

WHEREAS, certain functions to be performed by the State involve the expenditure of funds as set forth in the Agreement; and

WHEREAS, The State can only pay for work associated with the State Highway system; and

WHEREAS, the **CITY** is fully responsible for its share of project costs; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal Aid Highway Project A014(348) is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY**.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a *regular, duly* called special (~~X-out non-applicable term~~) meeting of the City Council, City of Hailey, held on

(Seal)

City Clerk

WORKSHEET FOR STATE / LOCAL CONSTRUCTION AGREEMENTS

Key No: 14348
 Project No: A014(348)
 Project Name: Cobblestone Ln Sidewalk, Hailey
 Sponsor: City of Hailey
 Description of work: Approximately 700 feet of sidewalk along Cobblestone Lane from SH-75 to Blaine County School District Middle School on N 2nd Avenue.

Date of State/Local Agreement for Project Development: 6/24/2014

	FEDERAL	LOCAL
TOTAL ESTIMATED COST OF CONSTRUCTION <i>Includes E&C & Non-Bid Items</i>		
APPROVED FORCE ACCOUNT WORK		
PLUS PE BY STATE (from 2101)		
PLUS PC BY LHTAC (from 2101)		
PLUS PC (from PC Agreements)		
MINUS ALL NON-PARTICIPATING PARTICIPATING TOTAL		
MATCH PERCENTAGES	87.26%	12.74%
PERCENTAGE AMOUNTS	\$161,529.96	\$23,583.45
MINUS FEDERAL MAXIMUM	\$137,000	
ADD OVERAGE (If Any To Local)	24,530	\$24,530
LOCAL SHARE OF CONSTRUCTION AMOUNT		\$48,113

ADJUSTMENTS

PLUS ALL NON-PARTICIPATING (From above if work by contract)	\$0
MINUS FUNDS ADVANCED BY THE SPONSOR FOR STATE PE (from PD Agreement)	\$4,000
MINUS APPROVED FORCE ACCOUNT WORK (From above)	
MINUS PRELIMINARY ENGINEERING PAID BY LOCAL <i>(If LPA has not rec'd reimbursement, use actual PC dollars paid by LPA)</i> <i>(If LPA has rec'd reimbursement, use local match % of actual PC dollars paid by LPA)</i> <i>(Amounts must be supported by District Records Inspector Audit)</i>	
CONSTRUCTION AMOUNT REQUIRED FROM SPONSOR AFTER ADJUSTMENTS	\$44,113

Comments:

PREPARED BY: *hjm*

Date: *4-27-15*

Exhibit A

**ADDENDUM TO
STATE/LOCAL AGREEMENT
(PROJECT DEVELOPMENT)
PROJECT NO. A014(348)
COBBLESTONE LANE SIDEWALK, HAILEY
BLAINE COUNTY
KEY NO. 14348**

PARTIES

THIS Addendum is made and entered into this _____ day of _____, by and between the IDAHO TRANSPORTATION BOARD, by and through the IDAHO TRANSPORTATION DEPARTMENT, hereafter called the State, and the CITY OF HAILEY, acting by and through its Mayor and Council, hereafter called the Sponsor.

PURPOSE

This Addendum will modify the State/Local Agreement entered into on the 24th day of June, 2014, (hereinafter "Agreement") between the same parties.

The parties agree to the following revisions:

- A. Section I of the Agreement will be amended by revising Paragraph 4 to read as follows:
4. This project shall be designed and constructed to an approved adopted standard. In the event that the Sponsor does not have an adopted standard for specific areas or items, then the State Standards as defined in the Idaho Transportation Department's Roadway Design Manual in effect on the date of this Agreement, or as subsequently revised (for current version, see <http://itd.idaho.gov/manuals/ManualsOnline.htm>), AASHTO, or other agency standards shall be identified and incorporated into the design and construction of the project. Design standards for this project shall include the 2010 ADA Standards for Accessible Design in effect on the date of this Agreement.
- B. All other terms and conditions previously agreed to and set forth in the Agreement shall remain in full force and effect.

*Addendum to State/Local Agreement
Cobblestone Lane Sidewalk, Hailey
Key No. 14348*

EXECUTION

This Addendum is executed for the State by its Engineering Services Division Administrator, and executed for the Sponsor by the Mayor, attested to by the City Clerk, with the imprinted corporate seal of the City of Hailey.

IDAHO TRANSPORTATION DEPARTMENT

APPROVED BY:

Engineering Services Division Administrator

RECOMMENDED BY:



District Engineer

ATTEST:

CITY OF HAILEY

City Clerk

Mayor

(SEAL)

By regular/special meeting
on _____.

hm:14348 SLAPD Addendum.doc

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 5/4/15

DEPARTMENT: PW

DEPT. HEAD SIGNATURE: MP

SUBJECT: Declaration to approve sole sourcing universal controllers, YSI – IQ SensorNet for the Biosolids project and approval to notice the intent to sole source the equipment.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Idaho law contemplates that the lowest responsive bidder will be awarded a bid on this type of project and that the successful bidder will be able to use equipment which meets the specifications of the project. The Wastewater Treatment Facility already has process monitoring equipment controllers and probes. The new design requires additional process monitoring equipment. It is important that the new universal controller be the same as the existing, for compatibility of the equipment. Therefore; we would like to specify sole sourcing this part of the equipment and specify in the plans that only one vendor will be accepted by the city.

After consulting with HDR, we believe it is appropriate to “sole source” the universal controller. The attached letter from HDR explains the rationale for specifying the YSI – IQ SensorNet. If the mayor and council concur with the reasons outlined by HDR, then under the applicable law the city council must make certain declarations, which are set forth in the motion language below.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to declare that there is only one (1) vendor for the universal controllers and probes to be installed as part of the biosolids handling facility project and one (1) source reasonably available, because the compatibility of the equipment is the paramount consideration and because competitive solicitation is impractical, disadvantageous or unreasonable under the circumstances.

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

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

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



April 27, 2015

Ms. Mariel Platt
City of Hailey
Public Works Director
115 S Main Street
Hailey, ID 83333

RE: Solids Handling Improvement Projects – Universal Controllers, YSI – IQ SensorNet

Dear Ms. Platt,

The purpose of this letter is to provide the City of Hailey with justification for the sole source procurement of YSI – IQ SensorNet universal controllers for process monitoring. These controllers and probes will be installed at the Woodside Treatment Plant as part of the Solids Handling Improvement project.

Solids Handling Improvements Construction Project

HDR has completed the design of two new aerobic digesters, associated pumping and aeration equipment, two rotary screen thickeners and a screw type dewatering press. The City chose to pre-procure the two rotary screen thickeners, screw press and solids auger through a competitive bidding process. The remainder of the equipment is included in the construction documents.

The system includes process monitoring, including total suspended solids and dissolved oxygen. The City already has the YSI – SensorNet equipment installed, making it easy to add additional probes for this project.

Idaho Procurement Law

Procurement requirements for all political subdivisions of the state of Idaho are governed by Idaho Statute Title 67 - State Government and State Affairs, Chapter 28 Purchasing by Political Subdivisions. The full statute is available at <http://www.legislature.idaho.gov/idstat/Title67/T67CH28.htm>. The legislative intent of this statute for purchasing by a political subdivision includes:

- Efficient and cost-effective procurement of goods and services.
- Procurement by way of a publicly accountable process that respects the shared goals of economy and quality.
- Purchase from vendors with a significant Idaho economic presence.

The procurement procedures in Section 67-2806, Subsection (1) apply when an expenditure is considered for purchase of personal property in excess of \$25,000 but less than \$50,000. This

hdrinc.com

River Quarry at Parkcenter, 412 E. Parkcenter Blvd. Suite 100, Boise, ID 83706-6659
(208) 387-7000

section requires the solicitation for bids shall be supplied to no fewer than three (3) vendors by written means. The procurement is to be made from the qualified bidder submitting the lowest bid price complying with procedures and meeting the specifications for the goods and/or services sought to be procured.

The procurement procedures in Section 67-2808, Subsection (2) apply to sole source expenditures if the governing board declares that there is only one vendor for the personal property to be acquired. Situations where only one source is reasonably available include, but are not limited to the following:

- Where the compatibility of equipment, components, accessories, computer software, replacement parts or service is the paramount consideration;
- Where competitive solicitation is impractical, disadvantageous or unreasonable under the circumstances.

Notice of sole source procurement shall be published in the official newspaper of the political subdivision at least fourteen (14) calendar days prior to the award of the contract.

Justification and Implementation

Since the City operates the YSI – SensorNet system already for process monitoring, the city has standardized on this equipment. The primary reasons for standardizing are:

- Having a single manufacturer responsible for the instrumentation and probes will simplify technical assistance requests.
- The City has purchased the controller and has space available in the existing infrastructure to install additional probes.
- Training of personal will be simplified with only a single manufacturer and way of operation to learn.

Based on these reasons, the City has standardized on the YSI – SensorNet system for process monitoring, we believe the City meets the requirements of the Idaho Code Section 67.2808(2). In particular, sole sourcing is appropriate in this instance because compatibility requirements of the equipment is the paramount consideration and it would be disadvantageous to solicit bids for a different equipment.

If you have any questions or require further assistance please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Haley Falconer". The signature is written in black ink and is positioned below the word "Sincerely,".

Haley Falconer P.E.
Project Manager

Return to Agenda

**CITY OF HAILEY
RESOLUTION NO. 2015-36**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY
AUTHORIZING THE EXECUTION OF LETTER OF AGREEMENT FOR
IRRIGATION SERVICES AT SEVERAL PARKS AND INSTALLATION OF
PROGRAMMING OF A CENTRAL CONTROLLER AND WEATHER STATION FOR
A NOT TO EXCEED AMOUNT OF \$24,540.**

WHEREAS, the City of Hailey desires to enter into a Letter of Agreement with Advanced Irrigation Solutions who will provide irrigation controls at City of Hailey Parks.

WHEREAS, the City of Hailey and Irrigation Solutions have agreed to the terms and conditions of the Agreement for Professional Services, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, that the City of Hailey approves the Agreement Between the City of Hailey and Advanced Irrigation Solutions and that the Mayor is authorized to execute the attached Agreement,

Passed this 5th day of May, 2015.

City of Hailey

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

LETTER OF AGREEMENT FOR CITY OF HAILEY IRRIGATION PROJECTS

May 1, 2015

Kodi Farnworth
Advanced Irrigation Solutions
PO Box 309
Carey, ID 83320

Subject: - 2015 Irrigation Projects

Dear Kodi:

The City of Hailey (city) wishes Advanced Irrigation Solutions (AIS) to assist in the following irrigation projects. A brief description and scope of each project and its associated goals are listed here. The City wishes the work be done in the following order:

1. Central Control- Install weather station. Setup with Gprs cell phone to communicate to IQ central. Provide power for weather station. Install and program IQ software to communicate to all controllers and weather station. Weather station and cell phone provided by city. Provide adequate training for at least two city staff members on the central control and weather station, with the goal being that the system will be easily managed in-house and consultant services will not be needed to operate the programs and make minor changes.
2. Keefer Park- Install Gprs cell phone (provided by city) and program it to communicate with IQ central control. IQ communication module provided by city.
3. Woodside Blvd. -Install Grps cell phone (provided by city) and program it to communicate with IQ central control. Program and setup controller to learn flow. Install power surge device. IQ communication module provided by city.
4. Old Cutters Park- Oversee install of new pedestal and flow meters for IQ Central. Program controller to learn flow. Install Gprs cell phone (provided by city of Hailey) and program it to communicate with IQ central control. Install power surge device. IQ communication module provided by city.
5. Heagle Park- Install Pump stat relay to new well system so that it only starts when irrigation controller wants it to. Program controller for IQ and pump start.
6. Lions/Hop Porter Park - Install Pump stat relay to new well system at Lions Park so that it only starts when irrigation controller wants it to. Program controller for IQ and pump start.



Advanced Irrigation Solutions

PO Box 309
Carey, ID 83320

Estimate

Date	Estimate #
3/9/2015	134

Name / Address
City of Hailey Attn: Kelly Schwarz 115 Main St S Ste H Hailey ID 83333

			Project
			Heagle Park
Description	Qty	Rate	Total
IQ module Program & setup	4	105.00	420.00
Pump start Relay install and setup	2	105.00	210.00
materials	1	100.00	100.00
Total			\$730.00



Advanced Irrigation Solutions

PO Box 309
Carey, ID 83320

Estimate

Date	Estimate #
3/9/2015	135

Name / Address
City of Hailey Attn: Kelly Schwarz 115 Main St S Ste H Hailey ID 83333

			Project
			Hop Porter & Lions ...
Description	Qty	Rate	Total
Install IQ program & Setup	4	105.00	420.00
Install pump start relay	2	105.00	210.00
materials	1	100.00	100.00
Total			\$730.00



Advanced Irrigation Solutions

PO Box 309
Carey, ID 83320

Estimate

Date	Estimate #
3/9/2015	133

Name / Address
City of Hailey Attn: Kelly Schwarz 115 Main St S Ste H Hailey ID 83333

			Project
			Central Control
Description	Qty	Rate	Total
Install & setup Weather station	68	105.00	7,140.00
Communication for weather station install & program	30	105.00	3,150.00
Install & Program of IQ	30	105.00	3,150.00
Weather station	1	10,238.92	10,238.92
misc materials	1	500.00	500.00
dig trench install power for weather station.	12	85.00	1,020.00
Total			\$25,198.92



Advanced Irrigation Solutions

PO Box 309
Carey, ID 83320

Estimate

Date	Estimate #
3/9/2015	132

Name / Address
City of Hailey Attn: Kelly Schwarz 115 Main St S Ste H Hailey ID 83333

			Project
			Old Ctters Subdivision
Description	Qty	Rate	Total
Project manage install of new pedestal and flow meter	22	105.00	2,310.00
learn flow and program flow	4	105.00	420.00
Install communication & set up for IQ	18	105.00	1,890.00
IQ module	1	833.46	833.46
Power surge device	1	300.00	300.00
Total			\$5,753.46



Advanced Irrigation Solutions

PO Box 309
Carey, ID 83320

Estimate

Date	Estimate #
3/9/2015	131

Name / Address
City of Hailey Attn: Kelly Schwarz 115 Main St S Ste H Hailey ID 83333

			Project
			Kiefer Park
Description	Qty	Rate	Total
Install & setup cell phone	4	105.00	420.00
Program & setup For IQ	4	105.00	420.00
	1	833.46	833.46
Total			\$1,673.46



Advanced Irrigation Solutions

PO Box 309
Carey, ID 83320

Estimate

Date	Estimate #
3/9/2015	130

Name / Address
City of Hailey Attn: Kelly Schwarz 115 Main St S Ste H Hailey ID 83333

			Project
			Woodside
Description	Qty	Rate	Total
Communication install & setup	18	105.00	1,890.00
Set up & Learn flow	6	105.00	630.00
Program and setup for IQ	8	105.00	840.00
IQ module	1	833.46	833.46
power surge device	1	300.00	300.00
Total			\$4,493.46

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 5/4/15

DEPARTMENT: PW

DEPT. HEAD SIGNATURE: MP

SUBJECT: Resolution 2015-37, to ratify Mayor's signature on a proposal for tree fertilizer for Main St. trees.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

This agreement will allow Alpine Tree Services to provide fertilizer to Main St. trees that have been assessed and determined to benefit from this care.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve Resolution 2015-37 to authorize the agreement with Alpine Tree Services.

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record

*Additional/Exceptional Originals to: _____

Copies (all info.):

Copies (AIS only)

Instrument # _____

**CITY OF HAILEY
RESOLUTION NO. 2015-37**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY RATIFYING
THE PROPOSAL FROM ALPINE TREE SERVICE TO SPRAY MAIN STREET TREES
FOR \$2,468.**

WHEREAS, the City of Hailey desires to authorize the estimate with Alpine Tree Service under which Alpine Tree Service will spray fertilizer on all Main Street trees.

WHEREAS, the City of Hailey and Alpine Tree Service have agreed to the terms and conditions of the Proposal, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, that the City of Hailey approves the estimate between the City of Hailey and Alpine Tree Service and that the Mayor's signature is ratified on the attached Proposal,

Passed this 20th day of April, 2015.

City of Hailey

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk



P.O.Box 2790, Hailey, ID 83333
Phone: 208 788 4441
Fax: 208 788 3939

email: info@alpinetreeservice.net

Plant Health Care Proposal

Date: 4/21/2015

Work Site: Main Street
Hailey, ID 83333

City of Hailey

Proposed By: Carl Hjelm

115 S. Main St., Suite H
Hailey, ID 83333

Phone: 788-4221

Job Name: City of Hailey 20150416

#	Item	Description	Cost
1	All Trees	50R - Alpine Custom Blend Our Alpine Custom Blend is an all natural, biologically active soil amendment. Brewed with vermi-compost and additional sources of essential micro and macro nutrients, it maintains a robust microbiological soil community for healthy, vigorous plants. All trees on main street	\$2,468.00

Total: \$2,468.00

Customer Signature

4/23/15
Date

Amount \$

Check Enclosed



Card #

Exp. Date

Customer Email

Yes, I would like to receive future contracts, invoices, and information via email.

To schedule the work above, please sign this proposal and return it to our office.

Thank you for choosing Alpine Tree Service.

Please contact us for all your tree care needs: pruning, tree removal, and plant health care.

Please visit our website at www.alpinetreeservice.net

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 5/4/15

DEPARTMENT: PW

DEPT. HEAD SIGNATURE: MP

SUBJECT: Resolution 2015-38 to authorize the Mayor to sign an agreement with Valley Paving.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The agreement establishes charges for 2015 for patching and saw cuts. This agreement must be signed prior to Valley Paving agreeing to begin any work requested by the city.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve Resolution 2015-38 to authorize the agreement with Valley Paving, establishing 2015 prices.

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

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

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

**CITY OF HAILEY
RESOLUTION NO. 2015-38**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY
AUTHORIZING THE EXECUTION OF MISCELLANEOUS PATCHING CONTRACT
WITH VALLEY PATCHING WORK FOR THE CITY OF HAILEY**

WHEREAS, the City of Hailey desires to enter into an agreement with Valley Paving under which Valley Paving will perform patching and saw cuts for the City of Hailey.

WHEREAS, the City of Hailey and Valley Paving have agreed to the terms and conditions of the Miscellaneous Patching Contract , a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, that the City of Hailey authorizes the Miscellaneous Patching Contract between the City of Hailey and Valley Paving and that the Mayor is authorized to execute the contract,

Passed this 5th day of May, 2015.

City of Hailey

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk



VALLEY PAVING

Division of Lakeside Industries, Inc.
 P.O. BOX 775
 BELLEVUE, IDAHO 83313
 (208) 788-2284
 FAX (208) 788-2195



Miscellaneous Patching Contract

If you find this bid satisfactory please sign a copy of the contract and return.

Owner Is Responsible for Permits

Idaho Contractors License #: RCE-27387
 Public Works License #: PWC-C-12316-U-2

Job No. _____

Contracting Party

City of Hailey
 115 South Main St.
 Hailey, Idaho 83333
 (208) 788-4221 Fax (208) 788-2924

Date April 16, 2015

Location & Type of work
 Options for Patching 2015
Patching Minimum \$1000.00
Saw Cut Minimum \$350.00
Dump Fees and Traffic Control are Applicable and Separate

All Price Quotes are at a Per Square Foot Price (Dump Fees are Billed Separate)

Skin Patching

Furnish, place and compact asphalt by paving machine	\$	3.55
Furnish, place and compact asphalt by hand.	\$	4.05

Patches already dug out to proper depth and compacted. (by hand)

Furnish, place and compact 2" of asphalt	\$	4.25
Furnish, place and compact 2.5" of asphalt	\$	4.50
Furnish, place and compact 3" of asphalt	\$	4.75
Furnish, place and compact 4" of asphalt	\$	5.25
Furnish, place and compact 6" of asphalt	\$	7.25

Patches to be dug out and prepared by Valley Paving. (by hand)

Prepare base. Furnish, place and compact 2" of asphalt.	\$	5.55
Prepare base. Furnish, place and compact 2.5" of asphalt.	\$	5.80
Prepare base. Furnish, place and compact 3" of asphalt.	\$	6.05
Prepare base. Furnish, place and compact 4" of asphalt.	\$	6.55
Prepare base. Furnish, place and compact 6" of asphalt.	\$	8.55
Asphalt saw cutting (\$175.00 Minimum)	\$	2.00

All Large Paver Patches will be Bid on an Individual Job Basis.

Quantity	Description	Unit Price	Total Price

** SUBJECT TO THE TWO PAGES OF GENERAL PROVISIONS WITH THIS CONTRACT!

** PLEASE SIGN CONTRACT, THEN RETURN A COPY BY MAIL, EMAIL OR FAX!

TERM: Net Cash upon completion of job. State sales tax to be added where applicable.

A Finance Charge of 2% Per month (Which is an annual Percentage rate of 24%) will be imposed on any portion of your account not paid within 30 days after the billing date.

Total price to be based on actual quantity or measurement unless indicated here, lump sum \$ _____

Your signature on one copy returned to us will make this a legal contract for the performance of the above work.

Reserving right of Valley paving to cancel if unit prices increase before Valley Paving commences actual work on the project.

Approved By owner or Authorized personnel

Robin Hill

Valley Paving

Page 1 of 2 Of General Provisions

General Provisions

1. **DEFINITIONS.** As used herein, (i) "Contractor" shall mean Lakeside Industries or any division thereof; (ii) "Contracting Party" shall mean the person or entity purchasing materials and/or services as set forth on the front page hereof and pursuant to these General Provisions; and (iii) "Agreement" shall mean the contract formed between Contractor and Contracting Party by Contracting Party's acceptance of those terms and conditions set forth on the front page hereof and these General Provisions and/or materials and/or services provided to Contracting Party by Contractor.
2. **ACCEPTANCE.** Unless Contracting Party has signed and returned this Agreement to Contractor within thirty (30) calendar days of the date first stated on the front page hereof, Contractor's proposal shall be null and void. Contractor hereby objects to any conflicting, additional and/or different terms contained in any proposal or other writing issued by Contracting Party for purposes of accepting the proposal set forth herein and the same shall not become a part of this Agreement unless agreed upon in writing by Contractor and Contracting Party.
3. **COST ESCALATION FOR ASPHALT.** Contractor's proposal herein is based upon local vendor posted prices for liquid asphalt as of the date of Contractor's proposal. In the event the actual prices exceed such posted prices, the Contract Price shall be equitably adjusted by change order to reflect such increase. Contractor reserves the right to terminate this Agreement if an equitable adjustment cannot be agreed upon by Contracting Party and Contractor. Payment for any such adjustment shall be made in accordance with the terms and conditions of this Agreement.
4. **CREDIT VERIFICATION.** This Agreement is subject to Contractor's verification of Contracting Party's credit and Contractor's determination that such credit is adequate or satisfactory to Contractor. Contractor reserves the right to withdraw its proposal should Contractor reasonably determine that such credit verification is unsatisfactory or inadequate.
- 1) **TERMS OF PAYMENT.** Unless otherwise provided for herein, payment shall be due to Contractor within ten (10) days of the date of any invoice issued by Contractor to Contracting Party. Interest shall accrue on all overdue invoices at the rate of 1-1/2% per month (18.00% per annum) or the highest rate allowed by law.
6. **SCHEDULE.** This Agreement is subject to Contractor's review and approval of Contracting Party's schedule. Contracting Party shall coordinate other contractors' and subcontractors' work to prevent any delay or interference with Contractor's work.
7. **CHANGES.** Contracting Party, without invalidating the Agreement, may order changes in the scope of the work provided for by this Agreement, with the cost of the work and the time to complete such work being adjusted accordingly. Such changes in the work shall be authorized only by written change order signed by Contracting Party and Contractor.
8. **PROPERTY LINES.** Contracting Party warrants that Contracting Party knows the actual location of all legal property lines and that Contracting Party, prior to commencement of work hereunder, shall place stakes clearly indicating such property lines.
9. **PERMITS.** Any permits that must be secured prior to commencement of the work hereunder shall be secured and paid for by Contracting Party.
10. **DELAYS.** If Contractor is delayed at any time in the commencement or progress of the work by any act or neglect of Contracting Party, or by any employee or agent of Contracting Party, or by any separate contractor employed by Contracting Party, or by changes ordered in the work by Contracting Party, or by labor disputes, fire, abnormal adverse weather conditions, force majeure, unusual delay in transportation, fuel, material, or labor shortages or unavailability, action or inaction of public authorities not arising out of the fault of Contractor, casualties or any other causes beyond Contractor's reasonable control, then the Contract Time shall be extended by change order for a period of time reasonably necessary to alleviate the effect of such events on Contractor.
- Delays beyond Contractor's reasonable control shall be compensable to Contractor and such equitable adjustment of the Contract Price shall be made by change order. Contractor reserves the right to terminate this Agreement if an equitable adjustment cannot be agreed upon by Contracting Party and Contractor. Payment for any such adjustment shall be made in accordance with the terms and conditions of this Agreement.
11. **HAZARDOUS SUBSTANCES.** Contracting Party agrees to indemnify, defend and hold harmless Contractor and its employees and subcontractors from liability related to the existence of hazardous substances at the project site, unless such liability results directly from hazardous substances brought on to the project site by Contractor or its subcontractors or arises out of the negligence or wrongful act of Contractor or its subcontractors. If Contractor encounters a substance on the project site which Contractor believes is a hazardous substance, Contractor shall immediately notify Contracting Party and shall cease work in whole or in part and any delays (and costs arising therefrom) shall be Contracting Party's responsibility.
12. **TERMINATION FOR CAUSE.** Contractor has the right to terminate this Agreement if Contracting Party fails to comply with any of the other provisions herein; provided, further, Contractor may terminate this Agreement in the event of the happening of any of the following: (a) insolvency of Contracting Party or Contractor; (b) any act of bankruptcy by Contracting Party under any provision of the Federal Bankruptcy Act or filing by Contracting Party of a voluntary petition under any law providing for relief from the claims of creditors; (c) the filing of an involuntary petition to have Contracting Party adjudicated as bankrupt under the Federal Bankruptcy Act or for reorganization of Contracting Party under that Act or under any law providing for relief from the claims of creditors which is not vacated within thirty (30) days from the date of such filing; (d) the appointment of a receiver or trustee for Contracting Party or Contractor which is not vacated within thirty (30) days from the date of such appointment; or (e) RCW 7.04 in the King County Superior Court, ch application. Any soil sterilization provided for in this Agreement shall be applied at the rate specified by the manufacturer thereof or to cancel and terminate this Agreement. Such termination shall not prejudice any claims that either party may have against the other.

Page 2 of 2 Of General Provisions

13. INDEMNITY. To the fullest extent permitted by law, Contractor shall indemnify and hold harmless Contracting Party from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the work hereunder, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use resulting therefrom, but only to the extent caused by negligent acts or omissions of Contractor, a subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable. Contracting Party shall indemnify and hold harmless Contractor from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, to the extent caused by negligent acts or omissions of Contracting Party, or anyone directly or indirectly employed by it or anyone for whose acts it may be liable.

14. WARRANTIES. Contractor warrants and guarantees all work and/or materials provided under this Agreement shall be of good quality and workmanship, free from faults and defects and in conformance with this Agreement. Contractor further agrees to make good, at its own expense, any defect in materials or workmanship which may appear within one (1) year of Contractor's substantial completion of its work hereunder. Except as otherwise provided herein, Contractor makes no warranties or representations of any kind, express or implied (including no warranty of merchantability or fitness for a particular purpose) and none shall be implied by law. Contracting Party agrees that oral agreements, statements and representations made by Contractor, its employees or its agents shall not constitute a warranty of any kind.

15. TIME LIMITATION ON CLAIMS. Any action arising out of Contracting Party's purchase of materials or Contractor's provision of services to Contracting Party, including any action arising under this Agreement, must be commenced within one (1) year after substantial completion of Contractor's work hereunder, and no such action may be maintained which is not commenced within such one-year period.

16. LIMITATION OF LIABILITY. Contractor's sole liability and Contracting Party's sole and exclusive remedy for any and all damages, special, direct, incidental or consequential, sustained by Contracting Party or others arising of Contractor's performance of this Agreement shall be limited to correcting defective work. In no event shall Contractor be liable to Contracting Party or any third party for more than the amount of Contractor's proposal, or for any delay damages. Under no circumstances shall Contractor be liable for (i) damage to or breakage of underground pipes and/or conduits and cables not visible from the surface of the ground nor for any damage to approaches (including sidewalks) from the street to the property line; (ii) damage to the completed pavement surface due to the action of petroleum product spillage; (iii) subgrade failure or utility ditch failure; or (iv) growth of horsetail weed, morning glory, deep-rooted ferns or perennials subsequent to the application of soil sterilization (weasuant to RCW 7.04 in the King County Superior Court) application. Any soil sterilization provided for in this Agreement shall be applied at the rate specified by the manufacturer thereof.

Under no circumstances shall Contractor be liable for (i) damage to or breakage of underground pipes and/or conduits and cables not visible from the surface of the ground nor for any damage to approaches (including sidewalks) from the street to the property line; (ii) damage to the completed pavement surface due to the action of petroleum product spillage; (iii) subgrade failure or utility ditch failure; or (iv) growth of horsetail weed, morning glory, deep-rooted ferns or perennials subsequent to the application of soil sterilization (weed killer) that have not reached maturity prior to such application. Any soil sterilization provided for in this Agreement shall be applied at the rate specified by the manufacturer thereof.

17. ARBITRATION/ATTORNEYS' FEES. Contracting Party and Contractor agree that all claims, collections, disputes, or other controversies arising under this Agreement or related hereto, shall be settled by and subject to binding arbitration with a single arbitrator pursuant to the Construction Industry Arbitration Rules of the American Arbitration Association ("AAA"). Any such arbitration shall be commenced by delivering to the AAA a written demand for arbitration, and a copy of such demand shall be delivered to the other party. Contracting Party and Contractor agree that the location of any arbitration proceeding commanded with respect to this Agreement shall be at the Seattle, Washington AAA office. In any such arbitration, the prevailing party, as determined by the arbitrator, shall be entitled to its arbitration costs and reasonable attorneys' fees and other costs. Any arbitration award by the arbitrator shall be final and binding on the parties and subject to confirmation and reduction to judgment pursuant to RCW 7.04 in the King County Superior Court.

18. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

19. SEVERABILITY. In the event that any paragraph, part, term, or condition of this Agreement is construed or held to be void, invalid or unenforceable by an arbitrator or court of competent jurisdiction, the remaining paragraphs, parts, terms and conditions of this Agreement shall not be affected and shall remain in full force and effect.

20. VOLUNTARY CONTRACT. Each of the parties to this Agreement has carefully read and fully understands the terms and conditions hereof, has had full opportunity to consult with legal counsel regarding its meaning and effect, and is entering into this Agreement freely and voluntarily, through a representative who is fully authorized and empowered to sign on its behalf.

21. ENTIRE AGREEMENT. Contracting Party and Contractor intend that the proposal and those terms and conditions on the front page hereof and these General Provisions shall constitute the final, complete and exclusive Agreement between the parties. This Agreement supercedes all other prior or contemporaneous agreements, representations, understandings and promises, oral and/or written, by or between the parties with respect to the subject matter hereof. Contracting Party further acknowledges and agrees that in entering into this Agreement, Contracting Party has not and is not relying upon any contemporaneous agreements, representations, understandings and promises, oral and/or written, made by Contractor. No course of dealings between the parties shall be relevant or admissible to explain, supplement or vary the terms of this Agreement. No amendment or modification of this Agreement shall be effective or binding upon the parties unless made in writing and executed by Contracting Party and Contractor.

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 05/04/2015 **DEPARTMENT:** PW **DEPT. HEAD SIGNATURE:** MP

SUBJECT:

Motion to approve Resolution 2015-39 authorizing city officials to sign Adopt-a-Park MOU with G&G Landscaping and Snow Removal for care of Balmoral Park.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code HMC 12
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

G&G Landscaping & Snow Removal desires to provide services under the Adopt a Park program for Balmoral Park. Established in 2004, the full-service landscaping company currently provides landscaping services at the Balmoral Apartments complex and throughout the Wood River Valley.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

The estimated value of this service in other sizeable parks is \$6,000 - \$8,000, a considerable benefit to Hailey taxpayers.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input type="checkbox"/> City Attorney	<input type="checkbox"/> Finance	<input type="checkbox"/> Licensing	<input type="checkbox"/> Administrator
<input type="checkbox"/> Library	<input type="checkbox"/> Community Development	<input type="checkbox"/> P&Z Commission	<input type="checkbox"/> Building
<input type="checkbox"/> Police	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Engineer	<input type="checkbox"/> W/WW
<input type="checkbox"/> Streets	<input type="checkbox"/> Parks	<input type="checkbox"/> Public Works	<input type="checkbox"/> Mayor

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve Resolution 2015-39 authorizing city officials to sign Adopt-a-Park MOU with G&G Landscaping and Snow Removal for care of Balmoral Park.

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record
Copies (all info.):

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

**CITY OF HAILEY
RESOLUTION NO. 2015-39**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY
AUTHORIZING THE MEMORANDUM OF UNDERSTANDING WITH G&G
LANDSCAPING AND SNOW REMOVAL REGARDING THE ADOPT A PARK
PROGRAM FOR BALMORAL PARK.**

WHEREAS, the City of Hailey desires to enter into a Memorandum of Understanding with G&G LANDSCAPING AND SNOW REMOVAL under which G&G LANDSCAPING AND SNOW REMOVAL will provide landscaping maintenance of the grounds at Balmoral Park.

WHEREAS, the City of Hailey and G&G LANDSCAPING AND SNOW REMOVAL have agreed to the terms and conditions of the Memorandum of Understanding, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, that the City of Hailey approves the Memorandum of Understanding between the City of Hailey and G&G LANDSCAPING AND SNOW REMOVAL and that the Mayor is authorized to execute the attached Agreement,

Passed this 4th day of May, 2015.

City of Hailey

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk



MEMORANDUM OF UNDERSTANDING

G&G Landscaping and Snow Removal and the CITY OF HAILEY

Adopt a Park Program for **Balmoral Park**

This Memorandum of Understanding ("MOU") is entered into by G&G Landscaping and Snow Removal (G&G) and the City of Hailey (City) this _____ day of May, 2015.

RECITALS

- A. The City is the owner of several city parks, including Balmoral Park, and has established a maintenance program for various city parks (Adopt a Park Program).
- B. G&G is a local landscaping company interested in making a civic contribution to the community and participating in the Adopt a Park Program, and is willing to maintain Balmoral Park.
- C. Subject to the terms and conditions of this MOU, the City and G&G wish to coordinate their activities in the Adopt a Park Program to better provide service to the citizens of Hailey, to avoid duplication of effort by agencies, to implement activities consistent with purposes and policies of the City of Hailey and to promote the civic good will of G&G.

DUTIES AND RESPONSIBILITIES

G&G shall:

1. Mow and trim once a week on Mondays.
2. Blow out the sprinkler system at the end of the irrigation season before October 15, under city oversight.
3. Apply a fertilizer at least twice a year as needed, using chemicals and products provided by the City of Hailey.
4. Notify City of Hailey two weeks in advance of intent to fertilize.
5. Post notices (signs) provided by City of Hailey of intent to apply fertilizer prior to application.
6. Close area to the public prior to treating with fertilizer.
7. Oversee the health of the vegetation of Balmoral Park and report any problems, including irrigation system malfunction, drainage problems, diseased vegetation, damage or vandalism to Kelly Schwarz 309-1365 kelly.schwarz@haileycityhall.org.

8. Carry no less than one million dollars of liability insurance and provide a copy of the policy to the city.
9. Be solely responsible for payment of payroll and withholding taxes, workers compensation insurance, unemployment insurance, health insurance and retirement benefits for its employees.

City shall:

1. Maintain all playground equipment and buildings.
2. Prune trees when needed.
3. Empty all garbage and dog pots, and clean bathrooms.
4. Give prior notices of organized park activities to **Jose Guerrero 720-9781, guerreroslandscaping@yahoo.com.**
5. Inspect the park after each major event for damage caused by the event.
6. Provide fertilizer to G&G for application at agreed upon times.
7. Provide notices and MSDS information to G&G to be posted at treated site.
8. Provide a 2' x 3' foot sign with the G&G logo and contact information at the park entrance.
9. Promote exposure to G&G during events in the maintained area, and during other city events.
10. Give recognition through exposure in the local newspaper and the City's Our Town newsletter.
11. Allow hosted events with no fee to G&G for company events in city parks.

G&G and the City shall:

1. Meet at least once a month during the season as scheduling allows, for ongoing review of activities and adequacy of the terms of this MOU.
2. Inform each other of significant maintenance developments and public events in the maintained area.
3. Cooperate on joint projects and additional activities when possible.
 - A. G&G shall perform labor for agreed upon cooperative projects at a \$55/hour rate, and provide an invoice to City for such costs.
 - B. City shall provide supplies and materials to agreed upon projects.
 - C. City shall produce a purchase order for supplies and materials.

G&G and the City will review this MOU one year after signing to determine adequacy. If it is determined that continuing this arrangement is in the best interest of the public and the parties, this MOU may be revised if appropriate and renewed. If this MOU is determined not to meet the needs of the parties and the best interests of the public, either party can terminate it with 30 advance days written notice.

G&G Landscaping and Snow Removal

Date

Mayor, City of Hailey

Date

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 05/04/2015

DEPARTMENT: Admin

DEPT. HEAD SIGNATURE: HD

SUBJECT:

Request by Mary Fauth to amend Resolution 2011-17 to include Girls on the Run.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code HMC 12.14
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Hailey Municipal Code Special Events Section 12.14.070

Nonrefundable Application Fee: Except as otherwise provided herein, the applicant shall pay the nonrefundable application fee in addition to any applicable per diem or service fees for the proposed special event permit, as established by resolution of the city council, at the time of the filing of the special event application.

1. Per Diem Fees: A per diem fee shall be assessed for a special event within a city park, including set up and tear down days. Events that meet the following criteria may be exempted from this per diem fee by resolution of the city council:

a. Nonprofit events that have been annual events within the city of Hailey for at least ten (10) consecutive years and consistently draw large numbers of participants and spectators and are promoted locally and regionally within the state and the northwest.

When the above language was adopted in 2011, the City Council concurrently adopted Resolution 2011-17, attached. This resolution names 3 events which the council deemed to fit the criteria of 12.14.070(a). At that time, the Hailey Antique Market had been in existence for over 10 years, and it was not included in the Resolution.

Mary Fauth has asked that we check in with the City Council to identify whether Girls on the Run will qualify. The event is being marketed to other state Girls on the Run organizations, in Boise and through the University of Idaho. Radio ads are being run which reach eastern, western and southern Idaho. The event draws 300 to 500 people. It has been in existence for over 10 years.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

The fee that Girls on the Run would like to be exempt from is \$200 plus sales tax. There is no provision in our ordinance for exemption from the \$125 special event fee.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input 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"/> _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | <input type="checkbox"/> _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

The council can choose not to amend the resolution, in which case Girls on the Run will pay all required fees, including the \$125 Special Event application fee, and the \$200 park use fee. A simple motion to approve the special event application contingent upon all required fees being paid would be made.

The council can direct staff to bring an amended Resolution forward, which adds Girls on the Run as an event exempt from the park use fee, and make a motion to approve the special event application with only the required payment of \$125 application fee.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

RESOLUTION NO. 2011 - 17

A RESOLUTION OF THE HAILEY CITY COUNCIL ENACTED PURSUANT TO HAILEY MUNICIPAL CODE CHAPTER 12.12, PROVIDING EXEMPTION OF FEES ASSESSED FOR THE RESERVATION OF CITY PARKS FOR CERTAIN SPECIAL EVENTS.

WHEREAS, the City of Hailey has adopted Chapter 12.14 of the Hailey Municipal Code which sets out procedures and requirements for special events held in the City of Hailey;

WHEREAS, Section 12.14.070(1) of the Hailey Municipal Code states events that meet certain criteria may be exempted from the per diem fee assessed for special events held in a city park by resolution of the City Council;

WHEREAS, the criteria stated in Section 12.14.070(1)(a) include non-profit events that have been annual events within the City of Hailey for at least ten consecutive years and consistently draw large numbers of participants and spectators and are promoted locally and regionally within the state and the northwest; and

WHEREAS, the following events meet the criteria stated in Section 12.14.070(1)(a):

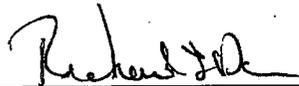
- Northern Rockies Folk Festival
- Hailey 4th of July Parade and Fireworks
- Trailing of the Sheep Festival

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hailey, Idaho that the following events are exempt from payment of the per diem fee assessed for special events held in a city park:

1. Northern Rockies Folk Festival
2. Hailey 4th of July Parade and Fireworks and ancillary activities included on the special events application that may be held a city park.
3. Trailing of the Sheep Festival Folklife Fair

This exemption does not apply to other applicable application fees, per diem, or service fees associated with the special event.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
27th DAY OF JUNE, 2011.



Richard L. Davis
Mayor City of Hailey

ATTEST:


Mary Cone, City Clerk

Resolution 2011-17
Per Diem Park Reservation Fee Exemption

AGENDA ITEM SUMMARY

DATE: 05-04-15 DEPARTMENT: Com. Development DEPT. HEAD SIGNATURE: _____

SUBJECT:

Request for approval to hold a special event, the event being the Girls on the Run Community 5K & Healthy Living Expo beginning and finishing at Heagle Park (Saturday, May 16, 2015 from 9:30 a.m. to 12:00 p.m.).

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
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"/> Benefits Committee |
| <input type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input checked="" type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input checked="" type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input checked="" type="checkbox"/> Police | _____ |
| <input checked="" type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input checked="" type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Recommendation to approve a special event, the event being the Girls on the Run Community 5K & Healthy Living Expo beginning and finishing at Heagle Park (Saturday, May 16, 2015 from 9:30 a.m. to 12:00 p.m.), and authorization for the Mayor to sign the special event decision and special event agreement contingent on all required fees being paid.

ADMINISTRATIVE COMMENTS/APPROVAL:

City Administrator _____ Dept. Head in Attendance at Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

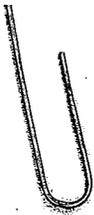
Date _____

City Clerk _____

FOLLOW-UP:

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

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



RECEIVED
 APR 14 2015
CITY OF HAILEY

SPECIAL EVENT PERMIT APPLICATION

EVENT NAME: Girls on the Run Community 5k and Healthy Living Expo

LOCATION FOR EVENT (Be specific ie.. Hop Porter Park, all of 1st Avenue between Walnut and Pine, 115 Main St. S.):

Public Property Private Property

Heagle Park

I. EVENT SCHEDULE

Special Events are limited to four days, including set-up and tear-down days. No more than eight events per calendar year can be conducted by a single party or organization, unless a modification is granted by the City Council. **Please submit your modification requests in writing and attach to your application.**

Date(s) of Event	Hours		Estimated # of Attendees
May 16, 2015	Start Time: 9:30 a.m.	End Time: 12:00 p.m.	All Day: 300
	Start Time:	End Time:	All Day:
Date(s) of Set-up/Tear-down	Hours		Estimated # Staff
	Start Time: 7:00 a.m.	End Time: 1:00 p.m.	20
	Start Time:	End Time:	

II. FEES

Special Event Permit Application Fee \$125

Events that meet both of the following criteria may be exempted from Park Rental Fee by resolution of the City Council:

- Non-profit event that is held annually within the City of Hailey for at least ten consecutive years and consistently draw large numbers of participants and spectators. Tax Exempt #: 45-0501972
- Promoted locally and regionally within the state and the northwest.

Per Day Park Rental Fee	\$200	<input type="checkbox"/>	<u>200</u>
Tax (on park rental fees only)	6%	<input type="checkbox"/>	<u>12</u>
Security Services Deposit		<input type="checkbox"/>	<u> </u>
TOTAL DUE			<u><u>212</u></u>

III. ORGANIZATION INFORMATION

Sponsoring Organization: Girls on the Run of the Wood River Valley

Applicant's Name: Mary Fauth Title: Executive Director

Address: PO Box 7016 City: Ketchum State: ID Zip: 83333

Telephone Home: 208-788-7863 Mobile: 208-720-4948 FAX:

Applicant Driver's License #: Email: mary@girlsontherunwrv.org

Federal Tax #: 45-0501972 State Tax #:

IV. EVENT INFORMATION

New Event: Yes No Annual Event: Yes No Years Operating 13

Event Category: Commercial Noncommercial

Estimate of Gross Ticket Sales & Revenues (commercial event only):

Description of Event: 5k fun run/walk to benefit Girls on the Run. Following the race the Healthy Living expo will offer family friendly activities and local non-profit informaiton.

Additional Details:

Updated: 9/03/2014

(Attach any additional pages as needed)

V. INSURANCE REQUIREMENTS

It is the responsibility of your Special Event organizers to maintain a COMPREHENSIVE GENERAL LIABILITY insurance policy with coverage of not less than \$1,000,000.00 combined single limit per occurrence. Each policy shall be written as a primary policy, not contributing with or in excess of any coverage which the City may carry. *A certificate naming the City of Hailey, Blaine County, Idaho as additional insured shall be delivered to the City of Hailey with this application.* The adequacy of all insurance required by these provisions shall be subject to approval by the City Clerk. Failure to maintain any insurance coverage required by this agreement shall be cause for immediate termination of the application.

Insurance Company: Trinity Consulting Agent Name: Debra Chiappone Phone: 704-464-0847

SPECIAL EVENT ACTIVITIES & CITY SERVICES REQUESTED

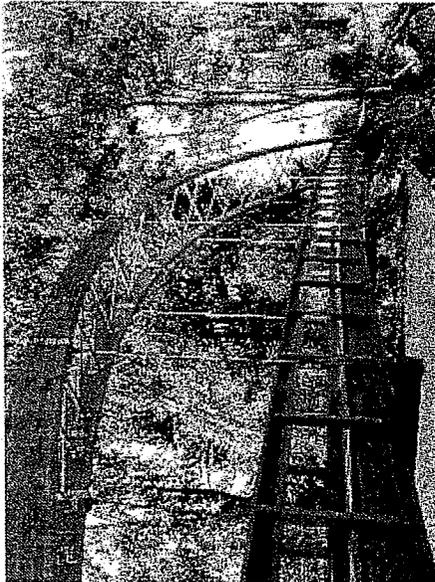
Yes	No	Check all Planned Activities	Yes	No	Check all Planned Activities
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Street Closures & Access / Parade (if yes)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Alcohol Served: (Free of Charge) Provider -
		<ul style="list-style-type: none"> Street Closure for Special Event Application and detailed map listing areas of closure, parade route is required. <i>An ITD permit is required for Main Street.</i> Your Event Coordinator is required to have the Notification Certification completed by all affected businesses, churches, schools and neighborhoods. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Alcohol Sold: Requires Alcohol Beverage Catering Permit (Hailey Code 5.13) Provider -
			<input checked="" type="checkbox"/>	<input type="checkbox"/>	Food/Beverages (Caterers) Please List: Haven food truck
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Barricades If yes, please include a logistics map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Booths: Profit / Non-Profit
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Police/Traffic Control Services (A security plan is necessary for Special Events anticipated to attract 250 or more participants while serving beer, wine or liquor or for street closures.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vendors (Items sold/ Solicitation) Please list: Thirty-one, Juice Plus, Origami Owl
			<input checked="" type="checkbox"/>	<input type="checkbox"/>	Canopies/Tents/Temporary Structures - City of Hailey Fire Department, Fire Code Enforcement may require a permit for tents, canopies, membrane, or temporary structures over 200 sq. ft. Sizes <u>10 x 10</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Electricity / Generators: Please check no if you are providing your own. Size:			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Medical Services (Circle) EMT - Standby (or) Ambulance <input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Signs or Banners
		*Determination of EMS services is dependent on event size & type.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water: Drinking / Washing Water may be used by vendors/activities
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Overnight Camping Please see City for designated areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stages: (Number and Size(s))
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open flame or flame producing devices	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lighting: please attach plan if applicable.	<u>ADA</u>	<u>Regular</u>	Portable Toilets / Wash Stations: (Please provide one (1) permanent or portable toilet per 100 people)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Gray Water Barrel / Grease Barrel (circle /detail # and locations)	#	# <u>1</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sanitation: Trash bins, Dumpsters, Recycle (Please provide one (1) six yard dumpster per 500 people)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Amplified Sound Permit

Your Event Organizer is responsible for providing a complete list of event activities including a list of suppliers providing services. An event logistics map is required, detailing the location for all road closures, event set up, canopies, stages, vendors, booths, and any other major services or activities planned. I hereby certify that I have read and will abide by the laws, rules and regulations set forth by the City of Hailey, Blaine County, and the State of Idaho, and in signing this application, I hereby agree that I and the organization I represent, shall hold the City of Hailey and all of its agents or employees free and blameless from any claim, liability or damage which may arise from use of City facilities or equipment, whether or not the City of Hailey, its agents or employees are jointly negligent. I further agree to promptly reimburse the City of Hailey and all of its agents for any clean up loss or damage to City property resulting from this use, as well as permitting, staffing, equipment use/rental, property use/rental, clean up, inspections involving the use of public property, public employees or public equipment for the Special Event.

Event Organizer's Signature: Mary Fawth Date: 5/6/15



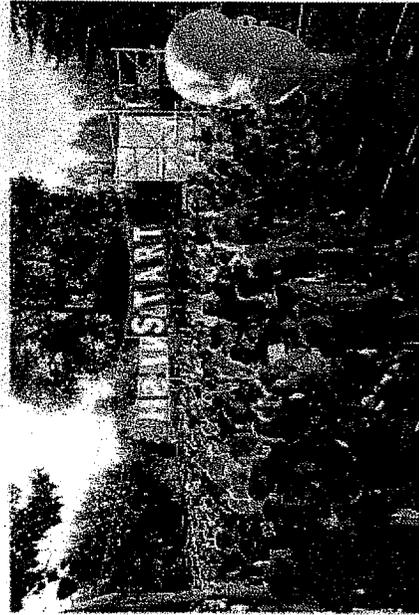
Boardwalk at Draper Preserve
Gift courtesy of Wood River Land Trust



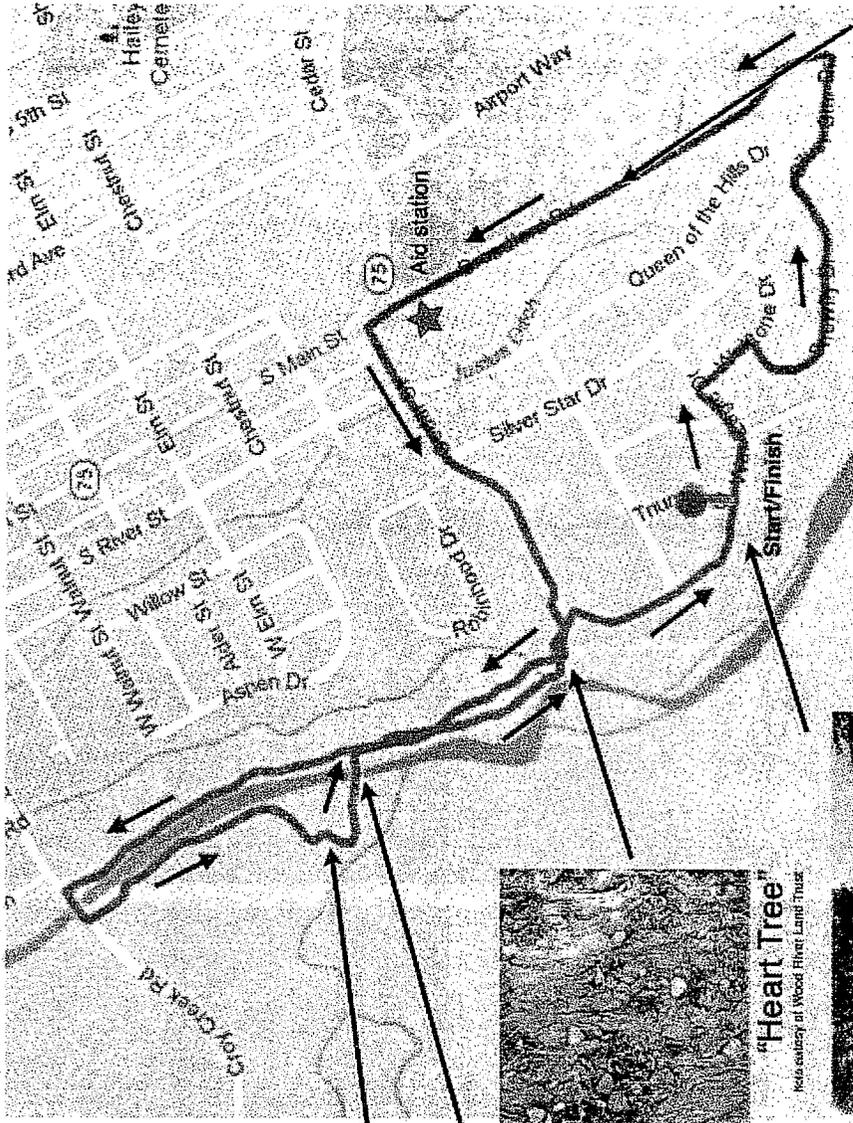
Bow Bridge
Gift courtesy of Wood River Land Trust



"Heart Tree"
Gift courtesy of Wood River Land Trust



Heagle Park: Race start & finish, healthy living expo fun!



Broadford Road





AMPLIFIED SOUND PERMIT APPLICATION

Instructions:

Fill in the details on the application return it to the Special Events Administrator. It will then be forwarded to the appropriate authority for approval and signature. The completed and signed application will act as your permit and will be forwarded to you once approvals and signatures are completed.

It is important for the success of your event that surrounding residents and businesses are aware of the event and to have a contact for the event. It is your responsibility to notify all residents and businesses in the immediate area that may be affected by the events amplified music prior to the event. On the back of this permit is a form entitled "Notification of Amplified Sound Event" to be used for notification. Please fill out the form, copy and distribute it to your event neighbors.

By notifying surrounding residents in advance of your event, it is the expectation of the City of Hailey that you will take the opportunity to correct amplification levels if you are contacted directly.

Events may require an Amplified Sound Permit to be filed along with a Special Events Permit. The Hailey Municipal Code does exempt certain events as a special event, however, an Amplified Sound Permit maybe required. Please contact the Special Events Administrator, Kristine Hilt, at 208-788-9815 x27 to help determine the requirements for your event.

Applicable Requirements: There is no fee for the administrative review of this application or the first Hailey Police Department visit to your event, for visits 2 and more the fee charged to the applicant will be \$25.00 per visit. The allowable sound decibel level is – (90) dB maximum and sound may only be amplified between the hours of 10 am and 10 pm.

Name of Applicant: Girls on the Run Phone: 788-7863
 Address of Applicant: PO Box 7016, Ketchum
 Type of Event: Community race
 Location of Event: Heagle Park
 Date of Event: May 16, 2015 Number of People Expected: 300
 Time of Amplification: From 9:00 a.m. to 12:00 p.m.

By signing this application, you are confirming the receipt and knowledge of the applicable requirements and agree to comply with them. In the event the Police Department has to intervene, the permit may be voided if found to not be in compliance with the applicable requirements.

Signature of Applicant: _____ Date: _____

When signed by the Police Chief or designee, a copy of the signed application will be your permit.

Chief of Police, or designee Signature: _____ Date: _____

- | | |
|---|----------------------------|
| <input type="checkbox"/> Permit Approved | <i>(For City Use Only)</i> |
| <input type="checkbox"/> Not Approved (check reason below) | |
| <input type="checkbox"/> Use of the equipment would constitute a detriment to traffic safety; | |
| <input type="checkbox"/> The issuance of the permit would be otherwise detrimental to the public health, safety or welfare; | |
| <input type="checkbox"/> The issuance of the permit will substantially interfere with the peace and quiet of the neighborhood or the community; | |
| <input type="checkbox"/> The applicant would violate the provisions of this Code or any other law. | |

DECISION

Based on the Application for a Special Event Permit for the Girls on the Run Community 5K & Healthy Living Expo, the City of Hailey, pursuant to Chapter 12.14 of the Hailey Municipal Code, approves the Application and grants the Special Event Permit, subject to the following conditions:

Standard Conditions

- a. The Applicant shall comply with the terms, plans, covenants and provisions of the Application, as approved or as modified by the City of Hailey.
- b. The Applicant shall comply with all applicable local, state and federal laws, regulations and ordinances before, during and after the Special Event(s).
- c. The Applicant shall execute an agreement, relating to the reimbursement of expenses, indemnification and other provisions immediately upon the approval of the application for the Special Events Permit.
- d. In the event the Applicant fails to comply with all the conditions set forth herein, the City may revoke the Special Events Permit, in whole or in part.
- e. A supporting application is on file and shall be complied with.

Additional Conditions

- a. None.

DATED this 4th day of May 2015.

CITY OF HAILEY

By: _____
Fritz Haemmerle, its Mayor

ATTEST:

Mary Cone, City Clerk

CITY OF HAILEY ■ 115 MAIN ST. S., SUITE H ■ HAILEY, IDAHO 83333 ■ 788-4221

SPECIAL EVENT AGREEMENT

In consideration of the granting of a special event permit by the City of Hailey ("the City") for the Girls on the Run Community 5K & Healthy Living Expo beginning and finishing at Heagle Park (Saturday, May 16, 2015 from 9:30 a.m. to 12:00 p.m.), plus specified set up and teardown time, ("the Event"), and pursuant to Section 12.14 of the Hailey Municipal Code, the undersigned, as the applicant ("Applicant") of a Special Event Permit from the City for the Event, does hereby agree to reimburse the City for any costs incurred by the City in repairing damage or providing any services or materials resulting from the Event. The Applicant agrees that such costs may be deducted from a non-refundable security deposit or additional deposit as established by the City, and that if costs exceed any deposit made by the applicant, further reimbursement will be made to the City upon demand. The Applicant hereby agrees to indemnify, defend and hold harmless the City and its officers and employees, in their official and individual capacities, from any and all claims, demands, obligations, liabilities, lawsuits, judgments, attorneys' fees, costs, expenses and damages of any nature caused by or arising out of, or connected with the Event. In the event either party hereto is required to retain counsel to enforce a provision of this Agreement, or to recover damages resulting from a breach hereof, the prevailing party shall be entitled to recover from the other party all reasonable attorney's fees incurred herein or on appeal, or in bankruptcy proceedings. The Applicant agrees to comply with all the laws and ordinances of the City of Hailey, Idaho applicable to the subject matter thereof, and to conduct the Event in accordance with the terms and provisions of the application for a Special Event Permit, as approved or as modified by the City, and all conditions of the Special Event Permit. The Applicant agrees that the Special Event Permit is nontransferable and shall be conducted only for the dates and locations as approved by the City.

IN WITNESS WHEREOF, Applicant and the City have executed this Agreement on this 4th day of May 2015.

APPLICANT:

By: _____

(please sign and print name and title, if applicable)

CITY OF HAILEY:

By: _____

Fritz Haemmerle, its Mayor

ATTEST:

Mary Cone, its City Clerk

CITY OF HAILEY ■ 115 MAIN ST. S., SUITE H ■ HAILEY, IDAHO 83333 ■ 788-4221

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 5-01-15 **DEPARTMENT:** Community Development **DEPT HEAD:** LH

SUBJECT: Motion to approve the Findings of Fact for the Final Plat of Sunburst Hills Cottage Townhouse Subdivision.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Application

Tanner Investments, represented by Brant Tanner (owner) and Brian Yeager of Galena Engineering, received City Council approval for a Preliminary Plat of a cottage townhouse sub-lot subdivision of Lots 7-9, Block 62, Woodside Subdivision #15 into 12 residential lots ranging in size from 4,174 square feet to 6,941 square feet with one parcel dedicated to public use as a private street by the residents and neighborhood association. Daybreak Lane is the proposed name for the private street. The total land area of the subdivision is 1.78 acres. The project area is currently zoned General Residential (GR), which allows for a maximum of 10 dwelling units per acre. The proposed density in the Preliminary Plat is 6.74 dwelling units per acre.

Procedural History and Background

The preliminary plat was recommended for approval by the Planning and Zoning Commission on August 11, 2014, and approved by the City Council on September 15, 2014. Final plats are reviewed only by the City Council. The final plat was approved on April 20, 2015

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Caselle

Budget Line Item Comm. Dev. Dept. and Bldg division_ _____

YTD Line Item Balance

\$ _____

Estimated Hours Spent to Date: _____

Estimated Completion Date: _____

Staff Contact: Micah Austin, Comm. Dev. Dir. Phone # 208-488-9815 ext 13 _____

Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Approve the Final Plat Findings as presented.

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./Agrmt./Order Originals: Record

*Additional/Exceptional Originals to: _____

Copies (all info.): _____

Copies (AIS only) _____

Instrument # _____

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On April 20, 2015, the Hailey City Council considered an application for Final Plat, submitted by Tanner Investments, represented by Brian Yeager, for approval of a new subdivision platting over Lots 7, 8, 9 of Block 62, Woodside Subdivision #15 to create 12 Townhouse Cottage Sub-lots and to be named Sunburst Hills Cottage Townhouse Sub-lot Subdivision. The Council, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

- Applicant:** Tanner Investments, represented by Brant Tanner and Brian Yeager
- Project:** Sunburst Hills Cottage Townhouse Sub-lot Subdivision Development
- Request:** Approval of Final Plat for a 12 lot Cottage Townhouse Sub-lot Subdivision
- Location:** Lots 7, 8, 9 of Block 62, Woodside Subdivision #15
- Zoning:** General Residential (GR)

Notice

Notice for the public hearing was published in the Idaho Mountain Express on March 25, 2015; the notice was mailed to property owners within 300 feet on March 19, 2015.

Application

Tanner Investments, represented by Brant Tanner (owner) and Brian Yeager of Galena Engineering, has submitted an application for Final Plat approval for the cottage townhouse sub-lot subdivision of Lots 7-9, Block 62, Woodside Subdivision #15 into 12 residential lots ranging in size from 4,174 square feet to 6,941 square feet with one parcel dedicated to public use as a private street by the residents and neighborhood association. Daybreak Lane is the proposed name for the private street. The total land area of the subdivision is 1.78 acres. The project area is currently zoned General Residential (GR), which allows for a maximum of 10 dwelling units per acre. The proposed density in the Preliminary Plat is 6.74 dwelling units per acre.

Procedural History

The preliminary plat was recommended for approval by the Planning and Zoning Commission on August 11, 2014, and approved by the City Council on September 15, 2014.

SECTION 2 - PERMITS.

- 2.9** No permit for the construction of any building shall be issued upon any land for which all improvements required for the protection of health and the provision of safety, (including but not necessarily limited to an approved potable water system,

an approved wastewater system to accept sewage, and asphalt paving of the streets) have not been installed, inspected, and accepted by the City of Hailey, with the following exception: Building permits may be issued for any building in a development for which plats have been recorded and security provided, but the streets have not yet been completed with asphalt due to winter conditions. In such instances, the street shall be constructed as an all-weather surface to City Standards to the satisfaction of the City Engineer, and shall be kept clear to the satisfaction of the Fire Chief. No Final Inspection approval or Certificate of Occupancy shall be granted until all improvements, including asphalt, have been installed, inspected and accepted.

Notice of this requirement is hereby given to the applicant, and included as a recommended condition of approval.

SECTION 3 – PROCEDURE

3.3 Final Plat Approval.

The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.

The final plat has been prepared by a professional land surveyor and submitted within one year of the preliminary plat. The preliminary plat application was approved by the Council on September 15, 2015.

3.3.2 The administrator shall review the final plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.

The final plat is consistent with the preliminary plat approved by the Council. Conditions of preliminary plat approval have been met or are carried over as outlined in Condition 5 herein.

Hailey City Council Conditions of Preliminary Plat Approval

a) All Fire Department and Building Department requirements shall be met.

- b) All City infrastructure requirements shall be met as outlined in the Hailey Subdivision Ordinance and further detailed in the Findings of Fact as approved. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense and shall include all infrastructure improvements as identified in the Findings of Fact.
- c) The final plat shall include plat notes #1 through #8 as stated on the approved preliminary plat with the following amendments and additions:
 - 1. Note 8 shall read, "All driveways, except Lot 6, shall be located 10 feet from the adjacent property lines."
- d) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance.
- e) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
- f) The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.
- g) Any subdivision inspection fees due shall be paid prior to recording the final plat.
- h) Any application development impact fees shall be paid prior to recording the final plat.
- i) All in-lieu fees as identified in the Findings of Fact and approved by this decision must be paid prior to recording the Final Plat. These in lieu include, but may not be limited to:
 - 1. Fee of \$41,000 paid in lieu of a dedicated park as required by Section 4.10 of the Subdivision Ordinance.
 - 2. Fee of \$7,313 paid in lieu of required sidewalks along the east side of Daybreak Lane.
- j) All applicable storm water permits shall be provided before the Final Plat is approved.
- k) The City Engineer shall inspect and approve all grading and drainage improvements prior to final plat approval.

Department Comments

Life/safety: The current preliminary plat and Final Plat reflect all changes and revisions recommended and requested by the City Engineer.

Public Works (Streets):

- 1. 3 IDWR Drywell inventory forms are needed.

2. 5 Catch basin Inspections and 5 Drywell Inspections are needed.
3. 1 road cut will need to be inspected. Slurry of 24" needed in road cut.
4. 2 Road approaches will need to be inspected prior to paving.
5. 2 Stop signs need to meet MUTCD specs of 30x30 high intensity prismatic sheeting on a 2x2Telspar pole with anchor. This will need to be inspected prior to the road being opened to travel.
6. 2 Privet lane signs "Day Break Ln" White lettering on Blue high intensity prismatic sheeting.
7. 2 Public Street signs "Winterhaven Dr" White lettering on Green high intensity prismatic sheeting.
8. 4 sidewalk Audible warning inserts Removable or cast Iron construction. Inspected prior to being concreted in place.
9. 2 Crosswalks installed on approaches Thermoplastic Materials shall be used for the install prior to being burnt into place.
10. Sub base for sidewalks prior to having the base.
11. Base for sidewalks prior to having the forms installed for sidewalk concrete.
12. Form inspections for sidewalk.

Public Works (Water): The following will need to be inspected prior to acceptance:

1. Bedding around all main, service and fire hydrant lines.
2. The service lines from the connection on the main line to the connection on the meter vault.
3. The fire hydrant lines from the main to the hydrant.
4. All main line fittings (i.e. elbows, tees, crosses, etc.)
5. All thrust blocks and joint restraints
6. Any water wastewater crossings.
7. All services and fire hydrant lines that are being abandoned.
8. The Water Division will need to witness the pressure tests of the new water main and fire hydrant line off of the existing water main. (150psi for 2 hours.)
9. The City will perform the flushing and bacteria sampling prior to the main line and service lines going into service.

Public Works (Wastewater): City Wastewater Inspection Checklist as submitted to the Applicant on 3/11/15.

Standards of Evaluation

SECTION 4 – DEVELOPMENT STANDARDS

Development standards were reviewed in detail during the preliminary plat approval process. Please refer to the preliminary plat Findings of Fact and Decision. No changes have been made to the plat since preliminary plat approval.

SECTION 5 - IMPROVEMENTS REQUIRED.

- 5.1** It shall be a requirement of the Developer to construct the minimum improvements set forth herein and any required improvements for the subdivision, all to City Standards. All improvements are planned for installation this summer.
- 5.1.1** Six (6) copies of all improvement plans shall be filed with the City Engineer and made available to each department head. Upon final approval two (2) sets of revised plans shall be returned to the Developer at the pre-construction conference with the City Engineer's written approval thereon. One set of final plans shall be on-site at all times for inspection purposes and to note all field changes upon. This requirement has been met.
- 5.1.2** Prior to the start of any construction, it shall be required that a pre-construction meeting be conducted with the Developer or his authorized representative/engineer, the contractor, the City Engineer and appropriate City departments. An approved set of plans shall be provided to the Developer and contractor at or shortly after this meeting. A pre-construction meeting was conducted on March 5, 2015, which included key City Departments and the City Engineer.
- 5.1.3** The Developer shall guarantee all improvements pursuant to this Section for no less than one year from the date of final acceptance by the City, except that parks shall be guaranteed and maintained by the Developer for a period of two years. This standard will be met.
- 5.2** The Developer shall construct all streets, alleys, curb and gutter, lighting, sidewalks, street trees and landscaping, and irrigation systems to meet City Standards, the requirements of this ordinance, the approval of the Council, and to the finished grades which have been officially approved by the City Engineer as shown upon approved plans and profiles. The Developer shall pave all streets and alleys with an asphalt plant-mix, and shall chip-seal streets and alleys within one year of construction. This standard will be met.
- 5.2.1** Street cuts made for the installation of services under any existing improved public street shall be repaired in a manner which shall satisfy the Street Superintendent, shall have been approved by the Hailey City Engineer or his authorized representative, and shall meet City Standards. Repair may include patching, skim coats of asphalt or, if the total area of asphalt removed exceeds 25% of the street

area, the complete removal and replacement of all paving adjacent to the development. Street cut repairs shall also be guaranteed for no less than one year. This standard will be met.

5.2.2 Street name signs and traffic control signs shall be erected by the Developer in accordance with City Standards, and the street name signs and traffic control signs shall thereafter be maintained by the City. This standard will be met.

5.2.3 Street lights in the Recreational Green Belt, Limited Residential, General Residential, and Transitional zoning districts are not required improvements. Where proposed, street lighting in all zoning districts shall meet all requirements of Chapter VIII B of the Hailey Zoning Ordinance. N/A

5.3 The Developer shall construct a municipal sanitary sewer connection for each and every developable lot within the development. The Developer shall provide sewer mains of adequate size and configuration in accordance with City Standards, and all federal, state, and local regulations. Such mains shall provide wastewater flow throughout the development. All sewer plans shall be submitted to the City Engineer for review and approval. At the City Engineer's discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments. This standard will be met.

5.4 The developer shall construct a municipal potable water connection, water meter and water meter vault in accordance with City Standards or other equipment as may be approved by the City Engineer, for each and every developable lot within the development. The Developer shall provide water mains and services of adequate size and configuration in accordance with City Standards, and all federal, state, and local regulations. Such water connection shall provide all necessary appurtenances for fire protection, including fire hydrants, which shall be located in accordance with the IFC and under the approval of the Hailey Fire Chief. All water plans shall be submitted to the City Engineer for review and approval. At the City Engineer's discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments. This standard will be met.

5.4.1 Within the Townsite Overlay District, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer. N/A

- 5.5 The Developer shall provide drainage areas of adequate size and number to meet the approval of the Street Superintendent and the City Engineer or his authorized representative. This standard will be met.
- 5.6 The Developer shall construct each and every individual service connection and all necessary trunk lines, and/or conduits for those improvements, for natural gas, electricity, telephone, and cable television to the property line before placing base gravel for the street or alley. This standard will be met.
- 5.7 The Developer shall improve all parks and Green Space areas as presented to and approved by the Commission and Council. N/A
- 5.8 All improvements are to be installed under the specifications and inspection of the City Engineer or his authorized representative. The minimum construction requirements shall meet City Standards or the Department of Environmental Quality (DEQ) standards, whichever is the more stringent. This standard will be met.
- 5.9 Installation of all infrastructure improvements must be completed by the Developer, and inspected and accepted by the City prior to signature of the plat by City representatives, or according to a phasing agreement. A post-construction conference shall be requested by the Developer and/or contractor and conducted with the developer and/or contractor, the City Engineer, and appropriate City departments to determine a punch list of items for final acceptance. This standard will be met.
- 5.9.1 The Developer may, in lieu of actual construction, provide to the City security pursuant to Section 3.3.7, for all infrastructure improvements to be completed by Developer after the final plat has been signed by City representatives. The developer plans to complete all of the improvements before requesting signature of the final plat.
- 5.10 Prior to the acceptance by the City of any improvements installed by the Developer, three (3) sets of "as-built plans and specifications" certified by the

Developer's engineer shall be filed with the City Engineer. This standard will be met.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Hailey City Council makes the following Conclusions of Law:

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Final Plat, as presented on the day these findings are signed is approved by the Hailey City Council.

DECISION

The application for approval of a Final Plat, submitted by Tanner Investments, represented by Brian Yeager, for a new subdivision platting over Lots 7, 8, 9 of Block 62, Woodside Subdivision #15 to create 12 Townhouse Cottage Sub-lots and to be named Sunburst Hills Cottage Townhouse Sub-lot Subdivision is hereby approved, subject to the following terms and conditions, and that the conditions of the preliminary plat approval have been met as listed in Condition number (5):

1. The final plat submitted for signature shall include plat notes #1 through #7 as stated on the approved final plat.
2. The final plat shall be recorded within one year of the date of final plat approval. The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.
3. Any subdivision inspection fees due shall be paid prior to recording the final plat.
4. Applicable development impact fees shall be paid prior to recording the final plat.
5. The following conditions of the Preliminary Plat are hereby carried over:
 - a) All City infrastructure requirements shall be met as outlined in the Hailey Subdivision Ordinance and further detailed in the Findings of Fact as approved. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department approval and shall meet City Standards where required. Infrastructure to be

completed at the applicant's sole expense and shall include all infrastructure improvements as identified in the Findings of Fact.

b) The final plat shall include plat notes #1 through #7as stated on the approved preliminary plat with the following amendments and additions:

1. Note 8 shall read, "All driveways, except Lot 6, shall be located 10 feet from the adjacent property lines."

2. The previous note #5 shall be deleted.

c) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance.

d) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.

e) All in-lieu fees as identified in the Findings of Fact and approved by this decision must be paid prior to recording the Final Plat. These in lieu include, but may not be limited to:

1. Fee of \$41,000 paid in lieu of a dedicated park as required by Section 4.10 of the Subdivision Ordinance.

2. Fee of \$7,313 paid in lieu of required sidewalks along the east side of Daybreak Lane.

f) All applicable storm water permits shall be provided before the Final Plat is approved.

g) The City Engineer shall inspect and approve all grading and drainage improvements prior to final plat approval

A party aggrieved by a final decision of the Hailey City Council may appeal in writing any final decision by filing a Notice of Appeal with the Hailey City Clerk within fifteen (15) days from the date of the decision.

Signed this ____ day of _____, 2015.

Mayor Fritz X. Haemmerle

Attest:

_____ Mary Cone, City Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 2015,
 I served a true and correct filed copy of the within and foregoing document upon the parties
 named below, in the manner noted:

<input type="checkbox"/>	U.S. Mail	Tanner Investments LLC (owner) PO Box 353 Hailey, ID 83333 208-578-3029 tannertaylor@msn.com
<input type="checkbox"/>	Via Electronic Mail	
<input type="checkbox"/>	Via Facsimile	
<input type="checkbox"/>	Hand Delivered	

<input type="checkbox"/>	U.S. Mail	Brian Yeager Galena Engineering 317 N. River Street Hailey, ID 83333 208-788-1705 byeager@galena-engineering.com
<input type="checkbox"/>	Via Electronic Mail	
<input type="checkbox"/>	Via Facsimile	
<input type="checkbox"/>	Hand Delivered	

CITY OF HAILEY

By _____
 Kristine Hilt, Community Development Coordinator

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 05/04/15 **DEPARTMENT:** Clerk's Office **DEPT. HEAD SIGNATURE** M. Cone

SUBJECT

Approval of Minutes from the meeting of the Hailey City Council on April 20, 2015 and to suspend reading of them.

AUTHORITY: ID Code 67-2344 IAR _____ City Ordinance/Code _____

Idaho Code requires that a governing body shall provide for the taking of written minutes at all of its meetings, and that all minutes shall be available to the public within a reasonable period of time after the meeting. Minutes should be approved by the council at the next regular meeting and kept by the clerk in a book of minutes, signed by the clerk.

BACKGROUND:

Draft minutes prepared.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

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

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:

City Attorney City Clerk Engineer Mayor
 P & Z Commission Parks & Lands Board Public Works Other

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Motion to approve the minutes as presented, and to suspend the reading of them, or remove from consent agenda to make changes and then approve as amended.

FOLLOW UP NOTES:

**MINUTES OF THE MEETING OF THE
HAILEY CITY COUNCIL
HELD APRIL 20, 2015
IN THE HAILEY TOWN CENTER MEETING ROOM**

The Meeting of the Hailey City Council was called to order at _____ P.M. by Mayor Fritz Haemmerle. Present were Council members Carol Brown, Don Keirn, Pat Cooley, and Martha Burke. Staff present included City Attorney Ned Williamson, City Administrator Heather Dawson, and City Clerk Mary Cone.

5:30:59 PM call to order

CONSENT AGENDA:

- CA 125 Motion to ratify Mayor's signature on Notice to Proceed with Fabrication of Dewatering equipment to Huber Technologies.....
- CA 126 Motion to authorize the Mayor's signature on Notice to Proceed with Fabrication of Thickening equipment to FKC
- CA 127 Motion to ratify Mayor's signature and approval of Resolution 2015-20, authorizing Schindler Elevator full-load test for \$1,368.....
- CA 128 ~~Motion to approve Resolution 2015-21, authorizing Contract for Services with Wood River Fire and Rescue, recently approved contract has been slightly changed from council's adoption of contract on 3/2/15 with Resolution 2015-10~~
- CA 129 Motion to approve Resolution 2015-22, authorizing an estimate from Webb Landscaping to improve Southeast corner of the Roundabout on Woodside Blvd. for not to exceed amount of \$2,500
- CA 130 Motion to approve Resolution 2015-23, authorizing MOU with Lily & Fern for 2015 park adoption services at Jimmy's Garden (flower and plant care)
- CA 131 Motion to approve Resolution 2015-24, authorizing MOU with Sun Valley Services for 2015 park adoption services at Jimmy's Garden (mowing)
- CA 132 Motion to approve Resolution 2015-25, authorizing MOU with Swenke Landscaping for 2015 park adoption services at Hailey Skatepark.....
- CA 133 Motion to approve Resolution 2015-26, authorizing agreement with Lantis Fireworks for July 4th Fireworks pyrotechnical display in Hailey
- CA 134 Motion to approve Resolution 2015-27, authorizing installation and monitoring agreement with Sentinel Fire & Security, Inc. for Hailey Fire Station.....
- CA 135 Motion to approve receipt of Transmittal of the 2014 Hailey Urban Renewal Agency Annual Report.....
- CA 136 Motion to approve Resolution 2015-28, declaring surplus property and authorizing the removal of it from our inventory.....
- CA 137 Motion to approve Resolution 2015-29, authorizing Arena Use Agreement with 5th District High School Rodeo for event at the arena on May 8 and 9, 2015.....
- CA 138 Motion to approve Special Event for ArborFest at Hop Porter Park to be held on Saturday May 9th 11-3 pm.....
- CA 139 Motion to approve Special Event for Hailey Family Carnival to be held on vacant lot South of McDonalds, 710 Main St. South Friday-Sunday, hours 12 pm – 11 pm Friday and Saturday, 12 pm – 9 pm on Sunday
- CA 140 Motion to approve alcohol license for Restaurant 103 and Powerhouse, Powerhouse approval pending receipt of state and county licenses.....
- CA 141 Motion to approve minutes of March 16, 2015 and to suspend reading of them.....
- CA 142 Motion to approve minutes of April 6, 2015 and to suspend reading of them.....
- CA 143 Motion to ratify claims for expenses incurred in March and paid in April 2015.....
- CA 144 Motion to approve claims for expenses incurred during the month of March, 2015, and claims for expenses due by contract in April, 2015
- CA 145 Motion to approve Treasurer's report for March 2015

HAILEY CITY COUNCIL MINUTES
April 20, 2015

5:31:39 PM Williamson pulled item CA 128

Burke will abstain from CA 141 and Keirn will abstain from CA 142.

5:32:21 PM **Burke moves to approve Consent Agenda items minus CA 128, seconded by Cooley. Motion passed with abstentions from Burke for CA 141 and Keirn for CA 142.**

CA 128 - 5:32:57 PM Williamson discusses the Wood River Fire and Rescue Agreement (WRFR). WRFR district asked for payment of \$80,000 and minor changes after the council approved the agreement in the March 2nd council meeting. In discussing this with Aberbach, they thought they would split the difference and propose payment of \$82,500 by WRFR. Williamson received an email from WRFR's Attorney at 4 pm today and he wants 2 additional pages. Exhibit A, outlines the scope and responsibilities, it is not in the packet, Williamson explains. WRFR wants to show the breakdown that Aberbach drew up a few months ago. Need to change to \$82,640 amount, page 1 and 2 of the contract, will be \$6,886.67 per month.

Williamson offers to show Exhibit A to Mayor and council.

5:36:19 PM **Burke moves to approve with changes explained tonight with Resolution 2015-21, seconded by Keirn. Motion passed with roll call vote. Burke, yes. Cooley, yes. Keirn, yes. Brown, yes.**

PROCLAMATIONS AND PRESENTATIONS:

PP 146 "Livable Main Street" grant effort - a presentation given by Lisa Horowitz

5:37:18 PM Lisa Horowitz gives presentation to council. Horowitz explained what a "Livable Main Street" is, including slowing down traffic, encouraging pedestrian connectors, and outdoor eating at restaurants. Presentation to come to council in June. Horowitz stated that she is looking for grant opportunities to help with way finding signage. Horowitz will keep council updated in the near future. The Sonoran grant allows for staff match, not funds matching,

PP 147 Town Square Presentation by 7th Grade Leadership Class

5:42:02 PM Ms. Schrader's Middle School class, Evan Blass, Aidan, Peter Kaelyn and Makye.

These students presented a place – the lot between Sturtos and Washington Federal bank on North Main Street, to have the town square location. Students presented the benefits to having a town square. The students conducted a survey and they presented the results to the council. The students presented a design of the town square, where the stage would be located and vendors.

5:45:58 PM Brown asked if they see this being used during winter. They confirmed yes.

5:46:22 PM Cooley asked about allowing dogs in the town square. Based on survey answers, students thought this was important to include dogs.

HAILEY CITY COUNCIL MINUTES
April 20, 2015

Haemmerle asked about vendor fees. The students think fees would be necessary to upkeep the town square. Applause by all.

PP 148 Mountain Rides on Bike Share and Bike/Ped Improvements

5:51:32 PM Kaz Thea presented for Mountain Rides. Thea gave a history of this bike share program. Created from Community Climate Challenge product and then transitioned to Mountain Rides to administer. Last year, the bikes were not in circulation, due to a vendor upgrade. There will be approx. 4 stations throughout town. Hubs will be indicated by bike racks and signage. Bike share advertisement cards will be distributed throughout town, encouraging people to join the program. Pay as you go - .monthly \$30, season \$65, encouraging bus pass holders to join. Also will be offering sponsorships, ads for the bikes. 6 basket advertisements have been sold so far. The bikes are GPS track able, they know where the bikes are at all times.

5:59:30 PM Cooley asked how many bikes will be in Hailey. Approx. 20 in Hailey, and 20 in Ketchum Thea answered, it is not a hard and fast number.

6:02:18 PM Haemmerle encourages everyone to try these out. Thea brought in 60 crossing flags for City of Hailey to put on crosswalks. Thea announced that May 15th is bike to work/school day.

Mayor Haemmerle announced that he will discuss PH 156 next.

PUBLIC HEARINGS:

PP 156 Consideration of Resolution 2015-30, authorizing Second Addendum to Annexation Agreement and Third Modification to Deed Restriction for the North Hailey Business Center

6:03:52 PM Mayor Haemmerle introduced this item.

6:04:01 PM Williamson gave a history of this item. This property was annexed in 1991, by Bart Rinker. Use restrictions were placed on the property, no grocery, hardware stores or restaurants were allowed. On Lot 2A, years later, where McDonald's is, they asked that the restaurant restriction be released for this lot, and the City agreed. ... Then years later Albertsons property was annexed and they opened in the northern most spot in Hailey. Now, a regional natural foods store is looking to purchase this lot, the purchaser wants this restriction to be removed from the lot. All three property owners of this original annexation must agree to remove these restrictions. Williamson questions these deed restrictions at this point in time because of McDonalds and Albertsons operating outside of the city's core.

6:07:49 PM Haemmerle would like to give this item more time for public comments. Council will reconsider this item on May 18th. Atkinson's grocery store was notified before this meeting, and they made public comments via email and they were handed out to Mayor and Council at the beginning of tonight's meeting.

HAILEY CITY COUNCIL MINUTES
April 20, 2015

No public comments.

6:09:11 PM Motion to continue discussion to May 18th made by Keirn. Motion seconded by Brown, and motion passed unanimously.

PH 149 Airport Discussion

6:09:40 PM Haemmerle had a discussion with Rick Baird, they will be unveiling one chapter at a time in the Friedman Memorial Airport Authority (FMAA) board meetings. Chapter C will be discussed in the May FMAA meeting and discussed in June. Chapters A&B have been adopted and now are being reviewed by Federal Aviation Administration (FAA).

6:10:57 PM Burke has noticed approximately 6 take offs and landings per day by private aircraft via the North bound approach. Burke asked if the good-neighbor policy is still in effect? Does the City want to respond? Haemmerle responds, the airport responds to complaints as they receive them. Traffic over the city of Hailey has increased in the past 2 years. Haemmerle will bring this up. Burke will begin tracking and rally her neighborhood.

6:16:53 PM Platt reported that the Airport Wastewater main project was shut down last Thursday due to lack of submitting plans by airport.

6:17:23 PM Cooley will be absent from the June FMAA meeting. Cooley asks for no action to be made in his absence on Chapter C.

No public comments.

Mayor Haemmerle departs the meeting. Keirn takes the helm at running the meeting.

PH 150 Sunburst Hills Final Plat Approval

6:18:56 PM Horowitz introduces this item, preliminary plat was approved September 15, 2014 by council. A few changes are suggested that have been handed out to council at the meeting.

6:20:14 PM Brian Yeager of Galena Engineering presents for applicant. Note 7, about driveway being 10 feet from property line. Developer would like note number 7, to be 6 feet from property line instead of 10 feet to be consistent with the building envelope.

6:22:18 PM Burke looks at pg. 199, item C, all driveways except lot 6? Brian all lots except lot 6 shall be no closer than 6 feet from property line.

Horowitz hands out a final plat map to council. Yeager explains the request from the applicant. The map is not in tonight's packet.

Williamson doesn't like having to make a decision this quickly. After some discussion, about the 10 foot set-backs, Yeager retracts his request.

HAILEY CITY COUNCIL MINUTES
April 20, 2015

6:27:30 PM Horowitz hands out a revised Plat to Yeager and council. Horowitz explains that the changes are cleaning up duplication. Payment is expected before Hailey signs final plat. Fees are listed under item E. Final plat application fees have been paid.

6:30:09 PM Yeager clarified townhouses are 6 ft. setbacks.

Burke asks him to repeat his statement. 6:30:59 PM after discussion Burke suggests to go with what was proposed in tonight's packet.

Brown would like to do this right.

Council will revisit later in tonight's meeting.

PH 151 Consideration of an Ordinance No. 1173 vacating portions of 6th Avenue and Carbonate Street and consideration of Resolution No, 2015-____ approving a water line easement with Mary Mizer adjacent to 6th Avenue

6:34:04 PM Keirn asks Williamson to present this item. Williamson displays pg. 208? In packet the plat map, showing what was not vacated. There is a sewer line under the vacated portion of the property. Williamson has been asked to vacate the rectangle on Carbonate and the square on 6th Avenue as shown. Williamson suggests vacating if we have the easement signed. Mary Mizer is okay with the easement, her son, is not okay with the easement. Mr. Mizer wants any replacement or new line placed under the street and not in the spot that it is located now. Williamson sees this as very expensive to redo the street. We would not want to make a new spot for the sewer line. We cannot vacate and place conditions later. Williamson suggested that we should come up with the easement at the same time as the vacation.

Public comments:

6:43:20 PM Brian Yeager thinks that the man hole could be moved but we don't know where the other utilities are located, so difficult to make this determination without this information. Yeager speaking as a member of the public and not representing the City of Hailey as "City Engineer."

6:44:58 PM Jim Mizer speaks to council. Mr. Mizer wants the line not moved further East into his mother's property.

Cooley asks if we could put language in the Easement to state that we would not advance any further into the property, would Mr. Mizer be okay with it then?

6:47:11 PM Williamson restates that we would not go further East in replacing the sewer line. Williamson confirms what Cooley stated. Jim. Mizer is good with Cooley's proposal.

Pg. 218, paragraph C, recitals: Williamson reads: the existing sewer line Easement wording. Williamson does not want to get into a future disagreement over definitions – what is new construction or replacement. Williamson suggests language.

HAILEY CITY COUNCIL MINUTES
April 20, 2015

Brown suggests: "...repair, replace, or construct for sewer line purposes." 6:50:59 PM Brown reads the suggested language complete sentence under Recitals, Paragraph C. "Grantor and Grantee desire to establish a sewer line easement across, over and under just the portion of Servient Estate to enable the grantee to maintain, repair, replace, construct or reconstruct and use the easement for sewer line purposes." Yeager proposes language: "...just the portion of Servient Estate currently utilized to enable the grantee..."

6:51:52 PM Williamson recaps: under Purposes and Restrictions sections item number 2, added line, "The establishment of sewer line easements shall not affect the zoning setbacks of the Grantors property." And, "Grantee ex

Paragraph 2 purposes and restrictions: "in the event the sewer line and sewer line easement is replaced or reconstructed, the sewer line shall remain in the same location or move to the west.

Williamson 3 readings of ord. then published, then mayor will sign easement agreement.

Pg. 207, language for motion.

6:54:44 PM Burke moves to approve Ordinance No. 1173, sewer line easement agreement incorporating the language, Recitals, Paragraph C. "Grantor and Grantee desire to establish a sewer line easement across, over and under just the portion of Servient Estate to enable the grantee to maintain, repair, replace, construct or reconstruct and use the easement for sewer line purposes." and under purposes and restrictions number 2, "in the event that the sewer line in the sewer line easement is replaced reconstructed the sewer line shall remain in same location or to the west. 6:56:08 PM , adopt the Quit claim deeds and, Resolution 2015-32, and conduct first reading of Ordinance No. 1173 authorize the Council President to sign all documents, seconded by Cooley, motion passed unanimously.

6:57:29 PM Keirn conducts the 1st Reading of Ordinance No. 1173, by title only.

PH 152 Consideration of Non-Discrimination Ordinance, which establishes protections against discrimination based on gender identity or sexual orientation within the City of Hailey

6:58:31 PM Williamson has made one change in this ordinance based on the recent Indiana State experience. Idaho has been asked to amend the human rights act. The state has not added this language yet. 10 Idaho cities have adopted similar ordinances. On Pg 231, under exceptions, B(1) has changed since the last meeting, based on information from the issues seen in Indiana. Williamson continues to state that we should exempt religious activities not religious entities.

7:02:19 PM Brown asked if there was a public turnout for the New Business item. Cooley answered, yes, High School (Gay Straight Alliance) students made comments responded.

7:03:41 PM Peter Lobb Hailey resident, narrowing the protections is a good idea. Lobb thinks that all comments are positive, this is "no brainer", pass it and move on.

HAILEY CITY COUNCIL MINUTES
April 20, 2015

7:04:29 PM Williamson presented that a reason to not do it is because of money.

7:05:17 PM Tony Evans with the Idaho Mountain Express, asks for clarification. Williamson responds.

7:06:06 PM Lobb feels it is worth the risk.

7:06:16 PM Brown wants to believe that this is not an issue here in our valley.

7:06:55 PM **Cooley moves to approve Ordinance No. 1174 authorize 1st Reading by title only, seconded by Brown, motion passed unanimously.**

7:07:38 PM **Keirn conducts 1st Reading of Ordinance No. 1174, by title only.**

Now Council revisits discussion on PH 150.

PH 150 Sunburst Hills Final Plat Approval

7:08:25 PM Horowitz gives council an update on some of the discussions held when the preliminary plat was approved. The applicant's representative Brian Yeager asked for a modification of a condition for the flag lot. There was a discussion of the request and the entire application.

Brown is more comfortable staying with 10 feet unless we push the discussion to the next meeting. Yeager asks to finalize this tonight, he is okay with 10 feet.

7:11:51 PM **Brown moves to approve Tanner Investments application for Sunburst Hills Subdivision lots 7, 8, and 9 of Block 62 Woodside Subdivision #15, finding that the final plat with modified conditions 1-5 as shown in handout given to Mayor and council at the beginning of tonight's meeting is consistent with the approved preliminary plat and the conditions of preliminary plat approval have been met, authorize Mayor to sign, seconded by Burke, motion passed unanimously.**

PH 153 Consideration of Resolution 2015-_____ amending the Park Reservation Fee, Arena Use Fee, and Water Fill Spout Fees (re-noticed from April 6, 2015)

7:13:20 PM Mariel Platt presents this item to council. Parks and Lands Board has discussed fees generally and feel that fees should cover staff time. There are a lot of things to consider, council may want to discuss this item and adopt at a future meeting. Platt would like council feedback on this topic. Platt explains current fees and proposed fees. Breaking down the fees, shows the impact of certain uses, i.e. pavilion rental less of an impact than seasonal sports use.

7:17:43 PM Brown asks about a wedding reservation for wedding. Platt responds, cannot regulate exclusive use of Park without a Special Event reservation.

HAILEY CITY COUNCIL MINUTES
April 20, 2015

7:19:09 PM Cooley clarifies, anyone can use it for no cost. If you want to be sure to have the use to yourself, you must reserve it.

7:19:51 PM Increase in fees, how was this figured, asks Brown. Platt responds that the fees reflect staff time in the reservation or processing of the application. All costs are not covered with these new rates.

7:21:29 PM Platt then reviews the fill spout permits, located just north of the airport. \$200/year for annual permits. 1.7 million gallons was used on this fill spout for these users. Platt explains the proposed rates. The fill spout is potable water, Platt confirms from Keirns question. A quote from 2 years ago, \$16,000 to buy the software, card lock system.

7:25:36 PM Cooley would like to meet with Platt to discuss further. Cooley is concerned with increasing the fees so much in just one year. Platt asks a clarifying question of Cooley. Platt will speak to Cooley.

7:31:14 PM A citizen comments that card lock system would be the best way to run this fill spout.

Lisa Horowitz and Platt discussed earlier the RV dump station grant requirements. Are we required in perpetuity to only collect donations? Or can we charge fees after a period of time? Staff will research.

Arena fees Platt reviews the past Arena events. Last year's events costs vs. fees collection net \$8,000 loss.

7:36:39 PM Keirn feels that we should cover our costs at the least. Platt explains that the proposed fees cover reimbursement of utilities.

7:37:55 PM Brown reminds the philosophical intent, getting this place booked first – establish the fees after about 5 years. Brown is cautious with moving forward without hearing from citizens. Platt explains the typical fee collected per day has been about \$800, \$500 for event plus \$1 per ticket sales sold after a certain number of sales.

Platt suggests marketing the site to bring events to the Arena.

Platt asks for more suggestions.

7:43:20 PM Bob MacLeod comments the growing crowds would bring in more money by collecting \$1 per ticket sales.

Brown wonders how other places handle events.

7:46:12 PM **Brown moves to continue discussion to the May 4th meeting, seconded by Burke, motion passed unanimously.**

HAILEY CITY COUNCIL MINUTES
April 20, 2015

PH 154 Consideration of Floodplain Ordinance amendments

7:46:41 PM Horowitz introduces this item. Housekeeping in nature or feedback from FEMA on suggested changes.

No public comments.

7:47:39 PM **Burke moves to approve Ordinance No. 1175, seconded by Cooley, motion passed unanimously.**

7:48:16 PM **Keirn conducts 1st Reading of Ordinance No. 1175, by title only.**

PH 155 Consideration of ordinance amendments to Hailey's building codes and energy codes (will be continued to May 4th council meeting)

7:49:53 PM Horowitz asks for continuation of this item to the May 18th Council meeting.

7:50:14 PM **Burke moves to continue to May 18, seconded by Brown, motion passed unanimously.**

PH 156 Consideration of Resolution 2015-30, authorizing Second Addendum to Annexation Agreement and Third Modification to Deed Restriction for the North Hailey Business Center

NEW BUSINESS:

*NB 157 Discussion of Wastewater Treatment Plant Biosolids project.....
- Approval of Engineer of Record Agreement (includes CE&I services)*

7:50:46 PM Williamson explains the history of this item. JUB is going to assist HDR in the inspection of this project. This is a not-to-exceed contract, excluding programming.

7:53:00 PM **Burke moves to approve task order #11 with Resolution 2015-33, seconded by Brown, motion passed unanimously.**

Cooley comments, there are advantages to offering more choices. DEQ does not recognize irrigation as a high hazard and does not specify these different options. Cooley believes that this is a good idea.

NB 158 Discussion on ordinance amendments to park and arena reservations and use

7:54:26 PM Platt asks council on feedback regarding this topic.

NB 159 Discussion on cross-connection ordinance amendment to consider allowing alternative backflow protection devices for irrigation

7:55:13 PM Platt gave an overview of this item.

HAILEY CITY COUNCIL MINUTES
April 20, 2015

NB 160 Discussion on Indian Springs Agreement with Resolution 2015-____, proposal to hire SPF Engineering to design a wall for improvements to the collection system, for a not to exceed amount of \$5,100

8:00:25 PM Platt gave a recap of this item. We are not collecting our full water right. By installing the subterranean wall, this would enable higher collection of our water right.

8:02:35 PM Brown moves to approve Resolution 2015-34 authorizing the proposal to hire SPF to design a wall to help increase collection of our water right from Indian Springs. Cooley, seconds motion. Motion passed unanimously.

NB 161 Discussion of water issues, including a) water right delivery calls (CM-DC-2015-001 and CM-DC-2015-002) filed by Big Wood and Little Wood Water Users Association, b) Idaho Department of Water Resources letter dated February 20, 2015 and c) formation of the Galena Groundwater Management District, and consideration of Resolution 2015-31, authorizing engagement with Mike Creamer of Givens Pursley Law Office to represent the City of Hailey

8:02:54 PM Keirn opens this item then hands over floor to Williamson. Williamson and Platt have met with the Mayor regarding Water rights and next steps. Council will see this list in the very near future. Williamson believes that it would be smart to get representation involved for this matter. There would be an election in May 2015 to form a Groundwater management district. Hailey is attempting to set up meetings with all valley cities mayors, regarding the water delivery calls, we have to send in a letter of intent to participate in the district. Michael Creamer is monitoring an application by Innovative Mitigation Solutions, LLC, which intends to convey mitigation rights to entities, via Hiawatha Canal. Lastly, a letter from IDWR dated February 20, 2015, involving City of Twin Falls, stating that municipalities use is fully consumptive, which is a different approach than communicated previously.

8:09:51 PM Burke moves to approve Resolution 2015-31 authorizing engagement with Michael Creamer Water Rights attorney and to file Letter of Intent to participate, seconded by Cooley, motion passed unanimously.

OLD BUSINESS:

OB 162 2nd Reading of Social Hosting, Runaway and Beyond Control Ordinance No. 1172

8:10:41 PM Keirn conducts 2nd Reading of Ordinance No. 1172, by title only.

STAFF REPORTS:

- SR 163 Draft agenda for May 4, 2015 council meeting
- SR 164 Snow Removal Report 2014/2015 (no documents)

8:11:57 PM Platt gives report, 1900 hours, total contract hours 175, total contract spent \$40,000, leaving approximately \$20,000 in budget line item. Total of 6 events over 3 inches.

8:13:15 PM with no further business meeting was adjourned.

Return to Agenda

AGENDA ITEM SUMMARY

DATE 05/04/2015 DEPARTMENT: Finance & Records **DEPT. HEAD SIGNATURE:** MHC

SUBJECT

Council Approval of Claims costs incurred during the month of April 2015 that are set to be paid by contract for May 2015.

AUTHORITY: ID Code 50-1017 IAR _____ City Ordinance/Code _____

BACKGROUND:

Claims are processed for approval three times per month under the following procedure:

1. Invoices received, approved and coded to budget by Department Head.
 2. Invoice entry into data base by finance department.
 3. Open invoice report and check register report printed for council review at city council meeting.
 4. Following council approval, mayor and clerk sign checks and check register report.
 5. Signed check register report is entered into Minutes book.
-

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

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

Payments are for expenses incurred during the previous month, per an accrual accounting system.

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:

Review report's, ask questions about expenses and procedures, approve claims for payment.

FOLLOW UP NOTES:

Report Criteria:

Computed checks included
 Manual checks included
 Supplemental checks included
 Termination checks included
 Transmittal checks included
 Void checks included

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Payee ID	Amount
04/16/2015	PC	04/23/2015	42359	AMBRIZ, JOSE L	7023	1,298.04-
04/16/2015	PC	04/23/2015	42362	PARKER, ROGER G	7041	1,573.10-
04/16/2015	PC	04/23/2015	42363	SHOTSWELL, DAVE O	7044	1,310.18-
04/16/2015	PC	04/23/2015	42315	BARRERA, NANCY	8005	881.82-
04/16/2015	PC	04/23/2015	42316	CONE, MARY M. HILL	8009	1,418.91-
04/16/2015	PC	04/23/2015	42343	LEOS, CHRISTINA M	8012	1,424.50-
04/16/2015	PC	04/23/2015	42319	STOKES, BECKY	8013	1,504.87-
04/16/2015	PC	04/23/2015	42317	DAWSON, HEATHER M	8014	2,588.71-
04/16/2015	PC	04/23/2015	42351	ANDERSON, TRACY	8021	990.34-
04/16/2015	PC	04/23/2015	42360	HOLYOAK, STEVEN R	8036	1,276.50-
04/16/2015	PC	04/23/2015	42353	PLATT, MARIEL P.R.	8042	1,763.65-
04/16/2015	PC	04/23/2015	42366	LYNCH, BRANDON	8046	1,183.88-
04/16/2015	PC	04/23/2015	36149	GARRISON, SHANE	8048	1,129.39-
04/16/2015	PC	04/23/2015	42358	TURNER, TERRY	8050	1,111.73-
04/16/2015	PC	04/23/2015	42320	HILT, KRISTINE	8056	962.64-
04/16/2015	PC	04/23/2015	42318	MOORE, JONNA C.	8057	891.95-
04/16/2015	PC	04/23/2015	42337	DANILSON, FORREST	8123	1,383.14-
04/16/2015	PC	04/23/2015	42350	STEWART, DEREK I	8139	1,615.81-
04/16/2015	PC	04/23/2015	42339	ENGLAND, STEVE J	8143	1,805.43-
04/16/2015	PC	04/23/2015	42345	ORNELAS, RAUL G	8145	1,366.18-
04/16/2015	PC	04/23/2015	42341	GUNTER, JEFF M	8148	1,688.90-
04/16/2015	PC	04/23/2015	42335	CLARK, LARRY M	8152	1,466.17-
04/16/2015	PC	04/23/2015	42348	STELLERS, DAVID J	8160	2,040.91-
04/16/2015	PC	04/23/2015	42336	COX, CHARLES F.	8161	1,537.68-
04/16/2015	PC	04/23/2015	42347	SHELAMER, MICHAEL	8163	1,216.46-
04/16/2015	PC	04/23/2015	42342	JONES, JEREMIAH J	8165	1,492.64-
04/16/2015	PC	04/23/2015	42346	PECK, TODD DAVID	8167	1,333.31-
04/16/2015	PC	04/23/2015	42321	ABERBACH, CRAIG S.	8175	1,818.32-
04/16/2015	PC	04/23/2015	42344	ORNELAS, MANUEL G.	8180	1,623.33-
04/16/2015	PC	04/23/2015	42349	STELLJES, MICHAEL	8184	1,239.99-
04/16/2015	PC	04/23/2015	36147	ERVIN, CHRISTIAN	8185	961.11-
04/16/2015	PC	04/23/2015	42334	BAKER, GREGORY W.	8186	1,451.70-
04/16/2015	PC	04/23/2015	42338	DOUTHIT, NATHAN S.	8188	1,185.95-
04/16/2015	PC	04/23/2015	42367	SAVAGE, JAMES L	8204	1,012.57-
04/16/2015	PC	04/23/2015	42356	MENCK, KYLE	8222	893.42-
04/16/2015	PC	04/23/2015	42364	BALIS, MARVIN C.	8225	1,265.15-
04/16/2015	PC	04/23/2015	42357	SCHWARZ, STEPHEN K	8226	1,626.62-
04/16/2015	PC	04/23/2015	42355	GREEN, TIMOTHY E	8231	1,006.25-
04/16/2015	PC	04/23/2015	42333	OROZCO, ANTONIO REY	8238	859.88-
04/16/2015	PC	04/23/2015	36148	JOHNSTON, JAIMEY	8243	926.48-
04/16/2015	PC	04/23/2015	42352	MARES, MARIA C	8251	781.03-
04/16/2015	PC	04/23/2015	42327	GURNEY, NANCY L	8253	1,070.06-
04/16/2015	PC	04/23/2015	42329	JOHNSTON, JEAN H	8259	951.68-
04/16/2015	PC	04/23/2015	42326	GELSKEY, LEANN R	8262	1,357.21-
04/16/2015	PC	04/23/2015	42324	CLARK, DIANE M.	8273	804.83-
04/16/2015	PC	04/23/2015	42331	St.JOHN, AMANDA JANE	8274	972.77-
04/16/2015	PC	04/23/2015	42332	STRAITON, DEBORAH	8277	370.88-
04/16/2015	PC	04/23/2015	42330	NEUMANN, CATHY	8280	594.87-
04/16/2015	PC	04/23/2015	42325	CROTTY, JOSHUA	8283	736.32-

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Payee ID	Amount
04/16/2015	PC	04/23/2015	42365	ELLSWORTH, BRYSON	8285	900.59-
04/16/2015	PC	04/23/2015	42340	GREENFIELD, JOHN	8290	1,468.10-
04/16/2015	PC	04/23/2015	42328	HOLST, MICHAEL	8291	807.77-
04/16/2015	PC	04/23/2015	42354	DILWORTH, ZACKERY	8292	1,303.77-
04/16/2015	PC	04/23/2015	42361	PARKER, MICHAEL J	8506	977.49-
04/16/2015	PC	04/23/2015	42322	BALEDGE, MICHAEL S	9054	1,260.67-
04/16/2015	PC	04/23/2015	42323	HEITZMAN, KRISTY L	9103	613.65-
04/16/2015	CDPT	04/23/2015	36150	AFLAC	1	458.56-
04/16/2015	CDPT	04/23/2015	36150	AFLAC	1	208.07-
04/16/2015	CDPT	04/23/2015	36151	DELTA DENTAL PLAN OF	2	431.01-
04/16/2015	CDPT	04/23/2015	36151	DELTA DENTAL PLAN OF	2	2,355.08-
04/16/2015	CDPT	04/23/2015	36154	NCBERS GROUP LIFE IN	6	96.00-
04/16/2015	CDPT	04/23/2015	42317	PERSI	7	3,904.73-
04/16/2015	CDPT	04/23/2015	42317	PERSI	7	6,509.82-
04/16/2015	CDPT	04/23/2015	42317	PERSI	7	3,527.29-
04/16/2015	CDPT	04/23/2015	42317	PERSI	7	4,919.66-
04/16/2015	CDPT	04/23/2015	42317	PERSI	7	1,074.11-
04/16/2015	CDPT	04/23/2015	42317	PERSI	7	162.14-
04/16/2015	CDPT	04/23/2015	42317	PERSI	7	369.37-
04/16/2015	CDPT	04/23/2015	42317	PERSI	7	453.75-
04/16/2015	CDPT	04/23/2015	42316	MOUNTAIN WEST BANK	8	6,109.48-
04/16/2015	CDPT	04/23/2015	42316	MOUNTAIN WEST BANK	8	6,109.48-
04/16/2015	CDPT	04/23/2015	42316	MOUNTAIN WEST BANK	8	1,428.81-
04/16/2015	CDPT	04/23/2015	42316	MOUNTAIN WEST BANK	8	1,428.81-
04/16/2015	CDPT	04/23/2015	42316	MOUNTAIN WEST BANK	8	8,141.39-
04/16/2015	CDPT	04/23/2015	36152	IDAHO STATE TAX COM	9	3,726.00-
04/16/2015	CDPT	04/23/2015	36158	HAILEY VOLUNTEER FIR	12	105.00-
04/16/2015	CDPT	04/23/2015	36156	CHILD SUPPORT RECEIP	18	82.60-
04/16/2015	CDPT	04/23/2015	42315	A.W. REHN & ASSOCIAT	21	1,302.56-
04/16/2015	CDPT	04/23/2015	36157	CHILD SUPPORT RECEIP	23	210.00-
04/16/2015	CDPT	04/23/2015	36155	VSP	26	83.02-
04/16/2015	CDPT	04/23/2015	36155	VSP	26	462.57-
04/16/2015	CDPT	04/23/2015	36153	III-A Id Indpt Ingergov Age	29	987.50-
04/16/2015	CDPT	04/23/2015	36153	III-A Id Indpt Ingergov Age	29	40,105.50-
04/16/2015	CDPT	04/23/2015	36155	VSP	26	23.89-
04/16/2015	CDPT	04/23/2015	36155	VSP	26	9.07
04/16/2015	CDPT	04/23/2015	36151	DELTA DENTAL PLAN OF	2	45.29
04/16/2015	CDPT	04/23/2015	36153	III-A Id Indpt Ingergov Age	29	802.11
04/16/2015	CDPT	04/23/2015	36153	III-A Id Indpt Ingergov Age	29	102.60
Grand Totals:			88			162,916.43-

Report Criteria:

- Computed checks included
- Manual checks included
- Supplemental checks included
- Termination checks included
- Transmittal checks included
- Void checks included

Posting period: 05/15

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
8526 ADVANCED IRRIGATION SOLUTIONS										
652	1	652 PUMP STATION - WATER WINDOWS - KEEFE	Invoice	04/07/2015	05/04/2015	945.00	945.00	200-60-41403	13.42.0004.1	415
Total 8526 ADVANCED IRRIGATION SOLUTIONS:						945.00	945.00			
176 ALLINGTON, RICK										
100	1	ATTORNEY FEES	Invoice	05/01/2015	05/01/2015	3,570.67	3,570.67	100-25-41313		515
Total 176 ALLINGTON, RICK:						3,570.67	3,570.67			
2918 AMERIPRIDE LINEN AND APPAREL S										
240041	1	UNIFORMS WW	Invoice	04/16/2015	05/04/2015	106.97	106.97	210-70-41703		415
240041	1	UNIFORMS WW	Invoice	04/23/2015	05/04/2015	152.93	152.93	210-70-41703		415
Total 2918 AMERIPRIDE LINEN AND APPAREL S:						259.90	259.90			
2225 ANIMAL SHELTER OF WR VALLEY										
1074	1	quarterly payment	Invoice	03/31/2015	05/04/2015	4,000.00	4,000.00	100-10-41707		415
Total 2225 ANIMAL SHELTER OF WR VALLEY:						4,000.00	4,000.00			
50281 CANDLEWOOD SUITES										
60528	1	Library travel for LYNX Consortium	Invoice	03/17/2015	05/04/2015	130.00	130.00	100-45-41724		415
Total 50281 CANDLEWOOD SUITES:						130.00	130.00			
4514 CENTER POINT LARGE PRINT										
127879	1	books for collection	Invoice	04/01/2015	05/04/2015	108.39	108.39	100-45-41535		415
127972	1	books for collection	Invoice	04/08/2015	05/04/2015	53.95	53.95	100-45-41535		415
Total 4514 CENTER POINT LARGE PRINT:						162.34	162.34			
6051 CENTURY LINK										
133536	1	9814 260B long distance	Invoice	03/31/2015	05/04/2015	7.38	7.38	100-15-41713		415
133536	2	9814 260B long distance	Invoice	03/31/2015	05/04/2015	7.38	7.38	200-15-41713		415
133536	3	9814 260B long distance	Invoice	03/31/2015	05/04/2015	7.38	7.38	210-15-41713		415
133536	4	9814 260B long distance	Invoice	03/31/2015	05/04/2015	7.38	7.38	100-25-41713		415
133536	5	9814 260B long distance	Invoice	03/31/2015	05/04/2015	7.38	7.38	100-20-41713		415
133536	6	9814 260B long distance- 33.33%	Invoice	03/31/2015	05/04/2015	2.46	2.46	100-42-41713		415

Unpaid Invoice Report - MARY'S APPROVAL
Posting period: 05/15

City of Hailey

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
133536	7	9814 260B long distance- 33.33%	Invoice	03/31/2015	05/04/2015	2.46	2.46	200-42-41713		415
133536	8	9814 260B long distance- 33.33%	Invoice	03/31/2015	05/04/2015	2.46	2.46	210-42-41713		415
133536	9	2211 125B LONG DIST- TREATMENT PLANT	Invoice	03/31/2015	05/04/2015	3.69	3.69	210-70-41713		415
133536	10	2211 125B LONG DIST- Water Dept	Invoice	03/31/2015	05/04/2015	3.69	3.69	200-60-41713		415
133536	11	3147 220B LONG DIST: FIRE DEPT	Invoice	03/31/2015	05/04/2015	7.38	7.38	100-55-41713		415
133536	12	5965-737B LONG DIST- STREET SHOP	Invoice	03/31/2015	05/04/2015	7.38	7.38	100-40-41713		415
Total 6051 CENTURY LINK:						66.42	66.42			
5361 CENTURY LINK - PHONE SERVICE										
4/1/15	1	POLICE DEPT L 208-788-0258 309M	Invoice	04/01/2015	05/04/2015	225.40	225.40	100-25-41713		415
Total 5361 CENTURY LINK - PHONE SERVICE:						225.40	225.40			
974 CITY OF HAILEY GENERAL FUND										
111840	1	BUILDING PERMIT BIOSOLIDS	Invoice	04/23/2015	05/04/2015	349.25	349.25	210-70-41549	13.42.0009.1	415
Total 974 CITY OF HAILEY GENERAL FUND :						349.25	349.25			
22428 CITY OF KETCHUM										
TREE	1	Tree Care Class at City Of Ketchum	Invoice	04/15/2015	05/04/2015	60.00	60.00	100-40-41723	14.50.0005.1	415
Total 22428 CITY OF KETCHUM :						60.00	60.00			
8090 CLARK, DIANE										
14	1	supplies for adult program	Invoice	04/21/2015	05/04/2015	19.78	19.78	100-45-41326		415
Total 8090 CLARK, DIANE:						19.78	19.78			
50369 CURRY CRANE INC										
13314	1	13314 CRANE TO INSTALL BALMORAL RESTROO	Invoice	04/23/2015	05/04/2015	800.00	800.00	100-50-41775		415
Total 50369 CURRY CRANE INC:						800.00	800.00			
5021 E.C. ELECTRIC										
1404	1	1404 CONNECT LIGHT POLE - MAINTENANCE RM	Invoice	01/29/2015	05/04/2015	376.52	376.52	100-50-41603	11.42.0010.1	415
1498	1	1498 LIGHT REPAIR - ALLEY AT PINE, BETWEEN	Invoice	09/29/2014	05/04/2015	174.50	174.50	100-40-41715		415
1544	1	1544 RECEPTACLE REPAIR - CHEVRON AND CIT	Invoice	11/10/2014	05/04/2015	297.25	297.25	100-40-41715		415
1552	1	1552 REPAIR ST LIGHT/GFCE RECEPTACLE GAL	Invoice	12/02/2014	05/04/2015	187.62	187.62	100-40-41715		415
1614	1	1614 LIGHT REPAIRS - SWEETWATER	Invoice	01/26/2015	05/04/2015	180.00	180.00	100-40-41715		415

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
1616	1	1616 WOBBLE LIGHTS TIME CLOCK REPLACEMENT	Invoice	01/29/2015	05/04/2015	230.00	230.00	100-40-41715		415
1622	1	1622 REPAIR STREET LIGHT	Invoice	02/09/2015	05/04/2015	103.58	103.58	100-40-41715		415
		Total 5021 E.C. ELECTRIC:				1,549.47	1,549.47			
4513 EBSCO INDUSTRIES										
008945	1	magazine subscriptions	Invoice	04/13/2015	05/04/2015	3.30	3.30	100-45-41735		415
		Total 4513 EBSCO INDUSTRIES:				3.30	3.30			
348 FEDERAL EXPRESS										
2-951-4	1	SHIPPING W	Invoice	02/26/2015	05/04/2015	52.38	52.38	200-60-41213		415
5-010-5	1	SHIPPING W	Invoice	04/23/2015	05/04/2015	17.59	17.59	200-60-41213		415
		Total 348 FEDERAL EXPRESS				69.97	69.97			
171 FERGUSON WATERWORKS #1701										
060943	1	METER COUPLER	Invoice	04/15/2015	05/04/2015	98.40	98.40	200-60-41403		415
		Total 171 FERGUSON WATERWORKS #1701:				98.40	98.40			
5007 FIRST ALARM LLC										
2438	1	MONTHLY FIRE AND SECURITY MONITORING W	Invoice	04/15/2015	05/04/2015	75.00	75.00	210-70-41747		415
		Total 5007 FIRST ALARM LLC:				75.00	75.00			
805 G.J. VERTI LINE PUMPS, INC.										
9260	1	PARTS	Invoice	04/08/2015	05/04/2015	128.00	128.00	200-60-41401		415
9260	2	LABOR	Invoice	04/08/2015	05/04/2015	315.00	315.00	200-60-41401		415
		Total 805 G.J. VERTI LINE PUMPS, INC. :				443.00	443.00			
6023 GIVENS PURSLEY LLP										
164971	1	164971 INTERIM ADMIN BASIN 37	Invoice	03/22/2015	05/04/2015	1,372.00	1,372.00	200-60-41313		415
		Total 6023 GIVENS PURSLEY LLP:				1,372.00	1,372.00			
6214 HARNED, THOMAS										
0602	1	\$100 reimbursement for wild land boots	Invoice	04/08/2015	05/04/2015	100.00	100.00	100-55-41703		415

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
Total 6214 HARNED, THOMAS:										
						100.00	100.00			
5865 IDAHO DEPARTMENT OF LABOR										
4/28/15	1	EMPLOYER NUMBER 0007002416	Invoice	04/28/2015	05/04/2015	18.82	18.82	100-42-41128		415
4/28/15	2	EMPLOYER NUMBER 0007002416	Invoice	04/28/2015	05/04/2015	18.82	18.82	200-42-41128		415
4/28/15	3	EMPLOYER NUMBER 0007002416	Invoice	04/28/2015	05/04/2015	18.82	18.82	210-42-41128		415
4/28/15	4	EMPLOYER NUMBER 0007002416	Invoice	04/28/2015	05/04/2015	4,071.60	4,071.60	100-50-41128		415
Total 5865 IDAHO DEPARTMENT OF LABOR:						4,128.06	4,128.06			
671 IDAHO LUMBER & HARDWARE										
603508	1	603508 FENCE MESH ORANGE	Invoice	04/15/2015	05/04/2015	89.97	89.97	100-50-41403		415
603516	1	603516 FENCE SAFETY GREEN	Invoice	04/15/2015	05/04/2015	124.95	124.95	100-50-41403		415
603531	1	603531 LIGHT DUTY GREEN U-POST	Invoice	04/16/2015	05/04/2015	19.74	19.74	100-50-41403		415
603569	1	603569 SHOP REPAIR SUPPLIES	Invoice	04/16/2015	05/04/2015	38.95	38.95	100-40-41405		415
603579	1	603579 MISC SHOP SUPPLIES	Invoice	04/16/2015	05/04/2015	31.74	31.74	100-40-41405		415
603672	1	603672 FLOOR MOP - SHOP	Invoice	04/16/2015	05/04/2015	19.99	19.99	100-40-41405		415
603920	1	603920 GAS CAN NO SPILL	Invoice	04/20/2015	05/04/2015	5.66	5.66	100-42-41413		415
603920	2	603920 GAS CAN NO SPILL	Invoice	04/20/2015	05/04/2015	5.66	5.66	200-42-41413		415
603920	3	603920 GAS CAN NO SPILL	Invoice	04/20/2015	05/04/2015	5.67	5.67	210-42-41413		415
604421	1	604421 MISC SCREWS	Invoice	04/23/2015	05/04/2015	7.45	7.45	100-50-41403		415
605035	1	Paint remover, sand paper, scouring stripper, brush f	Invoice	04/29/2015	05/04/2015	29.51	29.51	100-55-41405		415
Total 671 IDAHO LUMBER & HARDWARE:						379.29	379.29			
22433 IDAHO POWER										
4/20/15	1	IP Acct#2204414540 Street lights	Invoice	04/20/2015	05/04/2015	175.29	175.29	100-40-41717		415
4/20/15	2	IP Acct#2204935643 STREET -1811 MERLIN LOO	Invoice	04/20/2015	05/04/2015	642.84	642.84	100-40-41717		415
4/20/15	3	IP Acct#2204935643 HFD	Invoice	04/20/2015	05/04/2015	300.59	300.59	100-55-41717		415
4/20/15	4	IP Acct#2204935643 LIBRARY	Invoice	04/20/2015	05/04/2015	492.72	492.72	100-45-41717		415
4/20/15	5	IP Acct#2204935643 MAIN	Invoice	04/20/2015	05/04/2015	206.86	206.86	100-42-41717		415
4/20/15	6	IP Acct#2204935643 MAIN	Invoice	04/20/2015	05/04/2015	206.86	206.86	200-42-41717		415
4/20/15	7	IP Acct#2204935643 MAIN	Invoice	04/20/2015	05/04/2015	206.86	206.86	210-42-41717		415
4/20/15	8	IP Acct#2204637769 W WATER	Invoice	04/20/2015	05/04/2015	9,204.52	9,204.52	210-70-41717		415
4/20/15	9	IP Acct#2220558908 HEAGLE/1151 War Eagle,	Invoice	04/20/2015	05/04/2015	5.25	5.25	100-40-41717		415
Total 22433 IDAHO POWER:						11,441.79	11,441.79			

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
612 INGRAM BOOK COMPANY										
846767	1	Library Books and Materials	Invoice	04/09/2015	05/04/2015	15.68	15.68	100-45-41535		415
846767	1	Library Books and Materials	Invoice	04/09/2015	05/04/2015	21.96	21.96	100-45-41535		415
846767	1	Library Books and Materials	Invoice	04/09/2015	05/04/2015	105.20	105.20	100-45-41535		415
847548	1	Library Books and Materials	Invoice	04/15/2015	05/04/2015	15.67	15.67	100-45-41535		415
847548	1	Library Books and Materials	Invoice	04/15/2015	05/04/2015	15.68	15.68	100-45-41535		415
847548	1	Library Books and Materials	Invoice	04/15/2015	05/04/2015	15.09	15.09	100-45-41535		415
847548	1	Library Books and Materials	Invoice	04/15/2015	05/04/2015	44.71	44.71	100-45-41535		415
847548	1	Library Books and Materials	Invoice	04/15/2015	05/04/2015	179.12	179.12	100-45-41535		415
847548	1	Library Books and Materials	Invoice	04/15/2015	05/04/2015	10.43	10.43	100-45-41535		415
847549	1	Library Books and Materials	Invoice	04/15/2015	05/04/2015	126.23	126.23	100-45-41535		415
848109	1	Library Books and Materials	Invoice	04/20/2015	05/04/2015	15.67	15.67	100-45-41535		415
848109	1	Library Books and Materials	Invoice	04/20/2015	05/04/2015	12.29	12.29	100-45-41535		415
848109	1	Library Books and Materials	Invoice	04/20/2015	05/04/2015	16.21	16.21	100-45-41535		415
848109	1	Library Books and Materials	Invoice	04/20/2015	05/04/2015	132.40	132.40	100-45-41535		415
848109	1	Library Books and Materials	Invoice	04/20/2015	05/04/2015	64.84	64.84	100-45-41535		415
848109	1	Library Books and Materials	Invoice	04/20/2015	05/04/2015	9.51	9.51	100-45-41535		415
848109	1	Library Books and Materials	Invoice	04/20/2015	05/04/2015	51.27	51.27	100-45-41535		415
848109	1	Library Books and Materials	Invoice	04/20/2015	05/04/2015	2.31	2.31	100-45-41535		415
848256	1	Library Books and Materials	Invoice	04/21/2015	05/04/2015	26.66	26.66	100-45-41535		415
						880.93	880.93			

Total 612 INGRAM BOOK COMPANY: 880.93

229 INTEGRATED TECHNOLOGIES

18580	1	MONTHLY COPIER MAINTENANCE SHARP AR-M3	Invoice	03/16/2015	05/04/2015	27.50	27.50	210-70-41325		415
19761	1	library copier contract	Invoice	03/31/2015	05/04/2015	5.00	5.00	100-45-41325		415
20518	1	Copier Maintenance	Invoice	04/10/2015	05/04/2015	63.65	63.65	100-20-41325		415
20684	1	extra copies city hall	Invoice	04/14/2015	05/04/2015	22.34	22.34	100-15-41325		415
20684	2	extra copies city hall	Invoice	04/14/2015	05/04/2015	22.34	22.34	200-15-41325		415
20684	3	extra copies city hall	Invoice	04/14/2015	05/04/2015	22.34	22.34	210-15-41325		415
						163.17	163.17			

Total 229 INTEGRATED TECHNOLOGIES: 163.17

5883 IWORQ SYSTEMS, INC

6779	1	6779 STREET LIGHT MOD MGMT AND SUPPORT	Invoice	04/22/2015	05/04/2015	500.00	500.00	100-40-41325		415
------	---	--	---------	------------	------------	--------	--------	--------------	--	-----

Total 5883 IWORQ SYSTEMS, INC: 500.00

806 KENWORTH SALES COMPANY

JERRO	1	MECHANICAL WORK F800 7025 WW	Invoice	02/13/2015	05/04/2015	983.27	983.27	210-70-41415		415
-------	---	------------------------------	---------	------------	------------	--------	--------	--------------	--	-----

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
JERRO	1	KENWORTH T600 ENGINE REPAIRS WW	Invoice	02/27/2015	05/04/2015	1,135.05	1,135.05	210-70-41415		415
JERRO	1	NOVA TANKER DOT INSPECTION AND REPAIR 70	Invoice	02/27/2015	05/04/2015	1,002.38	1,002.38	210-70-41415		415
Total 806 KENWORTH SALES COMPANY :										
						3,120.70	3,120.70			
4542 KETCHUM COMPUTERS										
11299	1	install CAD and VPN on workstations	Invoice	02/17/2015	05/04/2015	125.00	125.00	100-55-41713		415
11523	1	FIBER AND SWITCH RECOMMENDATIONS	Invoice	04/17/2015	05/04/2015	62.50	62.50	210-70-41424		415
Total 4542 KETCHUM COMPUTERS:										
						187.50	187.50			
50359 KIM ANDERSON PAINTING LLC										
4/7/15	1	Paint 2 Large South Facing Library Windows	Invoice	04/17/2015	05/04/2015	1,021.30	1,021.30	100-45-41413		415
Total 50359 KIM ANDERSON PAINTING LLC:										
						1,021.30	1,021.30			
696 KING'S DEPARTMENT STORES										
6973/3	1	AERATOR	Invoice	04/28/2015	05/04/2015	13.47	13.47	210-70-41795		415
Total 696 KING'S DEPARTMENT STORES :										
						13.47	13.47			
386 L.L. GREENS										
A38059	1	sandpaper, replacement blade shop tools	Invoice	04/22/2015	05/04/2015	19.07	19.07	100-55-41215		415
A38066	1	gorilla Glue Epoxy to fix tools	Invoice	04/23/2015	05/04/2015	9.98	9.98	100-55-41405		415
A38075	1	775771 Boiled linseed Oil for shop tools	Invoice	04/29/2015	05/04/2015	5.99	5.99	100-55-41215		415
Total 386 L.L. GREENS :										
						35.04	35.04			
2611 LAKESIDE INDUSTRIES, INC.										
130010	1	13001064MB TWO BAGS EZ ST	Invoice	04/15/2015	05/04/2015	250.00	250.00	100-40-41403		415
Total 2611 LAKESIDE INDUSTRIES, INC. :										
						250.00	250.00			
606 LIBRARY STORE										
145562	1	Library processing supplies for materials	Invoice	04/20/2015	05/04/2015	54.79	54.79	100-45-41215		415
Total 606 LIBRARY STORE :										
						54.79	54.79			
1200 MATTSON FIRE SPRINKLERS, INC.										
2688	1	2688 ANNUAL INSPECTION AND REPAIRS	Invoice	03/25/2015	05/04/2015	115.41	115.41	100-42-41413		415

Unpaid Invoice Report - MARY'S APPROVAL
Posting period: 05/15

City of Hailey

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
2688	2	2688 ANNUAL INSPECTION AND REPAIRS	Invoice	03/25/2015	05/04/2015	115.42	115.42	200-42-41413		415
2688	3	2688 ANNUAL INSPECTION AND REPAIRS	Invoice	03/25/2015	05/04/2015	115.42	115.42	210-42-41413		415
Total 1200 MATTSON FIRE SPRINKLERS, INC. :										
						346.25	346.25			
4495 MIDWEST TAPE										
927309	1	library materials/ dvd & music	Invoice	04/08/2015	05/04/2015	56.72	56.72	100-45-41535		415
927317	1	library materials/ dvd & music	Invoice	04/08/2015	05/04/2015	157.92	157.92	100-45-41535		415
927320	1	library materials/ dvd & music	Invoice	04/08/2015	05/04/2015	119.96	119.96	100-45-41535		415
927504	1	library materials/ dvd & music	Invoice	04/15/2015	05/04/2015	114.97	114.97	100-45-41535		415
927504	1	library materials/ dvd & music	Invoice	04/15/2015	05/04/2015	144.94	144.94	100-45-41535		415
Total 4495 MIDWEST TAPE:										
						594.51	594.51			
5243 MIICOR CONSULTING INC										
14330	1	BARRACUDA WEB FILTER 310 W/1 YEAR ENERGI	Invoice	04/16/2015	05/04/2015	2,207.25	2,207.25	100-45-41533		415
Total 5243 MIICOR CONSULTING INC:										
						2,207.25	2,207.25			
251 NAPA AUTO PARTS										
810326	1	COOLANT WW	Invoice	04/20/2015	05/04/2015	77.94	77.94	210-70-41415		415
811192	1	BELTS WW	Invoice	04/27/2015	05/04/2015	13.99	13.99	210-70-41401		415
Total 251 NAPA AUTO PARTS:										
						91.93	91.93			
283 OFFICE VALUE										
048602	1	OFFICE SUPPLIES CREDIT WW	Invoice	06/18/2014	04/20/2015	10.74-	10.74-	210-70-41211		415
Total 283 OFFICE VALUE :										
						10.74-	10.74-			
401 OHIO GULCH TRANSFER STATION										
001441	1	dump from training by P.R.	Invoice	04/20/2015	05/04/2015	5.00	5.00	100-55-41217		415
Total 401 OHIO GULCH TRANSFER STATION :										
						5.00	5.00			
50298 O'REILLY AUTO PARTS										
4635-1	1	3157LLBP mini bulb for R6	Invoice	04/16/2015	05/04/2015	5.31	5.31	100-55-41415		415
Total 50298 O'REILLY AUTO PARTS:										
						5.31	5.31			

Posting period: 05/15

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
1442 PACIFIC COAST K9										
036	1	NARCOTIC DETECTION DOG AND CLASS	Invoice	05/01/2015	05/04/2015	5,725.00	5,725.00	100-25-41329	12.25.0001.1	515
Total 1442 PACIFIC COAST K9:						5,725.00	5,725.00			
438 PLATT										
G5187	1	MISC ELECTRICAL WW	Invoice	04/07/2015	05/04/2015	77.02	77.02	210-70-41401		415
G5388	1	MISC ELECTRICAL WW RETURN	Invoice	04/07/2015	05/04/2015	77.02	77.02	210-70-41401		415
G5392	1	MISC ELECTRICAL WW	Invoice	04/09/2015	05/04/2015	577.16	577.16	210-70-41401		415
G5513	1	MISC ELECTRICAL WW	Invoice	04/14/2015	05/04/2015	99.27	99.27	210-70-41401		415
G5945	1	MISC ELECTRICAL WW RETURN	Invoice	04/15/2015	05/04/2015	77.02	77.02	210-70-41401		415
G5946	1	MISC ELECTRICAL WW	Invoice	04/16/2015	05/04/2015	222.42	222.42	210-70-41401		415
Total 438 PLATT:						821.83	821.83			
8581 PROGUARD PEST CONTROL, LLC										
1105	1	1105 April station mouse traps	Invoice	04/07/2015	05/04/2015	65.00	65.00	100-55-41413		415
Total 8581 PROGUARD PEST CONTROL, LLC:						65.00	65.00			
381 QUILL CORPORATION										
343400	1	1 story time materials	Invoice	04/17/2015	05/04/2015	99.53	99.53	100-45-41326		415
346221	1	1 story time materials	Invoice	04/20/2015	05/04/2015	2.29	2.29	100-45-41326		415
347735	1	1 story time materials	Invoice	04/20/2015	05/04/2015	3.79	3.79	100-45-41326		415
Total 381 QUILL CORPORATION						105.61	105.61			
50360 R.D. CONSTRUCTION										
4/17/15	1	Repair/caulk/replace window stops - south wall library	Invoice	04/17/2015	05/04/2015	115.00	115.00	100-45-41413		415
Total 50360 R.D. CONSTRUCTION:						115.00	115.00			
1098 SENTINEL FIRE & SECURITY										
P691	1	P6P691 HEAT DETECTOR, SMOKE DETECTOR, R	Invoice	04/16/2015	05/04/2015	95.00	95.00	100-42-41413		415
P691	2	P6P691 HEAT DETECTOR, SMOKE DETECTOR, R	Invoice	04/16/2015	05/04/2015	95.00	95.00	200-42-41413		415
P691	3	P6P691 HEAT DETECTOR, SMOKE DETECTOR, R	Invoice	04/16/2015	05/04/2015	95.00	95.00	210-42-41413		415
Total 1098 SENTINEL FIRE & SECURITY :						285.00	285.00			

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
5494 SILVER CREEK										
S14525	1	S1452510.001 LFWILK 375XL LEAD FREE BFP - JI	Invoice	04/09/2015	05/04/2015	281.20	281.20	100-50-41403		415
S14569	1	S1456994.001 KEEFER PARK IRRIGATION PARTS	Invoice	04/16/2015	05/04/2015	42.10	42.10	100-50-41403		415
S14570	1	S1457024.001 KEEFER PARK IRRIGATION PARTS	Invoice	04/16/2015	05/04/2015	3.84	3.84	100-50-41403		415
S14591	1	S1459156.001 PARKS IRRIGATION SUPPLIES	Invoice	04/21/2015	05/04/2015	210.36	210.36	100-50-41403		415
S14614	1	MISC PARTS WW	Invoice	04/27/2015	05/04/2015	83.34	83.34	210-70-41403		415
S14619	1	MISC PARTS WW	Invoice	04/28/2015	05/04/2015	29.22	29.22	210-70-41403		415
Total 5494 SILVER CREEK:						650.06	650.06			
9560 SILVER CREEK FORD										
16848	1	HANDLE	Invoice	04/27/2015	05/04/2015	31.50	31.50	200-60-41415		415
Total 9560 SILVER CREEK FORD:						31.50	31.50			
50365 SIX ROBBLEES' INC										
21-009	1	21-0098333 LED FLASHER RECTANGULAR	Invoice	04/15/2015	05/04/2015	159.76	159.76	100-40-41715		415
Total 50365 SIX ROBBLEES' INC:						159.76	159.76			
5294 SOMETHING MORE										
4/27/15	1	books for library collection	Invoice	04/27/2015	05/04/2015	10.39	10.39	100-45-41535		415
4/27/15	2	books for library collection	Invoice	04/27/2015	05/04/2015	111.93	111.93	100-45-41535		415
Total 5294 SOMETHING MORE:						122.32	122.32			
5570 THATCHER COMPANY										
135677	1	CONTAINER REFUND	Invoice	02/10/2015	04/06/2015	940.00-	940.00-	210-70-41781		315
Total 5570 THATCHER COMPANY:						940.00-	940.00-			
2817 UNITED OIL										
038703	1	DYED LS DIESEL EX WW	Invoice	02/20/2015	05/04/2015	102.56	102.56	210-70-41719		415
038703	2	DYED LOW SULFER #1 DIESEL WW	Invoice	02/20/2015	05/04/2015	452.25	452.25	210-70-41719		415
387202	1	DYED LS DIESEL EX WW	Invoice	04/10/2015	05/04/2015	319.07	319.07	210-70-41719		415
793624	1	793624 4/1 - 4/15/15 FUEL CHARGES	Invoice	04/15/2015	05/04/2015	133.22	133.22	100-50-41719		415
793625	1	41-4/15/15 Fuel Charges	Invoice	04/15/2015	05/04/2015	384.01	384.01	100-55-41719		415
793627	1	793627 4/1 - 4/15/15 FUEL CHARGES	Invoice	04/15/2015	05/04/2015	10.57	10.57	100-42-41719		415
793627	2	793627 4/1 - 4/15/15 FUEL CHARGES	Invoice	04/15/2015	05/04/2015	10.57	10.57	200-42-41719		415
793627	3	793627 4/1 - 4/15/15 FUEL CHARGES	Invoice	04/15/2015	05/04/2015	10.57	10.57	210-42-41719		415

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
793628	1	793628 4/1 - 4/15/15 FUELD CHARGES	Invoice	04/15/2015	05/04/2015	467.15	467.15	100-40-41719		415
793629	1	PUMPED VEHICLE FUEL W	Invoice	04/15/2015	05/04/2015	338.58	338.58	200-60-41719		415
793630	1	PUMPED FUEL WW	Invoice	04/15/2015	05/04/2015	222.74	222.74	210-70-41719		415
Total 2817 UNITED OIL:						2,451.29	2,451.29			
1216 UPPER CASE PRINTING, INK										
9288	1	11X17 NEWSLETTERS	Invoice	04/13/2015	05/04/2015	84.52	84.52	100-15-41323		415
9288	2	11X17 NEWSLETTERS	Invoice	04/13/2015	05/04/2015	84.52	84.52	200-15-41323		415
9288	3	11X17 NEWSLETTERS	Invoice	04/13/2015	05/04/2015	84.53	84.53	210-15-41323		415
Total 1216 UPPER CASE PRINTING, INK:						253.57	253.57			
22444 USA BLUE BOOK										
618244	1	METER STRAINER	Invoice	04/14/2015	05/04/2015	759.46	759.46	200-60-41403		415
Total 22444 USA BLUE BOOK:						759.46	759.46			
762 VERIZON WIRELESS										
974352	1	MONTHLY CELL PHONE BILL STREETS	Invoice	04/07/2015	05/04/2015	91.65	91.65	100-50-41713		415
974352	2	MONTHLY CELL PHONE BILL Water	Invoice	04/07/2015	05/04/2015	75.18	75.18	200-60-41713		415
974352	3	MONTHLY CELL PHONE BILL WASTE WATER	Invoice	04/07/2015	05/04/2015	90.02	90.02	210-70-41713		415
Total 762 VERIZON WIRELESS :						256.85	256.85			
833 WATER DISTRICT 37 & 37M										
2/3/15	1	surface water 37	Invoice	02/03/2015	05/04/2015	109.52	109.52	200-60-41711		415
2/4/15	1	GROUND WATER - 37	Invoice	02/04/2015	05/04/2015	1,432.27	1,432.27	200-60-41711		415
Total 833 WATER DISTRICT 37 & 37M :						1,541.79	1,541.79			
6303 WATERS, KAREN										
220046	1	WRISTBANDS FOR SKATEPARK EVENT	Invoice	04/28/2015	05/04/2015	114.29	114.29	100-10-41215	13.50.0002.1	415
Total 6303 WATERS, KAREN:						114.29	114.29			
4004 WAXIE SANITARY SUPPLY										
751971	1	75197142 wash n wax for engines	Invoice	04/07/2015	05/04/2015	44.15	44.15	100-55-41215		415
751999	1	75199994 AIR FRESHENER CITY HALL	Invoice	04/08/2015	05/04/2015	14.00	14.00	100-42-41413		415
751999	2	75199994 AIR FRESHENER CITY HALL	Invoice	04/08/2015	05/04/2015	13.99	13.99	200-42-41413		415

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
751999	3	75199994 AIR FRESHENER CITY HALL	Invoice	04/08/2015	05/04/2015	13.99	13.99	210-42-41413		415
752111	1	75211103 3M SCOTCH-BRITE PADS	Invoice	04/14/2015	05/04/2015	8.23	8.23	100-40-41413		415
Total		4004 WAXIE SANITARY SUPPLY:				94.36	94.36			
Total		1240 WILLIAMSON LAW OFFICES, PLLC								
4/29/15	1	professional services	Invoice	04/29/2015	05/04/2015	1,995.00	1,995.00	100-15-41313		415
4/29/15	2	professional services	Invoice	04/29/2015	05/04/2015	1,995.00	1,995.00	200-15-41313		415
4/29/15	3	professional services	Invoice	04/29/2015	05/04/2015	1,995.00	1,995.00	210-15-41313		415
Total		1240 WILLIAMSON LAW OFFICES, PLLC:				5,985.00	5,985.00			
Total:						58,313.14	58,313.14			
Grand Totals:						58,313.14	58,313.14			

Summary by General Ledger Account Number

GL Account Number	Debit	Credit	Net
100-10-41215	114.29	.00	114.29
100-10-41707	4,000.00	.00	4,000.00
100-15-41313	1,995.00	.00	1,995.00
100-15-41323	84.52	.00	84.52
100-15-41325	22.34	.00	22.34
100-15-41713	7.38	.00	7.38
100-20-41325	63.65	.00	63.65
100-20-41713	7.38	.00	7.38
100-25-41313	3,570.67	.00	3,570.67
100-25-41329	5,725.00	.00	5,725.00
100-25-41713	232.78	.00	232.78
100-40-41325	500.00	.00	500.00
100-40-41403	250.00	.00	250.00
100-40-41405	90.68	.00	90.68
100-40-41413	8.23	.00	8.23
100-40-41713	7.38	.00	7.38
100-40-41715	1,332.71	.00	1,332.71

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 05/04/2015

DEPARTMENT: Admin

DEPT. HEAD SIGNATURE: HD

SUBJECT:

Presentation by Harry Griffith of Sun Valley Economic Development Corporation of latest economic data

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code HMC 12.14
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Highlights of the presentation are attached.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input 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:

No City Council Action Required

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____



**SUN VALLEY
ECONOMIC
DEVELOPMENT**

**Blaine Co Economy –
Update for Hailey City Council**

Hailey
May 4, 2015

Agenda

1. Reported Sales
2. Employment & Wages
3. Housing & Real Estate
4. Tourism & Recreation
5. Summary/Wrap up

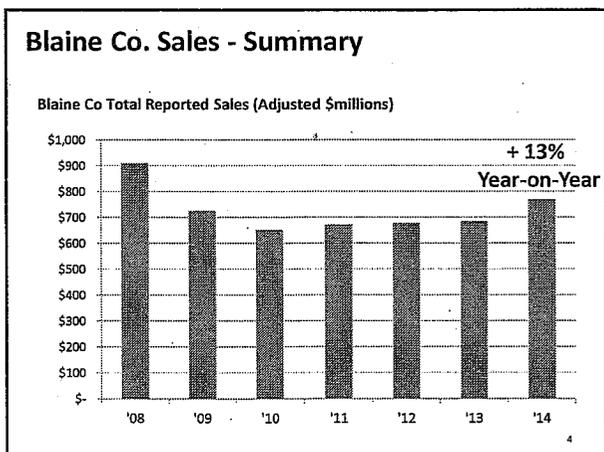
2

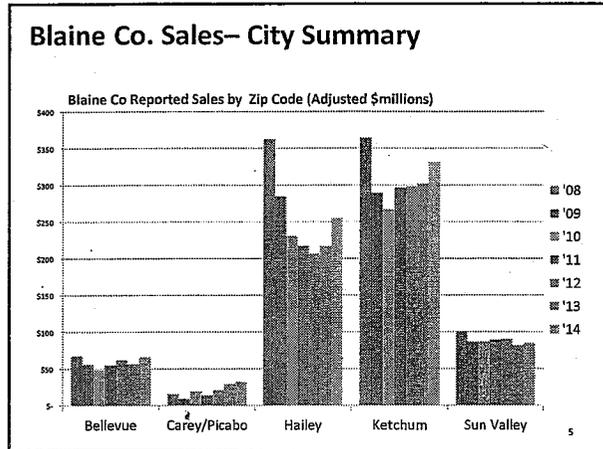


**SUN VALLEY
ECONOMIC
DEVELOPMENT**

Reported Sales

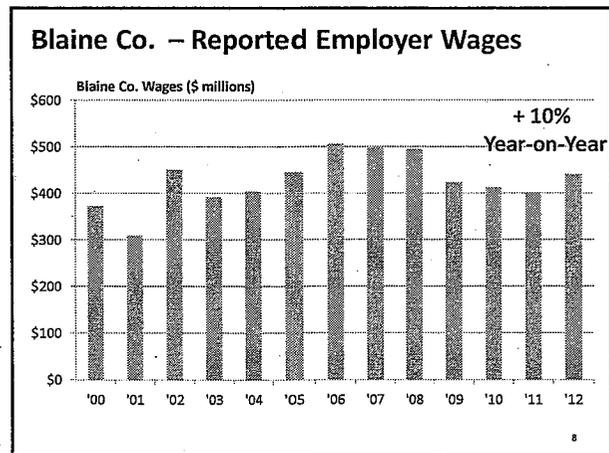
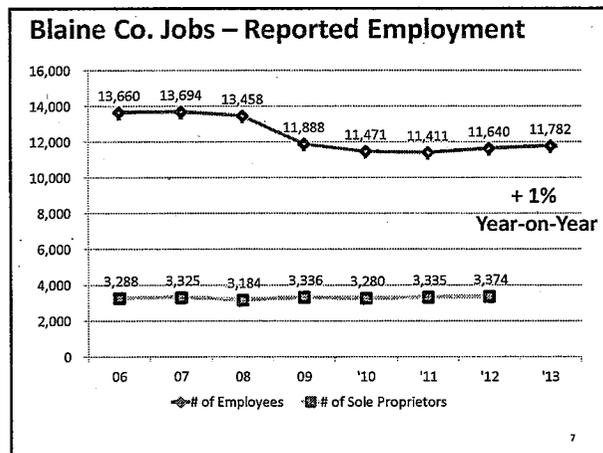
3

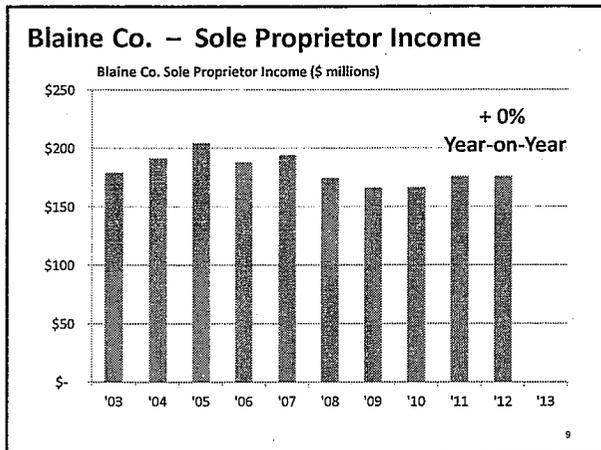




**SUN VALLEY
ECONOMIC
DEVELOPMENT**

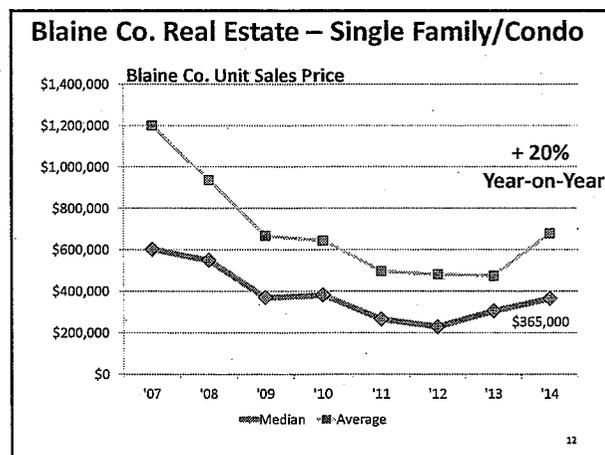
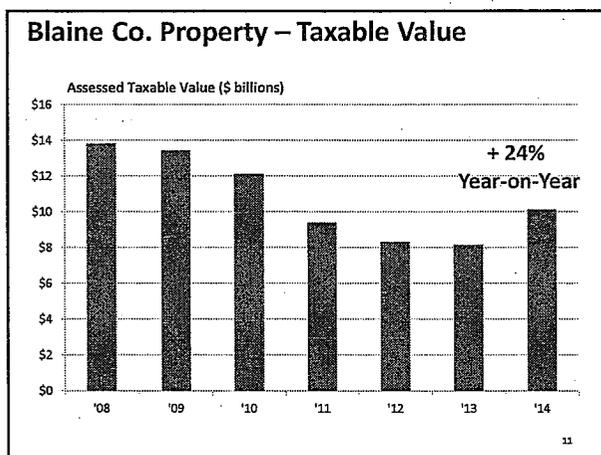
Jobs & Wages

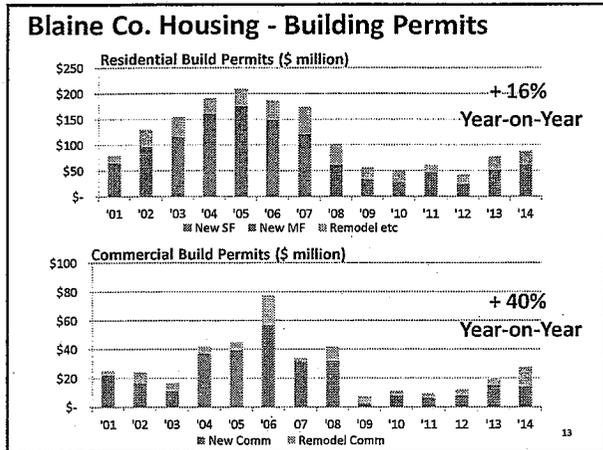




**SUN VALLEY
ECONOMIC
DEVELOPMENT**

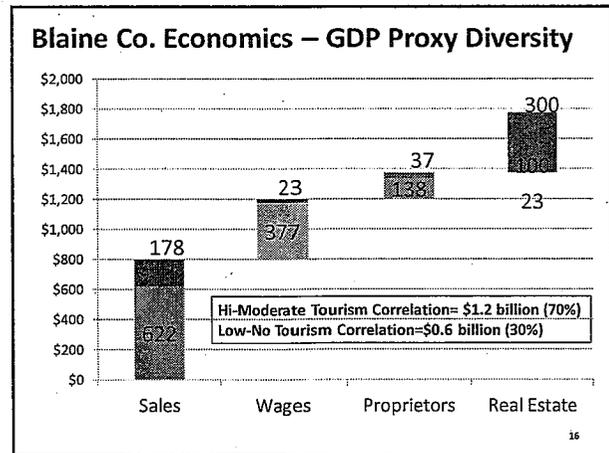
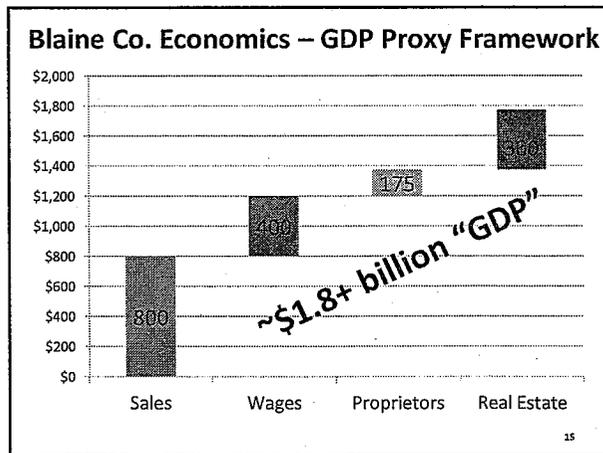
Housing & Real Estate





SUN VALLEY ECONOMIC DEVELOPMENT

Summary Blaine Economics



Return to Agenda

AGENDA ITEM SUMMARY

DATE: 5/4/2015 **DEPARTMENT:** Legal **DEPT. HEAD SIGNATURE:** _____

SUBJECT:

Friedman Memorial Airport Authority ("FMAA") Meeting

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I just reviewed the FMAA agenda and packet for the FMAA meeting scheduled for May 4, 2014. I am attaching the agenda and the meeting brief. I have not included any of the attachments.

I anticipate that there will be considerable public comment about the Master Plan update. See Item VI(B). For this agenda item, the meeting brief states a revised Chapter C will be presented three weeks in advance of the June 2, 2015 FMAA meeting and that the "purpose of the revision is to **clarify, condense and simplify** the narrative text." *Emphasis added.* The meeting brief then states that the planning team will request the Board's acceptance of the chapter at the June 2, 2015 meeting. I believe Chapter C is very important and may need further attention beyond clarifying, condensing and simplifying the text.

The Master Plan is a critical document because it is tied to the Amended and Restated Joint Powers Agreement ("JPA") between the City of Hailey and Blaine County. Section 6.1(A) of the JPA provides "[t]here shall be no expansion of the land base of the Existing Airport beyond what has been established by the Master Plan." Even though Existing Airport is defined in the JPA as the airport that existed at the effective date of the JPA (July 2011), the JPA can certainly be interpreted to mean that the airport could be expanded if contemplated by the Master Plan. It is my understanding that Chapter C may define the potential land base of the airport. In short, I would urge Hailey's representatives to deliberately and carefully review the Master Plan.

I did not see anything else on the agenda, the meeting brief or any attachment which I feel should be discussed during the City Council meeting. If you want access to the entire FMAA packet, please go to www.flyfma.com and click onto FMAA Agendas.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
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	___ 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:

Review and discuss the agenda and meeting brief. If appropriate, direct FMAA representatives on action to be taken at the next FMAA meeting.

FOLLOW-UP REMARKS:

**NOTICE OF A REGULAR MEETING
OF
THE FRIEDMAN MEMORIAL AIRPORT AUTHORITY**

PLEASE TAKE NOTICE that a regular meeting of the Friedman Memorial Airport Authority shall be held Tuesday, May 5, 2015 at 5:30 p.m. at the old Blaine County Courthouse Meeting Room Hailey, Idaho. The proposed Agenda for the meeting is as follows:

**AGENDA
May 5, 2015**

- I. APPROVE AGENDA
 - II. PUBLIC COMMENT (10 Minutes Allotted)
 - III. APPROVE FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING MINUTES OF:
 - A. April 14, 2015 Regular Meeting – Attachment #1
 - B. April 15, 2015 Special Meeting – Attachment #2
 - IV. REPORTS
 - A. Chairman Report
 - B. Blaine County Report
 - C. City of Hailey Report
 - D. Airport Manager Report
 - V. AIRPORT STAFF BRIEF (5 Minutes Allotted)
 - A. Noise Complaints
 - B. Parking Lot Update
 - C. Profit & Loss, ATCT Traffic Operations Count and Enplanement Data – Attachments #3 - #5
 - D. Review Correspondence – Attachment #6
 - E. Airport Commercial Flight Interruptions
 - VI. UNFINISHED BUSINESS
 - A. Airport Solutions
 - 1. Existing Site
 - a. Plan to Meet 2015 Congressional Safety Area Requirement
 - i. Project 3 Terminal Reconfiguration
 - ii. Project 4 Airport Operations Building
 - iii. Project 6 Relocate Taxiway B/Remove Taxiway A/North Apron
 - iv. Project 7 Demolish ARFF/SRE and Administration Buildings and Construct Central Bypass Taxiway
 - v. Future Projects
 - b. Retain/Improve/Develop Air Service
 - i. Fly Sun Valley Alliance Update
 - c. SUN Instrument Approach Improvements Phase 2 Update
 - B. Master Plan Update
- VII. PUBLIC COMMENT
- VIII. EXECUTIVE SESSION – I.C. 567- 2345
- IX. ADJOURNMENT

ACTION
ACTION

DISCUSSION
DISCUSSION
DISCUSSION
DISCUSSION

DISCUSS/DIRECT
DISCUSS/DIRECT
DISCUSS/DIRECT

DISCUSS/DIRECT
DISCUSS/DIRECT

DISCUSS/DIRECT

DISCUSS/DIRECT
DISCUSS/DIRECT

FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETINGS ARE OPEN TO ALL INTERESTED PARTIES. SHOULD YOU DESIRE TO ATTEND A BOARD MEETING AND NEED A REASONABLE ACCOMMODATION TO DO SO, PLEASE CONTACT THE AIRPORT MANAGER'S OFFICE AT LEAST ONE WEEK IN ADVANCE BY CALLING 788-4956 OR WRITING TO 1615 AIRPORT CIRCLE, HAILEY, IDAHO 83303.

III. APPROVE FRIEDMAN MEMORIAL AIRPORT AUTHORITY MEETING MINUTES

A. April 14, 2015 Regular Meeting – Attachment #1

BOARD ACTION: 1. Action

B. April 15, 2015 Special Meeting – Attachment #2

BOARD ACTION: 1. Action

IV. REPORTS

A. Chairman Report

This item is on the agenda to permit a Chairman report if appropriate.

BOARD ACTION: 1. Discussion

B. Blaine County Report

This item is on the agenda to permit a County report if appropriate.

BOARD ACTION: 1. Discussion

C. City of Halley Report

This item is on the agenda to permit a City report if appropriate.

BOARD ACTION: 1. Discussion

D. Airport Manager Report

This item is on the agenda to permit an Airport Manager report if appropriate.

BOARD ACTION: 1. Discussion

V. AIRPORT STAFF BRIEF (5 Minutes Allotted)

A. Noise Complaints:

LOCATION	DATE	TIME	AIRCRAFT TYPE	INCIDENT DESCRIPTION	ACTION TAKEN
Woodside	4/9	8:00 am	Jet	Question about Noise Hours.	Caller thought Voluntary Noise Abatement hours were 7:00 am – 11:00 pm. Ops Chief spoke with caller and provided correct information. 6:00 am.
Bellevue (Several calls)	4/14	11:02 pm	Single Turbine	Late Arrival	This aircraft was delayed by adverse weather en route. Would have otherwise arrived well before 11:00 pm. All concerned parties were notified.
Bellevue (Several calls)	4/14	11:15 pm	Jet	Late Arrival	This was a scheduled air carrier aircraft from Salt Lake. Weather in Salt Lake that day forced two temporary airport closures, delaying all inbound and outbound traffic. All concerned parties were notified.
Bellevue	4/21	12:00 pm	Jet	Low/Loud	Concerned individual stated that the aircraft flew over Bellevue, inbound, too low and too loud. Research indicated that the aircraft approach was normal and appropriate. The resident wanted to know what "approach" the aircraft used and what its altitude was as it crossed Cottonwood Street in Bellevue.

B. Parking Lot Update

The Car Park Gross/Net Revenues

Month	FY 2013 Gross	FY 2013 Net	FY 2014 Gross	FY 2014 Net	FY 2015 Gross	FY 2015 Net
March	\$19,944.00	\$9,773.37	\$29,797.00	\$18,677.60	\$33,979.00	\$25,503.99

C. Profit & Loss, ATCT Traffic Operations Count and Enplanement Data - Attachments #3 - #5

Attachment #3 is Friedman Memorial Airport Profit & Loss Budget vs. Actual. Attachment #4 is 2001 - 2015 ATCT Traffic Operations data comparison by month. Attachment #5 is 2015 Enplanement, Deplanement and Seat Occupancy data. The following revenue and expense analysis is provided for Board information and review:

February 2014/2015		
Total Non-Federal Revenue	February, 2015	\$186,976.24
Total Non-Federal Revenue	February, 2014	\$149,959.86
Total Non-Federal Revenue	FY '15 thru February	\$1,019,570.39

Total Non-Federal Revenue	FY '14 thru February	\$910,379.73
Total Non-Federal Expenses	February, 2015	\$170,295.53
Total Non-Federal Expenses	February, 2014	\$148,962.64
Total Non-Federal Expenses	FY '15 thru February	\$1,044,705.37
Total Non-Federal Expenses	FY '14 thru February	\$996,891.31
Net Income to include Federal Programs	FY '15 thru February	\$-2,217,856.32
Net Income to include Federal Programs	FY '14 thru February	\$-275,534.16

D. Review Correspondence - Attachment #6

Attachment #6 is information included for Board review.

E. Airport Commercial Flight Interruptions: March 20 – April 19

<u>Airline</u>	<u>Flight Cancellations</u>	<u>Flight Diversions</u>
Horizon Air	Horizon Service	Suspended
Delta	2	3
United Express	1 (SFO March 26)	0

VI. UNFINISHED BUSINESS

A. Airport Solutions

1. Existing Site

a. Plan to Meet 2015 Congressional Safety Area Requirement

i. Project 3 Terminal Reconfiguration

The intensity of work on this project was raised significantly when the airport closed on April 26th. The Conrad Brothers team was ready to start immediately after the doors closed on the last flight and they have been working non-stop since. When the airport opens, the new screening area, secure hold room and baggage claim areas will be ready for use. The project is on schedule and going very well. A progress update will be provided at the meeting.

BOARD ACTION: 1. Discuss/Direct

ii. Project 4 Airport Operations Building

Excellent progress is being made on this project, as well. Interior slabs have been poured and exterior site work is underway. A wide variety of interior construction is ongoing, as well, including electrical, plumbing, mechanical, framing and drywall. The consultant team will provide an update on this project at the meeting.

BOARD ACTION: 1. Discuss/Direct

iii. Project 6 Relocate Taxiway B/Remove Taxiway A/North Apron

Project 6 started on time on April 13, with initial work focused on site preparation, mobilization and building demolition. This was the "calm before the storm", as the work began in earnest on April 26th, following the closure. Demolition of all the hangars and USFS building is nearly complete and airfield construction is well underway. The current status of the project will be presented at the meeting.

BOARD ACTION: 1. Discuss/Direct

iv. Project 7 Demolish ARFF/SRE and Administration Buildings and Construct Central Bypass Taxiway

The fee negotiation for this project is underway and final fees will be presented to the Board for approval at the June meeting. The project is still on schedule to bid in July with construction starting in early September.

BOARD ACTION: 1. Discuss/Direct

v. Future Projects

Work is progressing on several smaller projects, including the following:

- Terminal Parking Lot Improvements: The Board elected at the special meeting on April 15 to reject the one bid received for this project. Staff and consultants have developed the following strategy to complete the necessary portions of the work: Concrete stairs will be completed by change order to one of the other ongoing projects, after the airport opens. The parking lot markings will be removed, the pavement seal coated and then remarked, by change order to the Runway Rehabilitation project. Future relocations of light fixtures and pavement repairs will be completed at a later date, as budget allows.
- Landscaping Improvements: This project has been awarded. Construction will begin soon, with topsoil import and placement during the closure and remaining tasks in June.
- Runway Rehabilitation: This project has been awarded and will be completed later in the closure period.
- Terminal Tenant Finish Out/Remodel: Design of this effort is nearing completion, with construction of the TSA areas planned to immediately follow the opening of the airport.

BOARD ACTION: 1. Discuss/Direct

b. Retain/Improve/Develop Air Service

i. Fly Sun Valley Alliance Update

This item is on the agenda to permit a Fly Sun Valley Alliance report if appropriate.

BOARD ACTION: 1. Discuss/Direct

c. SUN Instrument Approach Improvements – Phase 2 Update

Coordination with FAA continues regarding the RNP procedure. As mentioned in last month's briefing, FAA has advised they may remove the RNP procedure from the airport due to issues with "precipitous terrain." In discussion with Horizon Air, the proponent of the procedure, they stated they have never heard of the precipitous terrain issue with other RNP approaches they are associated with. Contact with FAA in Oklahoma City has been initiated in an attempt to get more clarity on the issue. The Oklahoma office is where final instrument flight procedures are approved and published by FAA. Rick continues to coordinate with FAA Flight Procedures in Renton, regarding a hopeful move in the publication date for RNAV-W procedure amendment, up from summer of 2016.

BOARD ACTION: 1. Discuss/Direct

B. Master Plan Update

PROGRESS REPORT

Mead & Hunt submitted the finalized Chapter B, *Forecasts of Aviation Activity*, for formal FAA approval the week of April 27th.

Mead & Hunt is in the process of revising Chapter C, *Capacity Analysis & Facility Requirements*, and will deliver a revised version of this chapter for board review at least three weeks in advance of the June 2nd FMAA meeting. The purpose of the revision is to clarify, condense, and simplify the narrative text. The Board has already viewed and commented on this chapter; the revision will be presented for final review, with previous comments and clarification incorporated into it. The planning team will request the Board's acceptance of the revised Chapter at the June 2nd meeting, for the purpose of developing further deliverables for the Master Plan.

Mead & Hunt is in the process of developing a new Chapter D, *Existing Airport Site Alternatives*, and will deliver the initial version of this Chapter for board review at least three weeks in advance of the July 7th FMAA meeting. The planning team will attend the July 7th meeting to present the preliminary alternatives identified in this Chapter.

Following Board comment on the preliminary Chapter D, Mead & Hunt will revise the chapter, to include board suggestions/comments and prepare it for presentation at a public meeting or workshop – affording the Board additional citizen input, at a subsequent date to be determined; most likely in the September time frame.

Landrum & Brown has begun its re-evaluation of previously identified replacement airport sites. Their findings will form the basis for Chapter E, *Replacement Airport Site Analysis*, to be submitted for Board review at a subsequent date to be determined.

BOARD ACTION: 1. Discuss/Direct

VII. PUBLIC COMMENT

VIII. EXECUTIVE SESSION - I.C. §67- 2345

IX. ADJOURNMENT

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 05/04/2015

DEPARTMENT: Admin

DEPT. HEAD SIGNATURE: HD

SUBJECT:

Hailey Infrastructure Improvement – Report on Idaho Power Franchise Agreement as it relates to infrastructure funding.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

One of the options for increasing funding for infrastructure and maintenance is in utility franchise fees. Hailey collects revenue through several franchise agreements with utilities:

- Idaho Power – 1%
- Intermountain Gas – 3%
- Cox Cable 5%
- Clear Creek Rubbish 6%

Although the gas and cable franchises are set at the maximum amount allowed by law, there is opportunity to increase either the rubbish or power utility franchise fees. This report focuses only on the Idaho Power Franchise fee.

By law, an increase in the Idaho Power franchise fee from 1% to 2% requires that the utility company agree to that increase. In order to increase to 3%, voter approval is required. We have spoken to Idaho Power to find out if they are willing to open their current agreement up at this time (we are 5 years into a 10-year agreement) for this dialogue. Dan Olmstead will be present at the meeting to speak about this with the Hailey City Council.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Each 1% increase would bring an additional approximate \$55,000 each year to the City of Hailey.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input 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"/> _____ |
| <input type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | <input type="checkbox"/> _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

No action. Information only, for city council discussion with the public.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

FOLLOW-UP:

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

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

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 05/04/15 **DEPARTMENT:** Public Works **DEPT. HEAD SIGNATURE:** MP

SUBJECT: Resolution 2015-__ amending park reservation fees, fill spout fees and creating arena fees.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On April 20th staff presented this Resolution the City Council. The Council directed staff to identify other options for their consideration as well as get more information and readdress the subject at the next Council meeting.

Staff has discussed park and arena fees with the Parks and Lands Board and determined, with recommendation of the Board, that the City should evaluate its park reservation and arena fees to ensure expenses to the city are covered by the fees charged. In addition to evaluating these fees, staff addressed the fill spout fees as well. Below is a break down on these three fee categories and recommendations on what charges are necessary to cover the city's expenses and charge an amount to private users that are equitable.

PARK RESERVATION FEES: Park reservation fees are required only when exclusive use for a park or portion of a park is requested. The city has not updated its park reservation fee schedule since 2011. In the last 2-3 years, many more resources have been devoted to annual park maintenance and improvements, providing a higher level of service for Hailey residents and greater interest in park reservations/rentals.

At the beginning of last year's park season the city started tracking park reservations on a Google calendar, which was posted live to the city's website. The calendar allows the public and staff to identify what parks have reservations and for all types of uses – special events, seasonal, one-time events with less than 250 attendees, etc.

The reservation calendar is good for monitoring the condition of heavily used parks and is a good indicator of this coming season's expected impact and maintenance needs. More usage means more maintenance – garbage, bathrooms, fertilizer, mowing, irrigation, etc. High usage fields, such as Keefer, have multiple reservations for seasonal use, which in total occur approximately three hours, six days a week, for 6 to 7 months. This volume of use creates a significant impact and requires more fertilizer and maintenance as a result.

Most of our seasonal events are 2-3 days a week and begin in April and run until October. This is 56-84 days of use in a season, which equates to a use-per-day cost of: \$1.19 (84 days of use)-\$1.78 (56 days of use).

To help ensure that the costs of private/reserved use are covered, Public Works is proposing a fee increase for park reservations. There is a difference in impact between pavilion, sport field and sport non-field (volleyball, basketball, Frisbee golf, etc.) rentals. The current and proposed fee chart is as follows:

Size/Type of Group	CURRENT
Private event/rental up to 24 people	\$25.00
Private event/rental for 25-99 people	\$50.00
Private event/rental for 100-249	\$100.00
Seasonal Rental	\$100.00

Size/Type of Group	PROPOSED
Daily pavilion or non-field sport event/rental (up to 24 people)	\$50.00
Daily pavilion or non-field sport	\$100.00

event/rental (25-99 people)	
Daily pavillion or non-field sport event/rental (100-249)	\$150.00
Daily Sport Field event/rental (up to 24)	\$100.00
Daily Sport Field event/rental (25-99)	\$150.00
Daily Sport Field event/rental (100-249)	\$200.00
Seasonal Field Rental	\$300.00
Seasonal Sports (non-field) Rental	\$150.00

To provide some context, the proposed fees for seasonal sport field rentals (\$300) would reflect a use-per-day cost of \$3.57(84 days of use) -\$5.35(56 days of use).

In addition to these fees a \$35/hr. maintenance fee should be charged when parks and bathrooms are left damaged or littered as a result of an event. Currently this fee is \$25/hr.

All of the proposed fee changes are similar or less than park rental fees currently charged by other jurisdictions in the area.

FILL SPOUT FEES: The City owns a fill spout near the airport that we allow the public to use with an approved permit. The current permit costs are \$200/year and \$25/week. In 2014 we collected \$4025. See chart below for more 2014 data.

Permit Duration	# of Permits	Cost per Permit	Total Permit Revenue
Annual	17	\$200/per year	\$3,400
Weekly	15 (most request multiple weeks)	\$25/per week	\$625
		Total	\$4025

In 2014 this fill spout meter reading totaled to 1,715,000 gallons. That equals a charge of \$2.35 per 1,000 gallons.

We do not currently have the ability to track individual water usage at the fill spout – only total usage. Therefore, best we can do is average the usage according to the cumulative water use data we have. In addition, we could charge permit fees based on the size of water tank permitted versus a flat fee for any sized tank, which is the current fee system. Charging fees based on tank size would assume that the larger the tank, the more water will be used.

Staff recommends charging an amount equitable to the rate citizens pay for water. This can be evaluated a number of ways, because we are unsure how much water each permit holder is actually using. If a citizen uses 1000 gallons of water in their home or business, they pay \$12.39 for 1,000 gallons (\$8.24 for the base, \$3.89 for the bond and \$0.25 for each 1,000 gallons up to 10,000 gallons). The first 10,000 gallons of water usage is the lowest rate in the city's metered water rate table the charge per 1,000 gallons increases as usage increases.

Until we get a card lock system on the fill spout (hopefully in FY 2016 budget), below are a few scenarios for the Council to consider:

1) BASE (\$8.24) + GALLONS (\$0.25 per 1,000 – least expensive per gallon charge in the tiered rate system)

Charge \$8.49 per 1,000 gallons, we should have collected \$14,406 for the same amount of water – 1,715,000 gallons. Using this logic, staff recommends annual permits cost \$700 and weekly permits cost \$150. You can see from the chart below how the lowest water rate used in the city, if applied, would generate an amount approximate to 1,715,000 gallons:

Permit Duration	# of Permits	Cost per Permit	Total Permit Revenue
Annual	17	\$700/per year	\$11,900

Weekly	15 (most request multiple weeks)	\$150/per week	\$2,250
		Total	\$14,150

2) Charge based on cost of 1,715,000 gallons.

If one citizen used 1,715,000 gallons, it would cost \$6,791. The chart below illustrates this, if applied to annual and weekly permits the cost of an annual permit would be \$350 and weekly would be \$65.

Permit Duration	# of Permits	Cost per Permit	Total Permit Revenue
Annual	17	\$350/per year	\$5,950
Weekly	15 (most request multiple weeks)	\$65/per week	\$975
		Total	\$6,925

3) Charge based on water tank size

Because we don't know the size of the tanks we have been permitting, it is difficult to evaluate what fees we would collect and what the total revenue might be from charging based on the tank size. However, it is assumed that we will better address water usage by charging based on the capacity of the tank. Here is a recommended fee chart, based on size.

Size of Tank	Cost per Permit
500 or less gallons	\$300/year, \$50/week
501-2000 gallons (1-4x more capacity than 500)	\$350/year, \$75/week
2001-6000 gallons (4-12x more capacity than 500)	\$800/year, \$200/week
Over 6001 gallons (12x and more capacity than 500)	\$1000/year, \$300/week

If only tanks sized 500 gallon or less applied for permits in 2014, the City's revenue, based on this accounting, would have been \$5,850.

ARENA FEES: Currently, the rental fees are set us as follows:

Description	Cost
Per day Rental Fee (500 people or less)	\$500 +\$1/ticket
1,500 people or fewer	\$1500
1,501 people or more	\$3000
Security Services Deposit	\$1000
Concession Areas	\$250

Please see the attached Arena Special Event Permit Application for details on these fees.

FINANCIAL BREAKDOWN OF 2014 SEASON

Last year there were 8 different events held at the arena for a total of 11 days. We collected approximately \$14,000 in revenue. This includes the \$7900 from the agreement with the Sawtooth Rangers for the 4th of July and other designated times the Rangers have access to the arena. Staff has elected to remove the revenue and expenses associated with this event for several reasons: 1) Days of the Old West Rodeo is the only longstanding event, with historical connection to the site, and has a higher attendance than new events; 2) the fee was established at a flat fee plus \$1.00 per ticket in the first three-year contract, and the current five-year contract was set with a flat fee based on data from the first three years; 3) Their agreement includes 6 days of exclusive use of the arena with only 3 days of ticketed events. The extra days are for related qualifying events, set up, and clean-up and 4) inclusion of this more complex fee in the cost/expense ratio skews the average for simple, one-day events. As a result, the city's revenue is \$6100 or \$871.00 per event on average. Our expense for non-Ranger events was approximately \$14,000

or \$2000 per event. This is a loss of \$7900.

The Parks and Lands Board has recommend that fees cover the city's cost to maintain the facility and pay for the event services. If the city wants to collect revenue in an amount equal to its related expenses, the city should be collecting about \$2000 for each event. This amount will cover immediate costs, but does not take into account on-going and long term maintenance needs of the facility.

Staff has developed the attached fee schedule and details of what is included with each fee. This was developed following an extensive review of last year's lease agreements, an account of staff hours and other expenses associated with the events at the arena. Since the April 20th meeting it has been amended to show non-profit rates at 50% of fees, youth events at no charge, but responsible for all cleaning after the event, and a first time, under 500 attendees rate of \$750, which is half the proposed 1 day rental fee.

APRIL 20TH COUNCIL MEETING

The Council requested 1) information on fees charged by other venues, 2) an evaluation of whether the arena is losing events due to current fees charged, 3) what additional marketing efforts can be done and 4) whether a shade structure or alternative flooring is needed to attract more and different types of arena events.

- 1) Fees charged by other venues are wide ranging. Below is a description of each venues fees and some details.

Venue	Daily Fees	Details
Caldwell Rodeo	\$1,000	All cleaning is the responsibility of the renter – no concession areas open.
Lewiston Outdoor Arena	\$3,000 – large spectator events \$400 – events with no spectators \$1500 – Non-profit event (4-H, Special Olympics, etc.)	
Idaho Shakespeare Festival	\$1,200 - Interpretive Center (weekend and evening) – seats 100 indoors \$350 2/hr – Amphitheater – seats 712 outdoors	Does not include sound and lights, A/V, or other furniture, equipment rental.

- 2) I spoke with a representative of IMPRA, the one event that we are certain is not returning to Hailey this year. For IMPRA, the city only required payment in the form of 15% of gross ticket sale revenue. IMPRA said that the decision to move finals to Pocatello was primarily due to most of their riders driving from Wyoming and Utah and that distance for these riders was the largest factor, not cost. I inquired if they found anything limiting at Hailey's facility or if they could make changes, so it better accommodated their needs what might those be. They said parking was an issue and concessions were limited. (We are completely the concession upgrades in May). Staff was not successful in reaching PBR representatives to determine if in fact, PBR would not be holding an event at the Arena this year and if not, ask the question why.
- 3) Having set fees that clearly describe the cost and what amenities are included for that cost, in a brochure or other easy to read format would help in describing the facility and details of use. This would be a first step. In addition, the city can continue to collect information on how other facilities market and promote their venues to get ideas and help better determine whether this is a job for a consultant or if we have the capacity for this in-house. Staff has met twice on this and has identified a number of individuals and venues we can contact for basic information and direction, before we decide to dedicate significant funds to this this year. Staff also recommends marketing the arena for next year, but given the construction and parking this year, we feel we should spend the next few months deciding what is needed for venue marketing. Caldwell Rodeo has an event promotions person, who is full-time and focuses just on collecting sponsorships and marketing the Caldwell Night Rodeo – a six day event in August each year. In recent discussions, staff has identified other events that might be suitable for the Arena. Among these are volleyball (with sand trucked in), moto x, BMX, demo trucks, and mud runs/obstacle course runs.

- 4) Staff has identified a number of improvements that could be made if funding was available. This includes alternative flooring and shade structures. It is staff's recommendation that we not fund these items without a well-informed marketing and promotion plan in place. Caldwell Rodeo hosts approximately 12 events each year. They are primarily equine related events and include the Caldwell Nights Rodeo, County Fair, and Mexican Rodeos. They do have concerts as well. The venue is outdoor with no shade and no flooring alternative to the rodeo's dirt floor. The spray down and pack the dirt for concerts and state that it works just fine. The Caldwell Nights Rodeo is in August and they state that it is hot, but it doesn't seem to affect this event's or others' success. They do not allow motorized sports, due to the impact it has on the dirt floor.

In addition, the Sawtooth Rangers have requested other upgrades that would benefit rodeo events. These include two additional fence panels, moving the announcers stand to the northeast corner, creating numbered seats or sections that could be reserved for higher ticket sales in certain areas and adding seating above the stockpens (west side of arena).

SUMMARY OF RECOMMENDATION

There is still more information needed before we can conclude that more money needs to be invested in the arena or that the amount current fees are a limiting factor and we have not yet heard that events are refusing the arena due to cost. Other event space fees seem comparable to the fees proposed. At this time, staff recommends Council 1) approve the proposed fee changes and 2) direct staff to immediately work on developing a brochure clearly stating the new fees and amenities for those that are interested in renting the arena and 3) direct staff to develop a venue marketing/promotion plan that may or may not include the help of a consultant. That determination will be made following some additional inquiries by staff. It is anticipated that a draft plan would be available for review this fall, with marketing efforts to begin immediately following for the 2016 season.

In addition, the Council could consider an effective date of the Resolution and proposed fees of Jan. 1, 2016. This would allow staff to use next year's fees to develop marketing materials for next year's events. If we begin promoting in fall, we will need to determine set fees and included amenities, for 2016 season events.

Include the changes made since April 20th:

1. non-profit rates at 50% of fees,
2. youth events at no charge, but responsible for all cleaning after the event, and
3. a first time, under 500 attendees, rate of \$750, which is half the proposed 1 day rental fee.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input type="checkbox"/> City Attorney	<input type="checkbox"/> Finance	<input type="checkbox"/> Licensing	<input type="checkbox"/> Administrator
<input type="checkbox"/> Library	<input type="checkbox"/> Community Development	<input type="checkbox"/> P&Z Commission	<input type="checkbox"/> Building
<input type="checkbox"/> Police	<input type="checkbox"/> Fire Department	<input type="checkbox"/> Engineer	<input type="checkbox"/> W/WW
<input type="checkbox"/> Streets	<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> Mayor

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to approve Resolution 2015-_____ to amend park reservation, arena and fill spout fees, specifying that fill spout fees will be charged in accordance with _____ (state option #1, #2, #3 or other) and arena fees will be charged in accordance with _____ (state either proposed or specific changes to proposed fees).

ACTION OF THE CITY COUNCIL:

Date _____
 City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to: _____



ARENA SPECIAL EVENT APPLICATION

A step by step guide to request, schedule and obtain approval to present a community event within the City of Hailey.

- A **completed** application must be received by the city Special Events Administrator in accordance with City Municipal Code (§12.14.040C) as follows:
 - a) An application for a Special Event involving a Street Closure and anticipated to attract fewer than 250 people at any one time shall be filed at least fourteen (14) calendar days prior to the Special Event.
 - b) An application for a Special Event anticipated to attract 250 to 1,499 people at any one time shall be filed at least thirty (30) calendar days prior to the Special Event.
 - c) An application for a Special Event anticipated to attract 1,500 or more people at any one time shall be filed at least sixty (60) calendar days prior to the Special Event.

- An event plan with logistics is required for all events, including but not limited to: parades, marches, fun runs and walks, concerts, carnivals and fairs, street closures, vendors, and/or alcohol sales. In the Section V you will be required to provide a Certificate of Liability Insurance. In the **SPECIAL EVENT ACTIVITIES & CITY SERVICES REQUESTED** section of this application you will be guided through all information that is required to accompany this application. Examples of required backup are Street Closures & Access Parade Detailed Map, Alcohol Beverage Catering Permit, Amplified Sound Permit, Banner Display Application, please review each category carefully for instructions.

- All applications must be signed.**

- Your application will be evaluated by the city Special Events Administrator. At which time determination will be made as follows:
 - 1. Further information is required, in which case you will be contacted, **or**
 - 2. Your application will be submitted to city departments for review and comments for:
 - A. Preliminary approval with conditions or
 - B. Denial and/or request for further information

- Applications with preliminary departmental approval will be placed on the next City Council Consent Agenda for final approval. You will be contacted with the specific date and time. At that time you are welcome, but not required, to make an appeal to the City Council for your event and any special requirements or waivers that may apply.

- Once your application is approved it is your sole responsibility to coordinate the city services that you requested and were approved with the appropriate city department providing the service.**

Visit our website at: haileycityhall.org

CONTACT INFORMATION

City of Hailey Community Development Special Event Administrator, Kristine Hilt <i>Alcohol beverage information, Sign information etc.</i>	Hailey City Hall 115 Main Street S.	208-788-9815 x 27 208-788-2924 fax	kristine.hilt@haileycityhall.org haileycityhall.org
City of Hailey Clerk's Office <i>Provides: Banner information</i>	Hailey City Hall 115 Main Street S.	208-788-4221 X 0 208-788-2924 fax	marv.cone@haileycityhall.org haileycityhall.org
City of Hailey Police Department Chief of Police Jeff Gunter	Hailey City Hall 115 Main Street S.	208-788-3531 208-788-2924 fax	jeff.gunter@haileycityhall.org haileycityhall.org
City of Hailey Fire Department Fire Chief Craig Aberbach	Hailey City Hall 115 Main Street S.	208-788-3147 208-788-2924 fax	hfd@haileycityhall.org haileycityhall.org
Idaho State Tax Commission <i>Provides: Sale of merchandise information.</i>	P.O. Box 5227 Twin Falls, ID 83303	208-736-3040 800-972-7660	
Idaho South Central District Health <i>Provides: Sale of food/beverages inform.</i>	117 Ash St. Bellevue, ID 83313	208-788-4335	phd5.idaho.gov
Blaine County Sheriff	P.O. Box 28 Hailey, ID 83333	208-788-5555	

This page is for your information. You do not need to include it with your application.



ARENA SPECIAL EVENT PERMIT APPLICATION

EVENT NAME: _____

I. EVENT SCHEDULE

Special Events are limited to four days, including set-up and tear-down days. No more than eight events per calendar year can be conducted by a single party or organization, unless a modification is granted by the City Council. **Please submit your modification requests in writing and attach to your application.**

Date(s) of Event	Hours		Estimated # of Attendees
	Start Time:	End Time:	All Day:
	Start Time:	End Time:	All Day:
Date(s) of Set-up/Tear-down	Hours		Estimated # Staff
	Start Time:	End Time:	
	Start Time:	End Time:	

II. FEES

Special Event Permit Application Fee	\$125	<input type="checkbox"/>	_____
Per Day Arena Rental Fee (500 participants or fewer)	\$500+\$1/ticket	<input type="checkbox"/>	_____
Per Day Arena Rental Fee (1,500 participants or fewer)	\$1,500	<input type="checkbox"/>	_____
Per Day Arena Rental Fee (1,501 participants or more)	\$3,000	<input type="checkbox"/>	_____
Second Show in Same Day Fee	\$700	<input type="checkbox"/>	_____
Security Services Deposit	\$1,000	<input type="checkbox"/>	_____
Concession Areas	\$250	<input type="checkbox"/>	_____
TOTAL DUE			_____

III. ORGANIZATION INFORMATION

Sponsoring Organization: _____

Applicant's Name: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone Home: _____ Mobile: _____ FAX: _____

Applicant Driver's License #: _____ Email: _____

IV. EVENT INFORMATION

New Event: Yes _____ No _____ Annual Event: Yes _____ No _____ Years Operating _____

Event Category: Commercial Noncommercial

Estimate of Gross Ticket Sales & Revenues (commercial event only): _____

Description of Event: _____

Additional Details: _____

V. INSURANCE REQUIREMENTS

It is the responsibility of your Special Event organizers to maintain a COMPREHENSIVE GENERAL LIABILITY insurance policy with coverage of not less than \$1,000,000.00 combined single limit per occurrence. Each policy shall be written as a primary policy, not contributing with or in excess of any coverage which the City may carry. *A certificate naming the City of Hailey, Blaine County, Idaho as additional insured shall be delivered to the City of Hailey with this application.* The adequacy of all insurance required by these provisions shall be subject to approval by the City Clerk. Failure to maintain any insurance coverage required by this agreement shall be cause for immediate termination of the application.

Insurance Company: _____ Agent Name: _____ Phone: _____

SPECIAL EVENT ACTIVITIES & CITY SERVICES REQUESTED

Yes	No	Check all Planned Activities	Yes	No	Check all Planned Activities
		Street Closures (if yes)			Alcohol Served: (Free of Charge) Provider -
		• Street Closure for Special Event Application and detailed map listing areas of closure. <i>An ITD permit is required for Main Street.</i>			Alcohol Sold: Requires Alcohol Beverage Catering Permit (Hailey Code 5.13) Provider -
		Barricades If yes, please include a logistics map.			Food/Beverages (Caterers) Please List:
		Police/Traffic Control Services (A security plan is necessary for Special Events anticipated to attract 250 or more participants while serving beer, wine or liquor or for street closures.)			Booths: Profit / Non-Profit
					Vendors (Items sold/ Solicitation) Please list:
		Medical Services (Circle) First Aid and/or EMS Services			Canopies/Tents/Temporary Structures - City of Hailey Fire Department, Fire Code Enforcement may require a permit for tents, canopies, membrane, or temporary structures over 200 sq. ft.
		*Determination of EMS services is dependent on event size and type.			
		Service Provider:			
		Overnight Camping Please see City for designated areas.			Street Banners
		Open flame or flame producing devices			
		Amplified Sound Permit			Stages: (Number and Size(s))
		Concessions Area - 1 () 2 ()			Toilets
					Men's () Women's () Family ()

Your Event Organizer is responsible for providing a complete list of event activities including a list of suppliers providing services. An event logistics map is required, detailing the location for all road closures, event set up, canopies, stages, vendors, booths, and any other major services or activities planned. I hereby certify that I have read and will abide by the laws, rules and regulations set forth by the City of Hailey, Blaine County, and the State of Idaho, and in signing this application, I hereby agree that I and the organization I represent, shall hold the City of Hailey and all of its agents or employees free and blameless from any claim, liability or damage which may arise from use of City facilities or equipment, whether or not the City of Hailey, its agents or employees are jointly negligent. I further agree to promptly reimburse the City of Hailey and all of its agents for any clean up loss or damage to City property resulting from this use, as well as permitting, staffing, equipment use/rental, property use/rental, clean up, inspections involving the use of public property, public employees or public equipment for the Special Event.

Event Organizer's Signature: _____ **Date:** _____



ARENA RESERVATION FORM - small group

<i>Anticipated Fees</i>	
<i>Internal use only</i>	
A/R Account #:	_____
Per Day Use Fee:	\$ _____
Concession:	\$ _____
Sales Tax:	\$ _____
Antic. Total	\$ _____

Event Name: _____
 Type of Event: _____
 Event Dates: _____ Time: From _____ To _____
 Set-up/Clean-up Dates: _____ Time: From _____ To _____
 # of anticipated attendees for event: Total: _____ Per Day: _____

Applicant Information

Organization Information (if applicable)

Name: _____
 Email: _____

Name: _____
 Email: _____

Mailing Address: _____

Mailing Address: _____

Phone #: _____

Phone #: _____

Overview of Fees:

	<i>Reservation fee</i>	
Group event less than 50 people	\$25.00	<input type="checkbox"/> _____
Group event with Livestock	\$100.00	<input type="checkbox"/> _____
Youth Community Event (over 50 people)	\$250.00	<input type="checkbox"/> _____

- \$25 reservation fee.
- \$50 restroom opened (apply to Groups <50 and Groups with Livestock only)
- \$125 Concession opened (applies to Youth Community Event)
- 6% State Sales Tax on use fees (not on Security Deposit)

Check this box if you will be using the Concession Area –

Total Due to Reserve Arena: _____

I hereby certify the above statements to be true, complete and correct to the best of my knowledge.

Signature of Person Reserving Arena: _____

Guidelines for Small Group Reservations

Memo from Tom Hellen PW Director to City Council on April 25, 2011

At the April 12, 2011 Parks & Lands Board meeting a decision was held regarding the use of the Multi-use arena by smaller groups. The following is an outline of the recommendations by the board.

Groups of less than 50:

A reservation is required (no more than 30 days in advance) with a \$25 reservation fee.

No animals

No additional amenities (restrooms opened for \$50)

Clean-up of trash

A responsible party to sign the reservation form

Groups with Livestock:

A reservation is required (no more than 30 days in advance) with a \$100 reservation fee.

Maximum of 10 animals/livestock

No additional amenities (restrooms opened for \$50)

Clean-up of trash and manure

A responsible party to sign the reservation form

Youth Community Events (4H, High School) over 50 attendees:

A reservation is required (no more than 30 days in advance) with a \$250 reservation fee.

Restrooms are opened

Clean-up of trash and manure

Concession opened for \$125

A responsible party to sign the reservation form

The thought with the Rodeo Grounds is we need a separate ordinance to cover these policies as this is different than a grass park. It is also recommended that these smaller groups be limited to Monday – Thursday unless there is no larger event planned. This is a discussion needed from Council with regards to the 30 day advance requirement. The fee for the Youth Community Events is reducing by half the reservation fees for ticketed events. Council discussion on this is also needed.

PROPOSED ARENA FEES AND DETAILS

	No. of Days	Daily Rate	Total
<input type="checkbox"/> Arena Event Application Fee	N/A	150.00	150.00
<input type="checkbox"/> Arena Rental – Setup Day	_____	500.00	_____
<input type="checkbox"/> Arena Rental – 1st time event	_____	750.00	_____
<i>(under 500 anticipated attendees – if more attendees 1 Day Event charge of \$1,500 applies)</i>			
<input type="checkbox"/> Arena Rental – 1 Day Event	_____	1,500.00	_____
<input type="checkbox"/> Arena Rental – 2+ Day Event	_____	1,250.00	_____
<input type="checkbox"/> Arena Rental – Tear Down Day	_____	500.00	_____
<input type="checkbox"/> Concession A	_____	125.00	_____
<input type="checkbox"/> Concession B	_____	125.00	_____
<input type="checkbox"/> Livestock/Animals	_____	300.00	_____
<input type="checkbox"/> Exclusive Advertising Rights	_____	250.00	_____
<input type="checkbox"/> Alcohol Beverage Catering Permit	_____	25.00	_____
<input type="checkbox"/> Amplified Sound Permit	_____	N/C	0.00
<input type="checkbox"/> Security and Cleaning Deposit	N/A	1,000.00	_____
<input type="checkbox"/> Youth Event Rental – No Charge, but must return Arena to the condition in which it was received			
<input type="checkbox"/> Non-profit Event Rental – 50% reduction in all fees, excluding Additional Services, listed below			

TOTAL _____

FEE DETAILS

Arena Event Application Fee

Includes:

- Administrative costs of processing application

Arena Rental Fee

Includes:

- Arena walkthrough and orientation
- Exclusive use of arena seating, arena surface, announcer booth, restrooms and parking
- Bleacher and paved surface cleaning post-event
- Daily restroom cleaning (event days and post-event)
- Restroom consumables
- Daily trash removal and final trash haul
- Concessions final cleaning sweep
- Utilities
- Two police officers for event security (event days)

Concessions

Includes:

- Use of concessions space and equipment. Equipment includes refrigerator, BBQ, crockpots, hotplate and Dutch oven, cooking and serving utensils, tables, ice chests for drinks, Igloo drink dispenser cooler, basic cleaning supplies
- Consumables provided by event producer
- Daily cleaning by event producer
- Clean-up of all equipment, appliances, utensils, surfaces, etc., by event producer

Livestock/Animals

Includes:

- One-time surface prep before event
- Pen access and pen cleaning
- Manure collection and hauling

Exclusive Advertising Rights

Includes:

- Exclusive right to hang advertising or sponsor signage in the arena during the event

Alcohol Beverage Catering Permit

Includes:

- Administrative costs of processing application
- Spot monitoring of alcohol sales on the premises

Amplified Sound Permit

No fee.

- Hailey Police Department review of application.

Security and Cleaning Deposit

Covers:

- Security against damages beyond usual and customary wear and tear. Damages to be repaired by event producer post-event; if not repaired to original condition, city will complete repairs and deduct the cost of repairs from the security deposit, including labor, equipment and materials.
- Security against fees owing. Deposit will be held by the city until all fees associated with the event are paid, including fees billed post-event.
- Security against cleaning services required beyond the usual and customary services for bleacher, restroom, and paved surface cleaning post-event.
- Security against services required beyond the usual and customary services for manure cleanup and hauling.

FEE SCHEDULE FOR ADDITIONAL SERVICES

Event Security Officers	•	\$45/hour
EMS		\$__ /hour
Event Setup and/or Tear Down Support		\$35/hour

RESOLUTION NO. 2015 - ____

A RESOLUTION OF THE HAILEY CITY COUNCIL ENACTED PURSUANT TO HAILEY MUNICIPAL CODE CHAPTER 12.12, 12.14 AND 13, PROVIDING FOR FEES WHICH SHALL BE ASSESSED FOR THE RESERVATION OF CITY PARKS, HAILEY MULTIUSE ARENA RENTAL AND EVENTS, AND FILL SPOUT PERMIT FEES

WHEREAS, the City of Hailey has adopted Chapter 12.12, 12.14 and 13 of the Hailey Municipal Code, which allows the city to assess fees by resolution for the reservation of City Parks, Special Events and charge for water use;

WHEREAS, to equitably assess the use of City Parks for events and activities precluding the use of the park by the general taxpayer, the Hailey City Council adopts fees for reservation of City Parks; Hailey Multiuse Arena event and rentals; fill spout permit fees

WHEREAS, Resolution 2011-13 Section 2., Resolution 2011-14, Park Use Fees, and Resolution ____ - ____ (unable to identify) Fill Spout Fees should be repealed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hailey, Idaho that Resolution 2011-13 Section 2., Resolution 2011-14 and Resolution ____ - ____ (unable to identify) are hereby repealed and the following fees for park reservation, arena rentals and events and fill spout permits are adopted:

1. A reservation fee shall be charged for each day the park is reserved. The number of days a reservation fee is charged shall include set-up and tear-down days.

2. Except as otherwise provide herein, reservation fees shall be based on the number of people in attendance as follows.

a. A portion of a park reserved for fewer than twenty-five (25) people shall be assessed a fee of fifty dollars (\$50.00) per day for a reservation of a pavilion or non-field sport area and one hundred (\$100.00) per day for a reservation of a sport field.

b. A portion of a park reserved for twenty-five (25) to ninety-nine (99) people shall be assessed a fee of one hundred dollars (\$100.00) per day for a reservation of a pavilion or non-field sport area and one hundred fifty (\$150.00) per day for a reservation of a sport field.

c. A portion of a park reserved for one hundred (100) to two hundred forty-nine (249) people shall be assessed a fee of one hundred fifty dollars (\$150.00) per day for a reservation of a pavilion or non-field sport area and two hundred (\$200.00) per day for a reservation of a sport field.

d. A portion of a park for a Seasonal Event, regardless of the number of people in attendance, shall be annually assessed a fee of three hundred dollars (\$300.00) per regulation sized sport field and one hundred and fifty dollars (\$150) for a non-field sport area.

e. A per diem fee of three hundred dollars (\$300.00) shall be assessed for a Special Event within a City Park, including set-up and tear-down days. Events that meet the following criteria may be exempted from this per diem fee by separate resolution of the City Council.

a. Non-profit events that have been annual events within the City of Hailey for at least ten consecutive years and consistently draw large numbers of participants and spectators and are promoted locally and regionally within the state and the northwest.

g. A thrifty five (\$35.00) an hour maintenance and cleaning fee when park reservations require excessive cleaning or repair, following a reservation.

3. Fees for renting the Multiuse Arena shall be charged as follows and shall be based on the number of days of use, per day, plus any additional Arena amenities elected by the applicant to be included in the use:

a. Arena Event Application Fee of \$150.00 to administer the cost of processing the application.

b. Arena Rental set up and tear down day fee of \$500.00 per day.

c. Arena Rental fee for a one day event is \$1,500.00. An Arena Rental fee for two or more days, per day, is \$1,250.00. An arena rental fee for first time events with fewer than 500 attendees is \$750 per day. The rental fee includes:

- Arena walkthrough and orientation
- Exclusive use of arena seating, arena surface, announcer booth, restrooms and parking
- Bleacher and paved surface cleaning post-event
- Daily restroom cleaning (event days and post-event)
- Restroom consumables
- Daily trash removal and final trash haul
- Concessions final cleaning sweep
- Utilities
- Two police officers for event security (event days)

f. Concession fee for use of each is \$125.00 or \$250 for both. The fee includes:

- Use of concessions space and equipment. Equipment includes refrigerator, BBQ, warming elements, cooking and serving utensils, tables, ice chests for drinks, Igloo drink dispenser cooler, basic cleaning supplies
- Consumables provided by event producer
- Daily cleaning by event producer
- Clean-up of all equipment, appliances, utensils, surfaces, etc., by event producer

g. Livestock/Animals fee of \$300.00. This fee includes:

- One-time surface prep before event
- Pen access and pen cleaning
- Manure collection and hauling

h. Exclusive Advertising Rights fee of \$250.00 This fee includes an exclusive right to hang advertising or sponsor signage in the arena during the event.

i. Alcohol Beverage Catering Permit fee of \$25.00. This fee includes:

- Administrative costs of processing application
- Spot monitoring of alcohol sales on the premise.

j. There will be no charge for Amplified Sound Permits.

k. A separate Security and Cleaning Deposit of \$1,000.00 shall be required and will be refunded following a satisfactory inspection and review of the Arena property after an event. This deposit will cover:

- Security against damages beyond usual and customary wear and tear. Damages to be repaired by event producer post-event; if not repaired to original condition, city will complete repairs and deduct the cost of repairs from the security deposit, including labor, equipment and materials.
- Security against fees owing. Deposit will be held by the city until all fees associated with the event are paid, including fees billed post-event.
- Security against cleaning services required beyond the usual and customary services for bleacher, restroom, and paved surface cleaning post-event.
- Security against services required beyond the usual and customary services for manure cleanup and hauling.

l. Additional services shall be charged as follows: Each additional event security officer shall be a fee of \$45.00 each hour and event setup and/or tear down support shall be charged at \$35.00 each hour.

m. Fees for non-profit organizations with 501 (c)(3) status will receive a 50% reduction in all fees.

n. Fees for youth events shall be waived provided the applicant returns the facility to the condition prior to the event.

4. Fill Spout Permit fees shall be charged as follows:

Size of Tank	Cost per Permit
500 or less gallons	\$300/year, \$50/week
501-2000 gallons	\$350/year, \$75/week
2001-6000 gallons	\$800/year, \$200/week
Over 6001 gallons	\$1000/year, \$300/week

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON MAY _____, 2015 AND EFFECTIVE THE ____ DAY OF _____, 2015.

Fritz X. Haemmerle, Mayor City of Hailey

ATTEST:

Mary Cone, City Clerk

Resolution 2015-_____
Park Reservation, Arena Event and Fill Spout Fees
page 3 of 3

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 05/04/2015

DEPARTMENT: Admin

DEPT. HEAD SIGNATURE: HD

SUBJECT:

Discussion of application for Special Event and Arena Reservation made by Jordan World Circus for two circus shows at the Hailey Arena on Saturday, June 6, 2015.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code HMC 12.14
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Jordan World Circus has applied for a special event and use of the Hailey Arena on Saturday, June 6, 2015. The application is complete and fees totaling \$4075 have been paid, but staff has not fully reviewed the application. The application includes a safety plan, as was required last year, which takes into consideration the ongoing construction on site. All department of agriculture permits will be verified. The final approval of this matter is set for May 18, 2015 as a consent agenda item.

We have scheduled this matter on May 4, 2015, expecting that the council or the public may have concerns about the circus. Last year a group of students objected to the circus. The council had no criteria to deny the permit based on the students' concerns, and urged the students to bring an initiative ballot measure forward on this matter. To date, the students have not taken that advised action.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

The fees for the circus will cover all costs of that event.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input 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:

Take comment and discuss, direct staff to address specific concerns in advance of May 18, 2015.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

DATE: 1 May 2015

TO: City of Hailey

FROM: Maya JB Burrell and The Elephant Student Project

EMAIL: Bhathorraj@fastmail.fm

TEL: 208.471.0360

ADDRESS: PO Box 5379, Ketchum ID 83340

RE: To introduce an Amendment to Hailey City Code currently titled "Exotic Wildlife Restrictions."

PURPOSE OF AMENDMENT

To restrict the use of exotic and non-domesticated animals in traveling circuses and exhibitions by amending Hailey City Code 6.04.090: "Exotic Wildlife Restrictions."

THE CURRENT HAILEY CITY CODE (6.04.090) READS:

Upon application, the city's police department may grant a special permit allowing the temporary presence of native or exotic wildlife within the city when the presence of such animals within the city would occur as part of a circus, exhibit or other special event, and then, only upon satisfactory assurance to the city police department that public safety would not be jeopardized and that the animals would be treated humanely. (Ord. 516 § 9, 1988)

NEW RESEARCH AND FINDINGS

The City of Hailey finds that:

1. Traveling circuses are detrimental to animal welfare due to the adverse effects of captivity and transport;
2. Due to severe confinement, lack of free exercise, and the restriction of natural behaviors, animals in circuses suffer, are prone to health, behavioral and psychological problems;
3. The tricks that exotic and non-domesticated animals are forced to perform require extreme physical coercion techniques, including the restriction of food, the use of elephant hooks (objects used to control and punish elephants), electric shocks, metal bars, whips, and other forms of physical abuse;
4. The welfare of animals subject to the conditions in traveling circuses, such as constant travel, limited facilities, long periods of restriction of movement, stress, and physical coercion, will inevitably be compromised, which can lead to increased risks to public safety;
5. Animals in traveling circuses pose an additional risk to public safety because such animals have wild instincts and needs and have demonstrated unpredictability;
6. The use of collapsible, temporary facilities in traveling circuses increases the risk of escaping exotic and non-domesticated animals seriously harming workers and the public;
7. Traveling circuses bring people dangerously close to exotic and non-domesticated animals by displaying animals in inappropriate, uncontrolled areas that are not suited for the exhibition of such animals;
8. It is not possible to provide exotic and non-domesticated animals with facilities sufficient to maintain the optimum physical and mental health of the animals because of the suffering caused to the animals by the nature of circuses, in which restriction

of movement, separation from natural groupings, restriction of food and water, and physical abuse are standard operating procedures;

9. The Center for Disease Control (CDC) reports that elephants carry a form of Tuberculosis that is contagious to humans and is transmittable through the air;
10. Due to the mobile and transitory nature of traveling circuses, law enforcement authorities cannot properly monitor the conditions of the animals or follow up on previous infractions by traveling circuses; and
11. Restricting the use of exotic and non-domesticated animals in circuses is the most cost-effective and efficient way to safeguard both animal welfare and public safety.

TITLE

“Traveling Exotic Animal Protections”

AMENDMENT

Title 6, Chapter 4, Section 9, Paragraph 2 (6.04.090) of the Exotic Wildlife Restrictions Code of the City of Hailey is amended to read:

“TRAVELING EXOTIC ANIMAL PROTECTIONS”: No exhibitor may allow for the participation of an exotic or wild animal in a traveling animal act that includes elephants, tigers, lions, other big cats, bears, non-human primates, exotic reptiles, and large aquatic mammals.

This restriction shall not apply to the use of an exotic or wild animal:

- i. In an exhibition at a non-mobile, permanent institution or facility;
- ii. As part of an outreach program for educational or conservation purposes by a non-profit organization, if the animal used for such purposes is not kept in a mobile housing facility for more than 12 hours a day;
- iii. When a species has a successful history of non-violent domestication, such as camels, llamas and bison;
- iv. In a rodeo.

Upon application and subject to the aforementioned restrictions, the Police Department may grant a special permit to allow the temporary presence of domesticated exotic species within city limits upon satisfactory assurance to the Hailey Police Department that public safety would not be jeopardized and that the animals would be treated humanely. Consideration of restraints used for exotic animals shall require special attention. Restraints shall not cause pain or discomfort. Restrained animals shall continue to have general freedom of bodily movement. All tools and instruments of animal handling that resemble bullhooks shall be banned.

EFFECTIVE DATE

Immediately

SUMMARY ANALYSIS

Financial:

- 1.) Since Law Enforcement will not need to monitor and patrol animal circus environments, it will realize cost savings.
- 2.) Cost savings would apply to the City by avoiding the potential situation of an escaped or aggressive animal that harms the public persons or property.

- 3.) There would be no loss of potential revenues to the community since animal circuses could be successfully replaced by human performance circuses.
- 4.) Since the City of Hailey does not have a circus training facility within city limits, there is no business in the county that will be directly affected by the change in code.
- 5.) The change in code will not cost taxpayers additional money to enact or enforce.

Public Safety:

- 1.) Circus animals are not domesticated stock. Enclosures for traveling circuses are suspect and there are many incidents of circus animals breaking free and creating havoc in communities. Since 1990, "performing" elephants have been responsible for 12 human deaths and more than 126 injuries nationwide. During that same time period, there have been more than 123 documented attacks on humans by captive large cats in the United States. Currently, Law Enforcement is unable to monitor public safety and animal abuse situations with traveling circuses since by the time they are able to investigate, the circus has moved out of the law enforcement jurisdiction. Adopting this amendment to the code would enhance public safety.
- 2.) The Center for Disease Control (CDC) reports that elephants carry a form of tuberculosis that is contagious to humans and is transmittable through the air.

Animal Abuse:

- 1.) For City of Hailey residents, the issue of animal abuse and traveling circuses is one of ignorance. Accurate information is not freely disseminated to the public. Our community cares very much about animal welfare. Support for this amendment to the code would be overwhelming if the public was able to witness the treatment and training of circus animals. However, these training sessions are closed to the public. Furthermore, training of wild exotic circus animals takes place in centers that are out of the state of Idaho and therefore cannot be evaluated accurately and regulated by Idaho.
- 2.) The training process for wild animals is not the same as training domesticated animals. Domesticated animals have been bred to respond and interact with humans. Wild animals must be forced into submission. It is a brutal procedure that occurs away from public scrutiny. The only witness the public has of training sessions is from undercover operations.
- 3.) Law Enforcement can only respond and investigate reports of animal abuse that are directly witnessed by the public. Since care and training of traveling circus animals takes place away from public witness, it is almost impossible to monitor the conditions of circus animals.
- 4.) If an abuse happens to be witnessed by the public and documented appropriately, often the traveling circus has left jurisdiction before an investigation can be initiated by Law Enforcement.
- 5.) This amendment to the City of Hailey Code would eliminate all potential abuse of exotic circus animals within the city and influence other laws within the Wood River Valley.

Common Arguments Against Proposed Amendment:

- 1.) "I want little Johnny to see an elephant." Rebuttal: Exotic animals can have a profound effect upon us. We adore these special animals. However, for animals such as elephants and big cats to be brought to Blaine County and viewed for our pleasure, the scientific consensus is that, without exception, for reasons of training and transport, these animals are subject to abuse. It is not worth the cost to animal welfare and public safety to bring these exotic animals into our community via a traveling circus for the sole purpose of entertainment.

- 2.) "We use circus events to raise money and increase commerce." Rebuttal: Human performance circuses accomplish this same purpose without the dangerous repercussions and ethical violations of bringing abused wild animals into our community.

REFERENCES

- ADI UK, Animals in Traveling Circuses: The Science on Suffering (2006), Animal Defenders International
- ADI US, Animals in Traveling Circuses: The Science on Suffering (2008), Animal Defenders International
- ADI observations: data from collected studies and undercover investigations, 1996-2008
First Link, Second Link
- ADI Have Trunk Will Travel investigation, 2005, Animal Defenders International (unpublished)
- http://www.ad-international.org/media_centre/go.php?id=2128
- ADI, Bailey Bros. Elephant Abuse, 2004, published in: Animals in Traveling Circuses: The Science on Suffering (2008)
- Bailey Bros. Elephant Abuse, 2004
- Bashaw, M.J., Tarou, L. R., Maki, T.S. & Maple, T.L. (2001) A survey assessment of variables related to stereotypy in captive giraffes and okapi. Applied Animal Behaviour Science 73: 235-247
- Baxter, E. & Plowman, A.B. (2001) The effect of increasing dietary fibre on feeding, rumination and oral stereotypies in captive giraffes (*Giraffa camelopardalis*). Animal Welfare 10 (3): 281-290
- Benz, A. (2005) The elephant's hoof: Macroscopic and microscopic morphology of defined locations under consideration of pathological changes. Doctoral Thesis Vetsuisse-Fakultät, University of Zürich
- Boissy, A. & Le Neindre, P. (1997) Behavioral, cardiac and cortisol responses to brief peer separation and reunion in cattle. Physiology and Behavior. 61: 693-699.
- "Breaking News from the Ringling Trial."
http://www.bornfreeusa.org/a1a6f_updates.php
- Carlstead, K., Fraser, J., Bennett, C., Kleiman, K. (1999). Black rhinoceros (*Diceros bicornis*) in US zoos: behavior, breeding success and mortality in relation to housing facilities. Zoo Biology. 18 35-52
- Carlstead, K., Brown, J. L. & Seidensticker. J. (1993) Behavioral and Adrenocortical Responses to Environmental Changes in Leopard Cats (*Felis bengalensis*) Zoo Biology. 12: 321-331
- Clubb, R. & Mason, G. (2002) A Review of the welfare of zoo elephants in Europe. A report commissioned by the Royal Society for the Prevention of Cruelty to Animals, UK.303pp.
- Creamer & Phillips (1998) The Ugliest Show on Earth: the use of animals in circuses, pub Animal Defenders International, ISBN: 0 905225 12 0
- Derby, P. (2009) Everything you should know about Elephants, Performing Animal Welfare Society Fowler, M.E. (2000) Restraint and handling of camels. Journal of Camel Practice and Research 7 (1): 77-90
- www.FederalCircusBill.org
- Fowler, M.E. & Mikota. S.K. (2006) Biology, Medicine, and Surgery of Elephants. Blackwell Publishing, Iowa. USA

- Iossa, G et al (2009) "Are wild animals suited to a travelling circus life?" *Animal Welfare*, Vol. 19, pp: 129 – 140
- Kirkden, R.D & Broom D. M. (2002). Individual differences in the causes of stereotypy in captive elephants. Commissioned by Animal Defenders International
- Lyons, J., Young, R.J. & Daeg, J. M. (1997). The effects of physical characteristics of the environment and feeding regime on the behavior of captive felids. *Zoo Biology*. 16: 71-83
- Mallapur, A. & Choudhury, B. C. (2003) Behavioral Abnormalities in Captive Nonhuman Primates Wildlife Institute of India, *Journal of Applied Animal Welfare Science*. 6(4):275-284.
- Pool_Affidavit_Tuli_Elephants_1998.pdf
- Poole, Joyce. <http://www.elephantvoices.org/elephants-in-captivity/-in-circuses.html>
- Schmid, J. (1995). Keeping circus elephants temporarily in paddocks: The effects on their behavior. *Animal Welfare*. 4: 87-101
- Shepherdson, D. J., Carlstead, K. C. & Wielebnowski, N. (2004) Cross-institutional assessment of stress responses in zoo animals using longitudinal monitoring of faecal corticoids and behaviour. *Animal Welfare* 13: S105-S113
- Suppl. S. Stull, C. L., Spier, S.J., Aldridge, B.M., Blanchard, M & Stott, J.L. (2004). Immunological response to long term transport stress in mature horses and effects of adaptogenic dietary supplementation as an immunomodulator. *Equine Veterinary Journal*. 36(7)583-589.
- Tarou, L.R., Bashaw, M.J. & Maple, T.L. (2000). Social attachment in giraffe: Response to social separation. *Zoo Biology*. 19: 41-51.
- Terio, K. A., Marker, L., Munson, L. (2004) Evidence for Chronic Stress in Captive but not Free-ranging cheetahs (*Acinonyx jubarus*) based on adrenal morphology and function. *Journal of Wildlife Diseases*. 40 (2) 250-266
- Tuli Elephant Trial, 2002, South Africa: Prosecution of Riccardo Ghiazza African Game Services – Affidavit concerning the capture, treatment and condition of the elephant calves from the Tuli block
- Tuli Elephant Trial, 2002: Prosecution of Riccardo Ghiazza African Game Services: training of elephants for zoos and circuses
- Turner, J. W., Tolson, P. & Hamad, N. (2002) Remote assessment of stress in white rhinoceros (*Ceratotherium simum*) and black rhinoceros (*Diceros bicornis*) by measurement of adrenal steroids in feces. *Journal of Zoo and Wildlife Medicine* 33 (3): 214-221.
- USDA Office of Inspector General (2010): Controls Over APHIS Licensing of Animal Exhibitors, US Department of Agriculture, Audit Report 33601-10-Ch, June 2010.
- Wells, A., Terio, K.A., Ziccardi, M.H. & Munson, L. (2004). The stress response to environmental change in captive cheetahs (*acinonyx jubantus*). *Journal of Zoo and Wildlife Medicine*. 35(1) 8-14.
- Wielebnowski, N.C., Fletchall, N., Carlstead, K., Busso, J.M., Brown, J.L. (2002). Non-invasive assessment of adrenal activity associated with husbandry and behavioral factors in the North American clouded leopard population. *Zoo Biology*. 21: 77-98.
- Young, R.J. (2003). Environmental enrichment for captive animals. UFAW Animal Welfare Series. Blackwell Publishing, p. 2

SPECIAL EVENTS ADMINISTRATION AND STANDARDS OF APPROVAL

12.14.040: ADMINISTRATION:

A. Responsibility: The administrator of this chapter is responsible for the receipt, coordination of departmental review and issuance of a special event permit.

B. Authority Of Administrator:

1. For special events that are reasonably expected to attract less than two hundred fifty (250) participants and involves a street closure, the administrator has the authority to issue a special event permit after making positive findings pursuant to section 12.14.080, "Standards", of this chapter.
2. For special events that are anticipated to attract two hundred fifty (250) or more people, the administrator shall recommend approval or denial of a permit after making findings pursuant to section 12.14.080, "Standards", of this chapter, for final decision by the Hailey city council.

C. Application Procedure:

1. An application for a special event shall be signed by the applicant on a form provided by the administrator and shall be filed with the administrator according to the following schedule:
 - a. An application for a special event involving a street closure and anticipated to attract fewer than two hundred fifty (250) people at any one time shall be filed at least fourteen (14) calendar days prior to the special event.
 - b. An application for a special event anticipated to attract two hundred fifty (250) to one thousand four hundred ninety nine (1,499) people at any one time shall be filed at least thirty (30) calendar days prior to the special event.
 - c. An application for a special event anticipated to attract one thousand five hundred (1,500) or more people at any one time shall be filed at least sixty (60) calendar days prior to the special event.
2. At a minimum, the applicant shall provide, on a form provided by the administrator, sufficient information to address the requirements set forth in section 12.14.050, "Requirements", of this chapter, including, but not limited to:
 - a. The projected hours of set up and removal of facilities needed for the special event;
 - b. The projected hours of the special event;
 - c. The projected number of people who will attend the special event during one hour intervals of the special event, and if applicable, the actual number of people who attended the special event for the prior three (3) years;
 - d. If applicable, description of temporary structures, such as tents and stages;

- e. If applicable, description of flame producing devices;
- f. If applicable, description of food service;
- g. The proposed number of trash receptacles and/or dumpsters and portable toilets;
- h. A statement declaring notice was provided to businesses or owners occupying units located on any street proposed to be closed, including the location, time, date, duration and nature of the special event and street closure;
- i. If applicable, the dates requested for display of a banner across Main Street, the dimensions, construction and wording of the banner;
- j. If applicable, description of amplified sound, including estimated decibel levels;
- k. For special events anticipated to attract two hundred fifty (250) or more participants and/or serving beer, wine or liquor, shall submit the following:
 - (1) A security plan for review and approval by the chief of police and shall include the number of staff people dedicated to security and their qualifications.
 - (2) An emergency medical care and ambulance support plan for review and approval by the fire chief and shall include the number of dedicated state licensed EMTs with basic medical supplies and communications with an EMS agency assigned to no other duties at the event.
- 3. Events that have been held for three (3) or more consecutive years may be administratively approved, provided no changes to the event location, time, or street closure have been made, no violation of prior permits has occurred and a copy of current insurance is provided. Events involving street closures will be required to meet any changes to applicable traffic control standards.
- 4. An applicant may apply for their next year's event upon completion of the current year's event and upon completion of a postevent review with the administrator. (Ord. 1082 § 1, 2011; Ord. 912 § 1, 2005)

12.14.050: REQUIREMENTS:  

A special event shall meet all of the following requirements determined to be applicable by the administrator:

- A. Traffic: Except as otherwise provided herein, a special event shall not substantially interrupt the safe and orderly movement of traffic contiguous and near its venue.
- 1. The applicant may apply for a street closure and will be required to submit a closure and traffic control plan; such a plan shall accommodate access by emergency response vehicles.
 - a. To facilitate special events, especially those located in downtown, the city may issue to the applicant a closure and traffic control plan, including the type of equipment and number required to implement the closure and traffic control plan, for certain blocks, including, but not limited to:
 - (1) Croy Street from River Street to Main Street, Main Street to 1st Avenue and 1st Avenue to 2nd Avenue;

(2) 1st Avenue from Carbonate Street to Bullion Street and Croy Street to Walnut Street;

(3) Carbonate Street from Main Street to 1st Avenue and Main Street to River Street.

2. The applicant shall be required to implement an approved closure and traffic control plan in exact accordance with the approved closure and traffic control plan. A closure and traffic control plan may be modified at any time before or during the event with the documented approval of the public works director or police chief of the city of Hailey, except any changes that affect emergency access or designated safety clear zones shall be approved by the police chief or fire chief.

3. The number of days a street is closed may be limited by the city.

B. Interruption Of Emergency Services: The special event shall not cause a public safety hazard to the remainder of the city by interrupting emergency response by city services, including, but not limited to, police, fire and ambulance.

C. Disorderly Conduct: The special event shall not be reasonably likely to cause injury to persons or property, to result in disorderly conduct or to create a disturbance.

D. Dumpsters: For events with five hundred (500) or more participants, the applicant shall, at a minimum, provide one 6-yard dumpster per five hundred (500) people.

E. Bathrooms: For events with one hundred (100) or more participants, the applicant shall, at a minimum, provide one permanent or portable bathroom per one hundred (100) people and one handicapped accessible bathroom if the number of people at the special event is projected to exceed five hundred (500) people.

F. Number Of Events Permitted: No more than two (2) events anticipating more than two hundred fifty (250) participants per event per month per city park shall be allowed unless the city council makes a determination that the limitation set forth in this subsection should be waived for a given event. The start date of each event anticipating more than two hundred fifty (250) participants shall be no less than ten (10) calendar days apart.

G. Liability Insurance: Proof of general liability insurance coverage in the minimum amount of one million dollars (\$1,000,000.00) naming the city as an additional named insured.

H. Damages: If damage occurs to city property or if the city is responsible for the damage because of the event, the city may reimburse itself for the damages from any security deposit posted and require the applicant to immediately pay the city for any unreimbursed cost of such repairs.

I. Indemnification:

1. The applicant shall agree to indemnify, defend and hold harmless the city and its officers and employees from any and all demands, claims or liability of any nature, caused by or arising out of, or connected with the special event.

2. The agreement to indemnify, defend and hold the city harmless shall be a condition of any special event permit.

J. False Statements: The applicant has made no false statements or misrepresentations upon any present or former application for the special event permit.

K. Prior Violations: The applicant has not substantially violated any provision of city, state or federal laws, including the provisions of this chapter, in conducting any previous special event.

L. Other Applicable Laws: The special event permit is subject to other applicable city, state, federal or other governmental rules, regulations or laws. (Ord. 1082 § 1, 2011; Ord. 912 § 1, 2005)

12.14.080: STANDARDS:

A. Findings Required: A special event permit may be issued after the following findings are made by the administrator:

1. The special event will in fact qualify as a special event.
2. The special event meets all of the applicable requirements set forth in section 12.14.040 of this chapter.
3. All required fees and deposits have been paid.

B. Approval Or Denial; Conditions: Following an evaluation of the above requirements and standards, the application may be approved, conditionally approved or denied. Conditions may be imposed that are deemed to be reasonably related to the above standards and that will promote the public health, safety and general welfare. The minimum conditions shall include:

1. Any amplified sound shall not exceed ninety (90) dB measured at the property line at any time during the event and that any amplified sound shall be limited between ten o'clock (10:00) A.M. and ten o'clock (10:00) P.M. for events described in subsection 9.04.030A1 of this code; or
2. Any amplified sound shall not exceed ninety (90) dB measured at the property line at any time during the event and that any amplified sound shall be limited between ten o'clock (10:00) A.M. and ten o'clock (10:00) P.M. for events described in subsection 9.04.030A2 of this code; or
3. Any amplified sound shall not exceed a reasonable decibel level measured at the property line at any time during the event and that any amplified sound shall be limited to times deemed appropriate and commensurate for events described in subsection 9.04.030A3 of this code; provided, however, the city council or administrator, as the case may be, is authorized to impose more restrictive conditions. (Ord. 1144, 2014; Ord. 1082 § 1, 2011)

Heather Dawson

From: Matt Rossell <MattRossell@ad-international.org>
Sent: Friday, May 01, 2015 10:48 AM
To: Heather Dawson
Subject: evidence for May 4, 2015 Hailey City Council meeting
Attachments: Policy Briefing on Wild Animals in Traveling Circuses Hailey ID.docx

Dear Ms. Dawson, Mayor Haemmerle, and members of the Council,

Animal Defenders International (ADI) is submitting the attached evidence regarding the use of wild animals in traveling circuses for your discussion at the May 4 Council meeting regarding a permit request from Jordan World Circus. I also look forward to meeting you and presenting evidence in person on Monday.

Our most recent investigation of Jordan World Circus offers a compelling public safety argument against allowing such public performances. The footage shows circus workers frantically trying—and failing—to control the elephants as they run amok inside the UCCU Events Center at UVU Orem; Utah. You can watch ADI's "Out of Control - Abused Elephants Fighting in US Circus" video at: <http://bit.ly/OutOfControlElephants>. You will also see the trainer aggressively using the bullhook and an electric shocking device on the elephants just before and during performances.

In late March last year, three Carson and Barnes elephants escaped from Moolah Shrine Circus in St. Charles, Missouri. A number of cars were damaged but fortunately no one was hurt. The elephants were seen still wearing the ride saddle in news reports. Several people have been killed and injured by aggravated elephants in the US in the last few years. Just last month Dr. James Laurita was killed by Carson and Barnes elephants who were retired performers that he had known for more than 30 years.

The use of wild and exotic animals in traveling circuses is now globally viewed as inhumane. There are over 51 local ordinances across the US prohibiting or restricting the use of these animals in traveling shows; 31 countries have similar national legislation and now retired Congressman Jim Moran (D-VA) has introduced the Traveling Exotic Animal Protection Act, which aims to ban wild animals from traveling circuses.

The reason for these sweeping changes is that studies have shown that in circumstances where these animals are constantly traveling, living in barren environments in small accommodations that must be necessarily lightweight and easily transported, it is simply not possible to provide them with the environment they need to maintain physical and psychological health. The abnormal behaviors observed so commonly in these animals indicate that they are not coping with their environment.

It is a myth that circus animals are trained with kindness. Years of undercover investigations reveal that these animals are forced to perform by use of metal bars, whips, bull hooks, stun guns and other electric prods and even deprivation of food and/or water. You can view online our "Stop Circus Suffering" video that details this evidence at: <http://bit.ly/stopcircussufferingus>. Also, please find our comprehensive "Science on Suffering" report online at: <http://bit.ly/science-on-suffering-US>.

The show can and will go on, but hopefully soon, without the suffering and public risk that come with the wild animal acts.

Again, I look forward to meeting you all on Monday and can answer any questions you may have at that time.

Sincerely,

Matt

Matt Rossell
Campaigns Director
Animal Defenders International
6100 Wilshire Boulevard, #1150
Los Angeles, CA 90048
Tel: (323) 935 2234
Fax: (323) 935 9234

www.ad-international.org

www.ad-international.org

www.federalcircusbill.org

www.stopcircussuffering.org

www.YouTube.com/AnimalDefenders

<http://www.furstop.com>

Follow us on [Twitter](#) | Become an ADI [Facebook fan](#) | [Subscribe](#) to our updates | [Watch](#) our videos

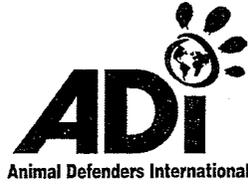


ADI is delighted to announce the arrival of our all *NEW* animal adoptions, including lions, baboons, monkeys and horses! [Visit the ADI store](#)



Watch the Lion Ark movie trailer! [Lion Ark Movie](#)

NOTICE: This email (including any attachments) is meant only for the intended recipient. It may also contain confidential and privileged information. If you have received this communication in error, please destroy it, and any attachments. Any reliance on, use, disclosure, distribution or copying of this email or attachments is strictly prohibited. Please notify the sender immediately by email if you have received this message by mistake. Thank you for your co-operation.



Policy Briefing on Wild Animals in Traveling Circuses

Animal Defenders International (ADI) encourages the community of Hailey, Idaho to consider restrictions on the use of performing wild animals in traveling circuses.

There is extensive evidence that due to the very nature of a *traveling* circus, deficits in welfare of animals and therefore suffering is almost inevitable. The need for facilities to be small, collapsible and mobile, the long, arduous journeys and extended periods inside vehicles contribute to welfare problems. The chronic stress that this causes has been observed and recorded in the abnormal behaviors of these animals.

Large cats such as lions and tigers spend between 75-99% of their time in cages on the backs of vehicles in severely restricted space, with cages barely larger than the animals themselves. Elephants spend 58-98% of their time chained by at least one leg, and more commonly both a front and a hind leg, only able to take one step forward or back.

These welfare deficits are then compounded by the need to control these large and potentially dangerous animals when they are brought in close proximity to the public, creating a serious threat to public safety.

For these reasons, we believe it is important to separate the issue of animals used in *traveling* shows from that of animals that are normally kept in a permanent facility, and are brought to a specific location to perform tricks.

We strongly recommend an ordinance that bans the exhibition of wild and exotic animals in traveling circuses on the basis of the evidence summarized below, which has prompted cities and counties in the US and abroad to restrict the use of all wild animals in traveling shows.

Introduction and Background

ADI has provided evidence to city and county authorities in the US and other countries to support the case for a ban on the use of animals in traveling circuses, on grounds of protection of the welfare of the animals and public health and safety.

The scientific evidence is clear – if an animal has no control over its environment, and cannot exercise its body and mind this can result in repetitive, abnormal behaviors. This indicates compromised welfare, and suffering.

In response to this evidence, action is being taken in the US and all over the world:

Local restrictions: Currently, 51 partial or full bans in cities and counties in 23 states in the US have restricted the use of animals in traveling shows including Southampton, New York, Green Bay, Wisconsin, Richmond, Missouri, and Ketchum, Idaho. These restrictions vary between full prohibition on performing animals, or wild animals, or specific species, or certain uses of animals or animal management practices (such as use of elephant hooks).

City and local government bans have been instituted on performing animals in traveling circuses in many countries around the world, including the UK (over 200), Australia Brazil, Chile, Argentina, Ireland, Spain, Canada, and others.

National restrictions on performing animals in travelling circuses, either wild or all animals, or in a handful of cases specific species, have been enacted in 31 countries – Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, Greece, Hungary, India, Israel, Malta, Mexico, Panama, Paraguay, Peru, Poland, Portugal, Singapore, Slovenia, Sweden, Taiwan, The Netherlands. Similar laws are under discussion in the UK, USA, Brazil and Chile.

Effects of Travel and Confinement

ADI's studies of the use of animals in traveling circuses over the past twenty years has used long-term observations and undercover footage of animal care practices, combined with research and examination of the scientific evidence of suffering during transport and captivity (both behavior and biochemical changes).

This evidence has shown that animals suffer deprived and restricted environments in traveling circuses:

Extended periods of time in vehicles and temporary facilities causes chronic stress. Studies have shown that during transport, animals suffer increased heart rate, raised hormone levels, lowered immunity to disease, weight loss, aggression and stereotypic behaviors. We have found no evidence that familiarity with transport can necessarily ease stress; in fact the opposite may be true.

In addition to the long and arduous journeys, animals remain in vehicles for excessive periods of time before and after travel. The animals are typically loaded before the circus is dismantled, and then afterwards remain in vehicles until the circus is set up at the next location, which can be the next morning or even afternoon. For example, observations found elephants in a trailer for 19½ hours for a 5-hour journey and a sick elephant in her trailer for nearly 18 hours for a 45-minute journey.

Inappropriate social groupings have a negative effect on animals. This includes solitary animals forced to live alongside other animals; herding or family-living animals forced to live alone; and prey animals kept in close proximity to predators:

- Isolation or separation from companions leads to complex changes in behavior, including a decreased interest in surroundings, apathy, stereotypies, increased heart rate, vocalizations and higher levels of physiological stress.
- Animals forced to live in close proximity with one another show a greater frequency of fighting and competitive behaviors and a greater incidence of stereotypies.
- Different species mixed or forced to live in close proximity to one another exhibit avoidance behaviors, increases in heart rate, greater expenditure of time in a state of alertness and other indicators of physiological stress.
- In the presence of predators, prey species show anxiety behaviors, changes in nervous systems, suppression of feeding and grooming behaviors.

Deprived environments: Bare boards and bars, empty or poor temporary enclosures and tents; lightweight, portable facilities with little to no environmental enrichment, results in the abnormal behaviors which indicate that the animal is not coping with its environment.

Violence in the Circus

The tricks that these animals are forced to perform require extreme physical coercion and violence. Investigations and undercover footage reveal that training is by use of bullhooks, (a heavy bar with a sharpened point and hook), stun guns, metal bars, whips, deprivation of food and water and intimidation. Wild animals are large and potentially dangerous. Unlike domesticated species such as horses and dogs, their behavior has not been modified for compliance over thousands of years, they remain wild. Their wild nature is in conflict with their captive environment and their captors and this contributes to the escalation of the levels of force and violence. It also means that these animals are less predictable and more dangerous in public.

Excessive force and abuse commonly occurs at flashpoints during the day. These animals do not want to perform. Violence occurs most frequently when workers are stressed, such as when moving animals quickly across open ground or moving unwilling animals into the ring to get to performance on time. Often, poorly paid circus workers who lack expertise about the species they are handling resort to screaming, punching, kicking and beating animals. Sometimes this occurs when they simply don't understand what the animal is feeling.

The training sessions frequently shown to the media when the circus is on the road are simply reinforcement and rehearsals; the animals are plodding through well-worn movements. The real training goes on behind the scenes out of the public eye, and has only been exposed by undercover investigations by ADI and other groups.

Primates are taken away from their mothers at an early age to ensure emotional and physical dependence upon humans – as they get older and more dangerous, punishments can be severe; lions, tigers and other large cats are clubbed, whipped, jabbed with metal poles (including tent poles) and screamed at to ensure compliance. Elephant calves begin training at an early age, when they are taken away from their mothers and subjected to a regimen that includes being bound with ropes, chained, and jabbed and struck with a bullhook.

ADI's studies have revealed that the culture of violence in traveling circuses is related to the need for direct and very close control over the animals, because they are held in lightweight, temporary facilities in public areas. It has been noted that the level of violence appears to correlate with perceived danger, with the level of aggression vastly increased for lions, tigers and other large cats, elephants and stubborn exotics like camels.

Given the relatively small number of animal circuses in the US, and indeed worldwide (as compared to zoos or other wild animal exhibits), the number of incidents of violent abuse to animal numbers that has been caught on film is staggering. Such prevalence cannot be dismissed as being related to just certain individuals; it is inevitable due to the nature of the husbandry, casual, low-paid workers with no understanding of the animals, requirements for close control, training, and the type of tricks taught.

Safety, Health and Oversight

Traveling circuses pose a serious threat to public safety.

Keeping wild animals confined under duress in dangerously close proximity to the public in lightweight, temporary enclosures has proven disastrous. Circus workers, and members of the public, including children, have been killed and maimed by circus animals, and lions, tigers and elephants have all escaped.

Diseased animals pose public health risk at traveling circuses.

An estimated twelve percent of captive elephants in North America are infected with tuberculosis (TB), a contagious disease that can be passed from elephants to humans. Documented cases have confirmed transmission of TB from elephants to humans.

Difficulties for animal welfare inspections:

The transient nature of traveling circuses, where both animals and their handlers constantly change, combined with continuous travel across the country, makes law enforcement difficult. Local animal control officers are frequently faced with attempting to protect the welfare of species with which they are unfamiliar. Standards are difficult to enforce in these circumstances. Gathering evidence of compliance with local restrictions can be difficult and often a circus has moved on before action can be taken. Costly oversight arrangements cannot prevent accidents and physical abuse, or protect wild animals traveling for months on end in small, temporary facilities.

Economic impacts of a prohibition within the Town of Hailey

Local oversight costs:

The Town issues permits for "performance related activities" involving wild animals which may have associated fees to cover the costs of issuing and enforcing the permits. Even if the fees recover all the fiscal costs, a ban on exotic animals in traveling circuses would provide a benefit in terms of human resources, in that Animal Control officers' time would be freed up for other responsibilities.

Constituents want to see wild animals protected:

Circuses, like all American businesses, have to change with the times to stay relevant and profitable. An educated public prefers to see humane entertainment and human only circuses are thriving. Take for example *Cirque du Soleil*, which has grown from one show in 1990 to 19 shows performing now in 271

cities, with eight separate shows on stages right now in Las Vegas alone, and generating an estimated annual revenue exceeding \$810 million. In sharp contrast, Piccadilly Circus, a traveling circus that still uses wild animals, recently canceled shows across Southern California due to poor ticket sales.

There is a growing public concern about the treatment of wild and exotic animals abused in traveling circuses:

This is evidenced by the thousands of letters generated to the USDA, Congress, and the President, requesting urgent action be taken to ban these traveling shows.

The show, and jobs, will go on:

Research into working practices at circuses show that most circus workers have multiple roles, and staff could be retrained as the circus evolves away from exotic animal acts so jobs are not lost. Circus Vargas removed their animal acts and the business continues, as it can for any circuses traveling in the U.S. that wants to keep pace with their patrons' growing preference for cruelty free entertainment.

ADI observations of the Ringlings show in Los Angeles in 2012 revealed that wild animals formed just 13 minutes of the two hour show.

Summary

Keeping elephants in chains, confining wild animals like lions and tigers in small cages and forcing them to perform unnatural tricks for the sole purpose of human entertainment are increasingly difficult to justify in our advanced society.

Allowing performing wild animals to be in close proximity to the public in the Hailey presents an unnecessary risk to public safety, on the grounds that circuses have inadequate control of animals that are by nature, wild and unpredictable and are kept in insecure and temporary facilities. The chronic stress and violent subjugation of the natural desires and behaviors of these animals make an attack or escape inevitable – as evidenced by the many incidents seen around the country.

ADI respectfully requests that Hailey bans performing wild animals in traveling circuses from the town's jurisdiction.

We would be pleased to provide further evidence to assist the Hailey City Council in making this decision.

We have included suggestions for suitable language, overleaf.

**Animal Defenders International
6100 Wilshire Blvd., #1150
Los Angeles, CA 90048.
Tel: 323 935 2234**

Language

It is respectfully suggested that the following language could form the basis of a local policy or ordinance, on the use of wild animals in traveling circuses:

“Exotic or wild (non-domestic) animals may not be used in a performing animal act if the animal is part of a traveling exhibition or show living in a mobile housing facility. An animal is deemed to be part of a traveling exhibition or show if, during the 15-day period* preceding such participation, such animal was traveling in a mobile housing facility.

This restriction shall not apply to the use of an exotic or wild animal used—

- (a) In an exhibition at a non-mobile, permanent institution or facility, including an accredited zoo or aquarium;***
- (b) As part of an outreach program for educational or conservation purposes by an accredited zoo or aquarium, if the animal used for such purposes is not kept in a mobile housing facility for more than 12 hours a day;***
- (c) By a university, college, laboratory, or other research facility registered under the Animal Welfare Act***
- (d) In film, television or advertising if such use does not involve a live public exhibition; or***
- (e) In a rodeo”***

***15-day period:**

A 15-day period is recommended as it provides a reasonable limitation to ensure that the policy restriction covers only those shows that are constantly traveling, and not other performing animal suppliers. It also ensures a reasonable rest period for animals with traveling shows.

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 4-14-15 **DEPARTMENT:** Community Development **DEPT HEAD:** LH

SUBJECT: Discussion of Food Vendor Pros and Cons

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The attached memo lays out a variety of issues associated with food vendors.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle

Budget Line Item Comm. Dev. Dept. and Bldg division _____ YTD Line Item Balance
\$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: Lisa Horowitz, Comm. Dev. Dir. Phone # 208-788-9815 ext 13 _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

This item is for discussion only.

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

City of Hailey

COMMUNITY DEVELOPMENT DEPARTMENT

115 MAIN STREET SOUTH
HAILEY, IDAHO 83333

Zoning, Subdivision, Building and Business Permitting and Community Planning Services

(208) 788-9815
Fax: (208) 788-2924

April 29, 2015

TO: Mayor and Council

FM: Lisa Horowitz, Community Development Director

RE: Introductory Discussion on outdoor food vending

The question has arisen from a variety of food vendors as to the City's process for outdoor food vending. Currently, the City permits outdoor food vending as part of a business license. Currently, Title 5, Section 5.02.040 states the following:

D. Outdoor Use: The business and premises for which the application is made shall not be placed upon or encroach upon any public street or place, with the exceptions of sidewalks. Encroachments upon private parking or yard areas, public sidewalks or other areas outside of a business structure connected to city water and sewer systems shall be shown clearly upon the business license application and shall not restrict a clear six foot (6') lane for pedestrian traffic. The encroachment must meet all other applicable rules, regulations and ordinances of the city of Hailey. The intended use of any business areas outside of a business structure connected to city water and sewer systems, whether upon public sidewalks or private parking and yard areas, shall be shown upon the application, and shall be restricted to the same use and business activity as is conducted within the business structure connected to city water and sewer systems.

While the above is broadly stated, this memo is confined to questions regarding food vending. The above code does not allow mobile vending, and requires that outdoor food service be on private property and not in the public right of way. The above regulation has been interpreted to permit the following outside vendors over the last several years in Hailey:

- Barbeque sales in Bouillon Square. The barbeque was construed to be similar to the pizza and Mexican food sold within the complex.
- Barbeque sales in front of Kings. Barbeque was construed to be similar to grocery items sold in Kings.
- Ice cream stand on the lot where My Home Furnishings is located. Ice cream was permitted to be sold so long as My Home Furnishings sold granola bars or other food items.
- Sno cones outside of Indian Restaurant. An Indian Restaurant previously on Main Street sold sno cones and a variety of other retail items in their parking lot.
- Sno Cones at the Mint. Outdoor sales of snow cones were permitted tied to the Mint business license.

- 5) Explore more broad-based rules, with emphasis on best practices. As shown in the attached report, there are many different ways to regulate outside food vending. The Council could explore this issue in more broadly, with input from businesses, residents and other stakeholders.

FOOD ON WHEELS: Mobile Vending Goes Mainstream



Executive Summary

Mobile food vending generates approximately \$650 million in revenue annually.¹ The industry is projected to account for approximately \$2.7 billion in food revenue over the next five years, but unfortunately, most cities are legally ill-equipped to harness this expansion. Many city ordinances were written decades ago, with a different type of mobile food supplier in mind, like ice cream trucks, hot dog carts, sidewalk peddlers, and similar operators. Modern mobile vending is a substantial departure from the vending typically assumed in outdated local regulations. Vendors utilize large vehicles packed with high-tech cooking equipment and sanitation devices to provide sophisticated, safe food usually prepared to order.

Increasingly, city leaders are recognizing that food trucks are here to stay. They also recognize that there is no “one size fits all” prescription for how to most effectively incorporate food trucks into the fabric of a community. With the intent of helping city leaders with this task, this guide examines the following questions: What policy options do local governments have to regulate food trucks? What is the best way to incorporate food trucks into the fabric of a city, taking into account the preferences of all stakeholders?

Thirteen cities of varying size and geographic location were analyzed for this study. Information on vending regulations within each of these cities was collected and analyzed, and supplemented with semi-structured interviews with city staff and food truck vendors.

Based on recurring themes and commonalities, regulations are grouped into four policy areas:

- **Economic activity:** this policy area provides insight into aspects of food truck regulation that could potentially enhance economic development, and looks at specific processes that can be barriers to market entry. Two areas of regulation that impact economic activity - streamlining and permit costs – are examined, with recommendations provided for each.
- **Public space:** mobile vending takes place on both public and private property, but public property presents a unique set of challenges. With the rapid expansion of food trucks, there is increased demand for limited space, which increases the likelihood of conflicting interests and encroaches upon the ability of stakeholders to maximize the advantages that public space can offer. Time constraints, proximity rules, and geographic limitations related to density are examined here, with recommendations provided for each.
- **Public health:** this is one of the most basic concerns regarding mobile vending. All stakeholders realize the need for comprehensive regulations around sanitation and food safety. These issues should be addressed within a regulatory framework that is cost-efficient, thorough, and results in a streamlined process for all stakeholders.
- **Public safety:** public safety is a key reason why many cities began regulating food trucks. Regulations examined here include private property, vending near schools, and pedestrian safety, with recommendations provided for each.

Introduction

Mobile vending has grown considerably in recent years, generating approximately \$650 million in revenue annually.² The rapid expansion of mobile vending, or food trucks, is attributed to residents' desire for quality, value, and speed; an appreciation for fresh, local food; and a preference for small and sustainable business. As such, mobile vending is also commonly used as a means to expand economic opportunity, and enrich communities by improving access to goods and produce not otherwise available through area merchants. The recent recession has also made food trucks an appealing option for hopeful restaurateurs, as they are an easier and more cost-friendly alternative to opening a brick and mortar restaurant. Many entrepreneurs have capitalized on the mobile vending industry, creating opportunities for self-sufficiency and upward mobility.³

The mobile vending industry is on pace to quadruple its revenue stream over the next five years, but unfortunately, most cities are legally ill-equipped to harness this expansion. Many city ordinances were written decades ago, with a different type of mobile food supplier in mind, like ice cream trucks, hot dog carts, sidewalk peddlers, and similar operators.

Modern mobile vending is a substantial departure from the vending typically assumed in outdated local regulations. Vendors utilize large vehicles packed with high-tech cooking equipment and sanitation devices to provide sophisticated, safe food usually prepared to order. Food trucks also take up a significant amount of space, require more safety and health oversight, cater to a different customer than the aforementioned types of mobile vendors, and have a more challenging relationship with brick and mortar restaurants and other vendors.

Advocates of stricter regulations generally assert that mobile vending congests sidewalks and streets, are unsanitary, and diminish urban quality of life. Regulations that currently impede mobile vending operations in U.S. cities commonly include public property bans, restricted zones, proximity bans, and duration restrictions. Supporters tend to argue that food trucks provide affordable, high quality food, rejuvenate public space, and fairly compete with size and open-air limitations. City officials have to balance these interests by regulating food and traffic safety without impeding the creativity and innovation of this popular market, but because the industry is so new, there are few examples of the best ways to amend existing provisions or adopt new laws.

The purpose of this guide is to offer best practices and recommendations to city leaders about how they can most effectively take advantage of the benefits of food trucks, while balancing the need to regulate growth and account for the concerns of key stakeholders: food trucks, restaurants, residents, and city government. It includes an analysis of food truck policies and regulations, specifically as they relate to four policy areas:

- Economic activity
- Public space
- Public health
- Public safety

Economic Activity

This policy area provides insight into aspects of food truck regulation that could potentially enhance economic development, and specific processes that can be barriers to market entry. This section covers two topics that impact economic activity - streamlining and cost of permits for food trucks - and explores how these issues impact the various stakeholder groups.



Streamlining

Regulations that dictate how centralized the mobile vending permitting process is can greatly impact mobile vendors' level of access to a city's economic activity, as they determine how easy or difficult it is to gain permits and licenses.

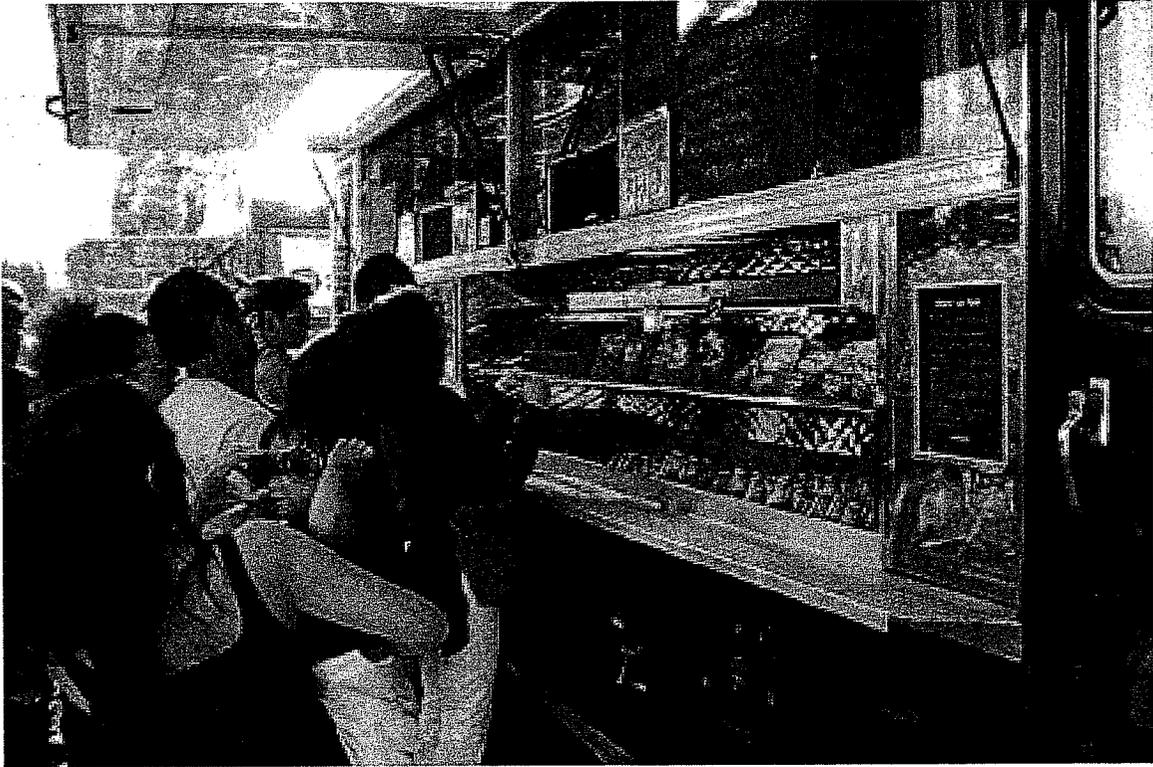
Stakeholder Concerns

For food trucks, one of the key objectives is to earn revenue. For brick and mortar restaurants, their goal is the same, and the level of competition food trucks create or are perceived to create can be of concern. For the community and city, creating opportunities for economic development is a key priority because it raises tax revenue, vibrancy, and creates a level of attractiveness for business and residents as well as for the city as a whole.

Having a more centralized process for permitting generally allows vendors greater ease in entering the mobile vending arena by reducing the number of city departments they must interact with and receive

Cost of Permitting

The actual cost of permitting plays a role in would-be mobile vendors' decision-making process about whether or not to start a business. One of the most basic barriers to entry for many potential entrepreneurs is start-up costs, which include permitting fees.



Stakeholder Concerns

This issue impacts all stakeholder groups. On the vendor side, high permitting costs can serve as a barrier to entry. On the city government and community side, it can mean either an increase in revenue (from the actual permit) or a decrease in revenue (if cost deters some vendors from applying for a permit[s]). For mobile vendors, their self-interest is to keep the costs of permitting low so that there is an ease of entry into the market. For brick and mortar restaurants that believe mobile vendors are their competition, their interests lie in keeping the costs high enough to keep the number of mobile vendors low. City staff want to keep costs high enough to raise revenue, but low enough to keep the amount of mobile vendors growing. For the community, their interests are much the same as city staff - to find the balance between raising costs enough to maximize fees while not increasing them to the extent that they become a deterrent for mobile vendors.

Regulatory Trends

For the cities included in this guide, the cost of permitting fees ranged from \$110 - \$1,500 annually. Although the amount of permits required and the cost for each vary depending on the city, the majority of cities fall within either the \$150-\$400 (five cities) or \$1,000+ range (five cities).

Public Space

Mobile vending takes place on both public and private property, but public property presents a unique set of challenges. Flexible access can lead to over-utilization, which in turn can produce unwanted congestion, pollution, and conflicts between different stakeholders trying to use the space at the same time.⁶

With the rapid expansion of the food truck scene, there is increased demand for limited space, which increases the likelihood of unwanted externalities and encroaches upon the ability of other stakeholders to maximize the advantages that public space can offer. In most cases, cities are tasked with managing this property, which includes balancing the needs of all interested parties, diminishing negative externalities, and otherwise preserving the integrity of the space. They are also trying to find appropriate ways to address the higher demand.



This section looks at three issues related to public space: time constraints, proximity rules, and geographic limitations related to density. A variety of approaches are recommended for dealing with these issues that balance stakeholder needs and take into account context and other practicalities.

Time Constraints

One set of regulations that impacts the use of public space for mobile vendors is how much time food trucks are allowed to park and vend in one location.

out to a private company the responsibility of mobile vendor management.⁹ Virtually all mobile vending takes place on private property, where the 30-minute rule does not apply.

Proximity Restrictions

This refers to regulations that designate a certain amount of distance that must be maintained between food trucks and other establishments, people, or infrastructure. This section is primarily concerned with the distance restrictions between food trucks and restaurants that impact the use of public space. The limits that concern distance from pedestrians or infrastructure are addressed in other parts of this guide. The cities included here have adopted a variety of proximity requirements.

Stakeholder Concerns

Greater distance requirements favor restaurants and other established businesses, and are a mixed bag for residents for the same reasons discussed under time constraints. Larger proximity rules disadvantage mobile vendors because it reduces the number of places to sell, particularly where clusters of restaurants exist, which are often denser areas with more pedestrian traffic. Many cities prefer a moderate approach in regards to proximity restrictions, since such regulations usually balance competing stakeholder needs most effectively. Unlike parking, there are no tracking advantages related to distance requirements, but such regulations do impact where vendors conduct their business, which means the city still has to deal with congestion and other spillover concerns, particularly in denser regions.

Regulatory Trends

Similar to time constraints, the cities included here have largely moderate or lenient proximity restrictions. Six or seven have either no restrictions or relatively short distances, and four of the cities occupy the middle ground, with 150-200 foot requirements. Only one, New Orleans, has a restriction of 600 feet. New Orleans has a proposal to shorten the distance to 50 feet, but there has been resistance to this proposal from some city council members and the Louisiana Restaurant Association.¹⁰

Recommendations

Proximity restrictions should be no more than 200 feet at the high end. Density issues may call for a tiered structure, or for abandoning proximity altogether. One of the problems with adopting an explicit distance rule is that a “one size fits all” approach ignores context. Three hundred feet may make sense in less dense areas of a city, but such a distance is impractical in very dense neighborhoods. A city right-of-way, with multiple restaurants on both sides of the street where the distance between each side may be less than 300 feet, makes the area entirely off limits to mobile vending. As such, cities may want to loosen or abandon proximity rules in dense neighborhoods with a great deal of commercial and residential activity. A tiered model, where the distance requirements are shortened for denser neighborhoods and widened for others is also an option.

As the food truck scene has expanded within the last few years in St. Louis, conflicts between restaurants and food trucks have surfaced. In order to quell the rising tension, the St. Louis Department of Streets enacted a 200 foot rule.¹¹ Durham has adopted a 50 foot rule.¹²

Recommendations

The greater the density of the area, the greater the case for more restrictions, but an outright ban on all mobile vending is not suggested unless the circumstances are exceptional. For a city like Durham, heavy-handed zoning constraints make little sense, as the interests of other stakeholders are only modestly compromised compared to denser areas, there are fewer negative spillover threats, city residents are given more choice without substantively higher safety concerns, and vendors are given more flexibility to choose where to operate. As a result, street right-of-ways and core downtown parks are open for vending.¹³ In denser cities, the compromises that other stakeholders must make and the risk of negative externalities are increased, suggesting a more moderate regulatory framework should be implemented that requires all parties to relinquish some freedoms without entirely excluding them from the space. One option is the approach taken by Denver, where only the densest section of downtown is off limits to food trucks. Vendors are barred from selling in a section of the southwestern corner of downtown, which is roughly seven by nine blocks. Vendors must also maintain a 300 foot distance from all public parks, unless a special event is taking place, and then they must obtain permission from the city to participate.

Another approach is a lottery or first-come, first-serve system that allows a restricted number of parking spaces or sections of right-of-way to be set aside for mobile vending. Las Vegas currently has a pilot program that adopts a version of this (three spaces are being set aside downtown for food trucks only).¹⁴ Washington, DC is also in the process of establishing a lottery system to increase efficiency and safety, and to balance the competing needs of residents. There could also be higher permit or parking fees associated with more heavily trafficked areas.

Areas where vending is allowed must be clearly delineated and easy to decipher. Several cities have regulations that make it difficult to easily discern permitted regions from unpermitted ones. Regulations that clearly define permitted areas are needed. Distinctions between public and private regulations should also be clear and transparent. A map that explicitly labels the areas where vendors are allowed to operate would be a helpful tool for all stakeholders.

If the political climate or density issues make it difficult to relax restrictions on public space, cities could consider making private space in less dense areas easier for vendors to access. Atlanta has a unique history that has produced provisions that greatly restrict vending on public property, and most recently, an outright ban by the Mayor Kasim Reed. To alleviate the impact of this restriction on mobile vending, Councilmember Kwanza Hall and others have worked to make vending on private property easier. A provision that originally required food trucks to maintain a distance of 1,500 feet from restaurants when at least two mobile vendors are selling on private property was amended to shorten the distance to 200 feet.¹⁵ Trucks have adapted to the ban on public property by moving into private space, and this has kept mobile vending alive in Atlanta.

the CFSM must designate someone else as the PIC. During Health Authority inspections, the PIC may be asked to demonstrate their “knowledge of foodborne disease prevention,” for example. The Food Code lists a variety of ways this can be shown, such as demonstrating knowledge of how to properly handle food, among other things.¹⁸



Recommendation

State laws often require mobile vendors to adhere to the same food safety regulations that are applied to brick and mortar restaurants. This is an effective way to promote proper food handling and accountability. Many vendors report that they actually appreciate the standards because they serve to combat the “roach coach” stereotype. Brian Bottger, a food truck vendor in Durham, is one of these operators. He likes that he can confidently tell patrons that his truck is held to the same health standards as restaurants.¹⁹

Role of Commissaries

One of the most promising and more diversified aspects of mobile food vending is the commissary, a food truck “home base” of sorts. Commissaries are fixed location kitchens where food must be prepped before being loaded onto the truck for cooking and selling. They often operate as storage for various ingredients as well.

Public Safety

Public safety is a key reason why many cities began regulating food trucks. Issues around public safety include private property, vending near schools, and pedestrian safety.



Private Property

Private property options for mobile vendors create opportunities for businesses to extend their market reach, particularly for denser cities or those with very little public space (consider the Atlanta case discussed under public space). The cities included here have adopted a variety of regulatory models to address private space. In some cases, they practice a more informal approach, allowing food truck operators to gain a private space permit and conduct business without further regulatory strings attached. Others restrict mobile vending operations solely to private property. Equally important are existing zoning codes applied to private property that may or may not be zoned for vending.

Stakeholder Concerns

Standard public safety practices used in other city regulatory affairs (within the realm of private property) ought to lead the dialogue and development of relevant rules that empower proprietors to observe

As such, a regulatory framework that is generally less restrictive than for public property is appropriate as long as the owners grant permission for their land to be used by mobile vendors. However, since there is a greater danger of negative externalities when private property is located in denser areas, a modestly more regulated structure may be called for within these regions.

In Indianapolis, few regulations limit mobile vending business on private property. While the time-frame for vending on public space is limited to between 10am and 6pm, a business can get a permit for operating on private property and simply park at parking meters for the same rate as personal vehicles.²¹ The majority of Portland's mobile vending occurs on private property, particularly surface parking lots.²² A zoning permit may be required for development associated with a mobile vending cart, such as changes to an existing parking area, landscaping, and drive-through facilities. Vending carts over 16 feet in length, with or without wheels, are considered Heavy Trucks by the zoning code, and are not allowed in certain zones.²³

Vending Near Schools

Mobile vendors encounter several public safety issues when deciding to operate near schools. Issues of concern include traffic-related safety, increased chances of interaction with predators that may be waiting for children to step off public property, and whether the food offered by mobile vendors meets school food safety standards.²⁴

Stakeholders

Mobile vendors are beginning to recognize the potential opportunity to expand the food options available to local secondary schools and simultaneously capture a new, steady stream of customers, but they may be met with opposition from school administrators and parents who see their presence as a threat to safety and may view their menu options as potentially unhealthy. Cities looking to regulate vending near schools must determine the best precautionary measures in terms of distance requirements that mobile vendors must abide by.

Regulatory Trends

Five of the cities included in the guide have regulations around vending near schools. The regulations emphasized specific distances from schools that are intended to keep students from venturing off campus to patronize mobile vendors, and maintain safety standards for neighboring schools and communities. All other cities have no specific rules around this, perhaps indicating that this is not an issue in their jurisdictions.

Recommendations

Restrictions on operating during school hours are recommended, and mobile vendors should be required to maintain farther proximity from schools compared to restaurants, keeping density in mind. The time restriction is mostly a health-related issue, while the proximity suggestion is largely motivated by safety concerns. The framing of regulations surrounding mobile vendors and schools should be focused on protecting children during school operating hours. This approach keeps vendors from selling to students without adult supervision, but still allows them to benefit from afterschool activities

Additional Recommendations

In addition to the recommendations included under each policy area, there are other, more general recommendations to help cities adopt new vending policies, amend existing policies, build stakeholder collaboration, and harness the potential for economic growth through the mobile food industry. Five of these recommendations are discussed in detail below:

1. Hold Town Hall Forums and Private Meetings with Core Stakeholders.

Durham decided to embrace a very inclusive approach to their ordinance restructuring. The city brainstormed initial ideas internally then presented the draft suggestions to the public for feedback. They also had private meetings with individual stakeholders to allow them to speak freely without fear of backlash. This tactic was particularly useful for restaurants in a food truck friendly city like Durham. Any fears they may have been afraid to share in Town Hall meetings could still be articulated to decision-makers. The weight of opinion worked against restaurants in this context, but they were still brought to the table.

2. Encourage Dialogue and the Building of Relationships Among Competing Stakeholders.

Cities should look for ways to encourage relationships between the various stakeholders. At the heart of proximity rules are concerns that restaurants (and other established businesses) have about unfair competition. They pay expensive monthly rents and property taxes, but they are also engaged with the community. Because they are stationary, most restaurants see themselves as part of the community fabric. They create employment opportunities and care about neighborhood safety and aesthetics. Some view mobile vendors as profit-driven, fly-by-night operators with few or no ties to the community. Conversely, mobile vendors often feel that restaurateurs are fearful of innovation in food culture.

Collaboration between these stakeholders is something to strive toward, and cities can play an important role in spearheading dialogue between these groups. Conferences, forums, or meetings could be called with stakeholders from both sides invited to the table in a spirit of cooperation, with the intent of encouraging them to see each other as collaborators rather than competitors more often than they currently do. It could also encourage voluntary compromise help craft solutions that balance the needs and concerns of both parties. Cincinnati has achieved this, to some degree. Food Truck Alliance President Matt Kornmeyer explained that food trucks in the city, voluntarily maintain a 100-foot distance from neighboring restaurants as a sign of respect to brick and mortars, and as a preparatory measure.²⁵

3. Implement Pilot Programs to Determine What Regulations to Adopt.

Pilot programs are flexible, encourage innovation, and can help uncover and address issues unique to particular communities. They are usually implemented on a small scale, so they do not create a sudden, large burden on an already existing network, and they provide insight that can inform the decision-making process before regulations are made into law. Their flexibility and emphasis on experimentation make them an especially useful tool for new industries. Pilot programs are being used in a variety of cities, including Oakland, and are recommended for cities with a relatively new food truck scene or a rapidly expanding one.

Denver has actively considered several issues that might impact or encourage economic development. These include whether food truck clustering could be used to combat food deserts, the ability of food trucks to activate underutilized space (like surface parking lots), and food trucks as restaurant incubators in underserved areas.³²

5. Identify Private Vacant Lots and Create Partnerships for Mobile Vendors to Gather and Vend in the Same Location.

The use of private space has been used to create several food truck centers that increase economic activity in various West Coast cities. For example, Portland is known as the food truck capital of the world. This type of clustering can create hot spots for loyal customers, as well as an opportunity for mobile vendors to gain new clients. For city government, it can create an ease of regulation and enforcement by focusing attention and resources on specific parts of the city.

While Portland has a number of the more traditional mobile food trucks around the city, the majority of their mobile vending occurs on private property, particularly surface parking lots and vacant lots.³³ Portland uses food truck centers to create economic vibrancy within various parts of the city. In 2009, the city proposed the use of vacant lots as pods, or areas for food trucks to cluster. The idea was to use vacant lots as catalysts for economic development, deterring blight and encouraging vibrancy in the process. It is important to note that while many of the food trucks (what they refer to as food carts) are mobile, the city has several stationary mobile units. These units are moveable, but primarily remain on private property.³⁴ Many of the pods are hosts to more permanent vending units, particularly in downtown. They are still classified as mobile though because as long as the food carts are on wheels, they are considered vehicles in the eyes of the law, and are therefore exempt from the building code.³⁵

Atlanta often uses private surface parking lots to encourage mobile selling. Atlanta has also had a very active and successful food truck association, the Atlanta Street Food Coalition, which does an admirable job mobilizing vendors and keeping public and private partners informed.

About this Publication

Research for this guide and the original draft of the document were completed by graduate students at the George Washington University Trachtenberg School of Public Policy and Public Administration. Contributors include Anju Chopra, Malia Dalesandry, Garrett Jackson, Ana Jara, and Stephen Tu. These students worked in partnership with J. Katie McConnell, Brett Common, and Christiana McFarland at the National League of Cities to conduct an analysis of food truck regulations in cities across the country. The final report was edited by Christiana McFarland and Emily Pickren at NLC.

The National League of Cities is the nation's oldest and largest organization devoted to strengthening and promoting cities as centers of opportunity, leadership and governance. NLC is a resource and advocate for more than 1,600 member cities and the 49 state municipal leagues, representing 19,000 cities and towns and more than 218 million Americans.

NLC provides research and analysis on key topics and trends important to cities, creative solutions to improve the quality of life in communities, inspiration and ideas for local officials to use in tackling tough issues and opportunities for city leaders to connect with peers, share experiences and learn about innovative approaches in cities.

Acknowledgements

Special thanks to the George Washington University Trachtenberg School of Public Policy and Public Administration faculty and staff, particularly Elizabeth Rigby and Patrick Besha. Special thanks also go to all the interviewees - city staff, food trucks owners, and city officials for their candid and informative perspectives regarding the regulatory concerns and opportunities for their cities.

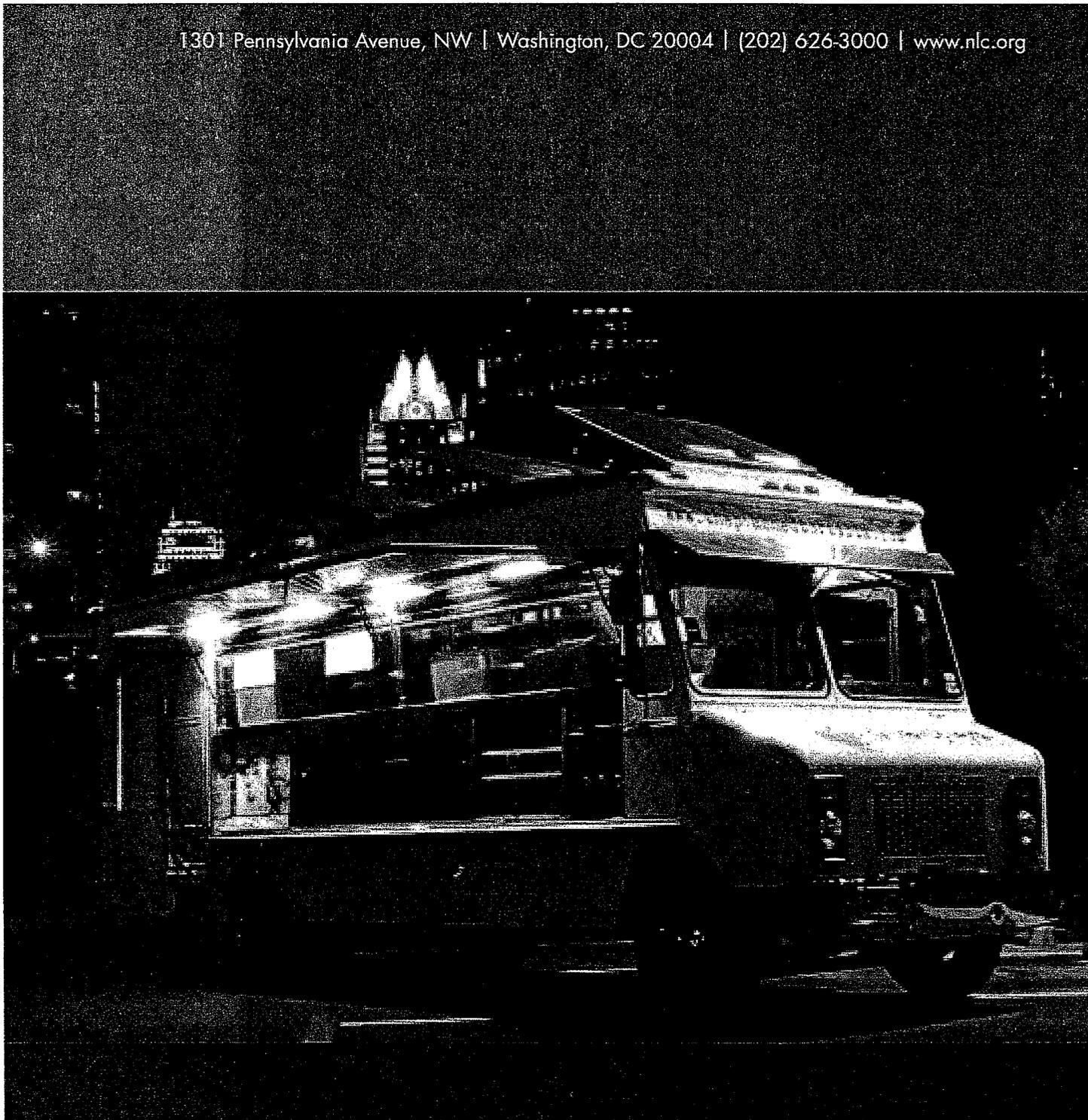
References

- 1 Intuit Network (December 2012). Food Trucks Motor Into the Mainstream. Retrieved from <http://network.intuit.com/wp-content/uploads/2012/12/Intuit-Food-Trucks-Report.pdf>
- 2 Intuit Network (December 2012). Food Trucks Motor Into the Mainstream. Retrieved from <http://network.intuit.com/wp-content/uploads/2012/12/Intuit-Food-Trucks-Report.pdf>
- 3 Norman, Frommer, Gall & Knepper. (July 2011). Streets of Dreams: How Cities Can Create Economic Opportunity By Knocking Down Protectionist Barriers to Street Vending, Institute for Justice. Retrieved from http://www.ij.org/images/pdf_folder/economic_liberty/atil_vending/streetsofdreams_webfinal.pdf
- 4 Author Unknown (June 23, 2011). Environmental and Consumer Health Unit, Austin-Travis County Health and Human Services Department: Application for Mobile Food Vendor Permit. Retrieved from http://www.austintexas.gov/sites/default/files/files/Health/eh_mobilefoodvendor_english__6_23_11.pdf
- 5 City of Cincinnati Department of Health Mobile Food Service Licensing Information. Retrieved from <http://www.cincinnati-oh.gov/quinclivan/linkservid/9EB7203C-BD53-179A-A67EA53AD2114CDC/showMeta/0/>
- 6 <http://books.google.com/books?hl=en&lr=&id=4XxbYM8UMtwC&oi=fnd&pg=PA78&dq=definition+of+public+goods&ots=6MP8LjsK4D&sig=Q-2MH0RUOGIGv5TTUkw6TFi6NOM#v=onepage&q=definition%20of%20public%20goods&f=false>
- 7 Marcus, Nancy (March 29, 2013). Telephone Interview with Nancy Marcus, Office of the City Administrators, Special Business Permits.
- 8 Based on interviews with Grace Smith, and Brian Bottger. Also the presentation Grace sent me on food truck regulations in Durham
- 9 Tribby, Jay (April 2013). Telephone Interview with Jay Tribby, Chief of Staff for Councilmember Kwanza Hall (Atlanta).
- 10 Section 110-190 of Code & Interview with Jonathan T. Harris
- 11 Froeb, Ian (January 5, 2012). A Real Cluster Truck: As Food Trucks Proliferate, Tension Builds Between Mobile Vendors Immovable Eateries. Retrieved from <http://www.riverfronttimes.com/2012-01-05/restaurants/st-louis-food-truck-regulations-conflicts-with-local-restaurant-owners/>
- 12 Author Unknown (Date Unknown). Proposed Ordinance to Amend the City Code Regarding Regulation of Street Vending and Special-Event Permits: Section 54-91 (f) of the Durham Code of Ordinances. Retrieved from <http://durhamnc.gov/ich/ch/ccpd/Documents/Current%20Topics/draft%20street%20vending%20ordinance%2006288f12.pdf>
- 13 Author Unknown (Date Unknown). Proposed Ordinance to Amend the City Code Regarding Regulation of Street Vending and Special-Event Permits: Section 54-91 (f) of the Durham Code of Ordinances. Retrieved from <http://durhamnc.gov/ich/ch/ccpd/Documents/Current%20Topics/draft%20street%20vending%20ordinance%2006288f12.pdf>
- 14 Cuisine, Mobile (February 7, 2013). Las Vegas Food Trucks Get Three Downtown Spaces. Retrieved from <http://mobile-cuisine.com/off-the-wire/las-vegas-food-trucks-downtown-parking-spaces>
- 15 Tribby, Jay (April 2013). Telephone Interview with Jay Tribby, Chief of Staff for Councilmember Kwanza Hall (Atlanta).
- 16 Author Unknown (July 30, 1986). Rules of Department of Human Resources: Public Health, Chapter 290-5-14, Food Service. Retrieved from <http://health.state.ga.us/pdfs/environmental/Food/Rules/FoodServiceRules.pdf>
- 17 Author Unknown (January 10, 2008). Environmental and Consumer Health Unit, Austin-Travis County Health and Human Services Department: Starting a Food Business. Retrieved from <http://www.cityofaustin.org/sbdp/downloads/startfoodbus.pdf>
- 18 Greg (October 18, 2010). Atlanta Street Food Coalition: Frequently Asked Questions. Retrieved from <http://www.atlantastreetfood.com/frequently-asked-questions/>
- 19 Bottger, Brian (March 17, 2013). Telephone Interview with Brian Bottger, Owner of Only Burger Food Truck in Durham.
- 20 Newman, Marcie G. (2012). Food Truck Safety: What is a Commissary? Retrieved from <http://www.foodtrucksafety411.com/p/what-is-commissary.html>
- 21 Norman, Frommer, Gall & Knepper. (2011). Streets of Dreams: How Cities Can Create Economic Opportunity By Knocking Down Protectionist Barriers to Street Vending, Institute for Justice. http://www.ij.org/images/pdf_folder/economic_liberty/atil_vending/streetsofdreams_webfinal.pdf.
- 22 Ibid Rogers, K. and Roy, K. 2010
- 23 City of Portland, Bureau of Development Services. (December 2010). Vending Carts on Private Property. <http://www.portlandonline.com/bds/index.cfm?a=154593&c=45053>

NATIONAL LEAGUE of CITIES



1301 Pennsylvania Avenue, NW | Washington, DC 20004 | (202) 626-3000 | www.nlc.org



Return to Agenda

AGENDA ITEM SUMMARY

DATE: 05/04/2015 DEPARTMENT: Police/Clerk DEPT. HEAD SIGNATURE: MHC

SUBJECT:

Hailey needs to adopt housekeeping amendments to our municipal code to conform with newly enacted legislation which is effective July 1, 2015, including amending some penalties sections and repealing initiative/referendum language.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

There are several legislative updates (house bills) which were approved and will be effective on July 1, 2015. In order to be compliant with state code this document will brief you on the pertinent codes which Hailey may need to adopt in time for the effective date.

The below state code changes which may necessitate ordinance updates by Hailey.

Fireworks violations: ***Municipal Code change to Title 9.16***

Penalty change only.

Initiatives and Referendums: ***Municipal Code change to Title 1.16***

Suggestion is to repeal city code and adopt state code.

Tobacco use by minors: ***Municipal Code change to Title 12.12.070***

Penalty change only.

Curfew violations: ***Municipal Code change to Title 9.08***

Penalty change only.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

City Attorney Clerk Administrator Mayor
 P & Z Commission Parks & Lands Board Public Works Police Chief

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discussion regarding new legislature and ask questions.

FOLLOW-UP/COMMENTS:

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 3-2-15

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Social Hosting, Runaway and Beyond Control Ordinance

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

At the last city council meeting, a new ordinance addressing social hosting, runaways and beyond control was discussed. The county Social Hosting ordinance was reviewed and the Council directed me to revise the ordinance in several ways.

First, I deleted any reference to infractions and made any offense of the social hosting ordinance a misdemeanor.

Second, there was some discussion about the ability of juveniles to consume alcohol in the presence of their parents. State law expressly permits a minor to possess beer and wine in a private residence accompanied by his parent or guardian and with such parent's or guardian's consent. *Idaho Code § 23-1023 and 23-1334.* Consequently, I believe the social hosting ordinance should recognize these state laws. I added an introductory clause to the section 9.08.030.02 stating "except as otherwise permitted by law."

Third, for the reasons discussed at the last meeting, I also deleted the prohibition for allowing a minor under the influence at a gathering.

Lastly, I have revised the definition of knowingly to meet the definition of knowingly set forth in Idaho Code § 18-101(5).

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
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	___ 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:

Conduct a public hearing. If the ordinance is generally acceptable, make a motion to adopt the ordinance and authorize the mayor to read the ordinance by title only

FOLLOW-UP REMARKS:

3/2 - New Business - discussion
3/16 - Public Hearing for proposed ord - council adopted ord. not 1172; Mayor conducted 1st Reading
4/20 - 2nd Reading

HAILEY ORDINANCE NO. 1172

AN ORDINANCE OF THE CITY OF HAILEY AMENDING CHAPTER 9.08 OF THE HAILEY MUNICIPAL CODE, CURFEW OF MINORS, BY REVISING THE TITLE OF CHAPTER 9.08 TO READ "MINORS"; AMENDING SECTION 9.08.010 TO ADD DEFINITIONS FOR ALCOHOLIC BEVERAGES, BEYOND CONTROL, GATHERING, HOST, KNOWINGLY AND PREMISES; ADDING A NEW SECTION 9.08.030 TO PROHIBIT HOSTING OF A GATHERING WHERE A MINOR IS IN POSSESSION OR CONSUMES ALCOHOLIC BEVERAGES; ADDING A NEW SECTION 9.08.040 TO PROHIBIT A MINOR FROM RUNNING AWAY OR BEING BEYOND THE SUPERVISION OR CONTROL OF A PARENT; BY PROVIDING FOR A REPEALER CLAUSE; BY PROVIDING FOR A SEVERABILITY CLAUSE AND BY PROVIDING AN EFFECTIVE DATE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and the City Council of the City of Hailey wish to amend the Hailey Municipal Code to promote the safety of residents of the City of Hailey;

WHEREAS, alcohol usage by minors poses a serious threat to the health, safety, and welfare of our community;

WHEREAS, alcohol usage by minors is prohibited by Idaho law;

WHEREAS, the Mayor and City Council find that minors are often provided alcohol at gatherings hosted by adults on private property;

WHEREAS, the Mayor and City Council find that the consumption of alcohol by minors at these gatherings is harmful to the minors, and to the neighborhoods and communities where such parties are held;

WHEREAS, parties, large gatherings and events on private property where minors are consuming alcohol threaten the peace, health, safety and general welfare of the public;

WHEREAS, a law that prohibits these gatherings may result in a decrease in the abuse of alcohol by minors, as well as physical altercations and injuries, vandalism and noise disturbances, thereby improving overall public safety;

WHEREAS, it has come to the attention of the City of Hailey that it does not have an ordinance prohibiting conduct by minors who are beyond the supervision and control of the minor's parents; and

WHEREAS, the Mayor and City Council find that the amendments to the Chapter 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. The title of Chapter 9.08, “Curfew for Minors,” of the Hailey Municipal Code is hereby amended by the deletion of the stricken language, as follows:

~~Curfew for Minors~~

Section 2. Chapter 9.08 of the Hailey Municipal Code is hereby amended by the addition of a new Section 9.08.005, as follows:

9.08.005. Purposes. The purposes of this chapter are to promote the health, safety and general welfare of the public within the City of Hailey, to adopt a curfew for minors, to reduce the opportunities for unsupervised illegal or dangerous behavior by minors, to prohibit gatherings which allow the possession and consumption of alcoholic beverages by minors, to prevent underage drinking, to enact provisions for status offenses of being a runaway and beyond the control of a parent, and to allow for intervention and access to resources that are designed to alter the behavior before it manifests itself into the commission of crimes.

Section 3. Section 9.08.010 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and deletion of the stricken language, as follows:

9.08.010 Definitions. A. Except as otherwise defined herein, for purposes of this chapter, the following capitalized terms shall be defined as follows:

“Alcoholic Beverage” means any beverage containing alcohol, including liquor, spirits, beer and/or wine.

“Beyond the Supervision and Control” means a Minor’s willful and deliberate refusal to obey a rule and/or command of his or her Parent(s) to a degree that places the safety and/or welfare of the Minor or any person in jeopardy.

“Emancipated” means any person either eighteen (18) years of age or older, or if under the age of eighteen (18), any person who is married or has been married; or any person who is in active military service; or any person legally declared as such.

“Emergency” means any unforeseen health, accident or crime-related exigency calling for immediate action.

“Gathering” means an assembly of five (5) or more persons for a social occasion or activity.

“Host” means the owner(s) or person(s) in charge of, or in control of, the Premises, or the person(s) authorizing the use of the Premises, or the person(s) organizing or hosting a Gathering at the Premises.

“Juvenile Corrections Act” means Chapter 5, Title 20, Idaho Code as now existing and as may hereinafter be amended.

“Knowingly” means, for purposes of this section, a knowledge that the facts exist which bring the act or omission within the provisions of this chapter. It does not require any knowledge of the unlawfulness of such act or omission.

“Minor” means any person ~~seventeen under the age of eighteen (18) years of age or younger.~~

“Parent” means any person having legal custody of a juvenile:

1. As a natural or adoptive parent;
2. As a legal guardian;
3. As a person who stands in loco parentis;
4. As a person to whom legal custody has been given by order of court.

“Premises” means any private or public property, structure, or enclosure, including, but not limited to, a home, apartment, condominium, dwelling unit, meeting room, hotel room and/or hall, and/or the yard and/or curtilage thereof, whether such property is owned, rented, leased, or otherwise occupied.

“Remain” means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

“Streets” means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel. The term “street” includes the legal right-of-way, including, but not limited to, the cartway or traffic lanes, the curb, the sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term “street” applies irrespective of what it may be called or formally named, whether alley, avenue, court, road or otherwise. The term “street” shall also include shopping centers, parking lots, parks, playgrounds, cemeteries, public buildings and similar areas that are open to the public.

Section 4. Chapter 9.08 of the Hailey Municipal Code is hereby amended by the addition of a new Section 9.08.030, as follows:

9.08.030 Social Hosting.

9.08.030.01 Definitions. For the purpose of this section 9.08.030, the capitalized term “Minor” shall mean any person under the age of twenty-one (21) years.

9.08.030.02 Prohibition. Except as otherwise permitted by law, it shall be unlawful for any Host to Knowingly permit a Gathering on any Premises where a Minor is in possession of or consumes an Alcoholic Beverage.

9.08.030.03 Penalties. A violation of this Chapter shall be a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

Section 5. Chapter 9.08 of the Hailey Municipal Code is hereby amended by the addition of a new Section 9.08.040, as follows:

9.08.040 Runaway and Beyond Control.

9.08.040.01 Prohibition. Any Minor living or found within the Hailey city limits who runs away from or is Beyond the Supervision and Control of the Minor’s Parents is guilty of a status offense.

9.08.040.02 Penalties. A violation of this section shall subject the Minor to the penalties and other sentencing provisions set forth in the Juvenile Corrections Act.

Section 6. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 7. 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 8. 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 ___ day of _____, 2015.

Fritz X. Haemmerle, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 5/4/2015

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Hailey Ordinance No. 1172 (Social Hosting, Beyond Control and Runaway Ordinance)

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a summary of Hailey Ordinance No. 1172 which amends Chapter 9.08 of the Hailey Municipal Code to address Social Hosting, Beyond Control and Runaways.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
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	___ 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:

Make a motion to approve the summary of Hailey Ordinance No. 1081.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1172

The following is a summary of the principal provisions of Ordinance No. 1172 of the City of Hailey, Idaho, duly passed and adopted May 4, 2015, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY AMENDING CHAPTER 9.08 OF THE HAILEY MUNICIPAL CODE, CURFEW OF MINORS, BY REVISING THE TITLE OF CHAPTER 9.08 TO READ "MINORS"; AMENDING SECTION 9.08.010 TO ADD DEFINITIONS FOR ALCOHOLIC BEVERAGES, BEYOND CONTROL, GATHERING, HOST, KNOWINGLY AND PREMISES; ADDING A NEW SECTION 9.08.030 TO PROHIBIT HOSTING OF A GATHERING WHERE A MINOR IS IN POSSESSION OR CONSUMES ALCOHOLIC BEVERAGES; ADDING A NEW SECTION 9.08.040 TO PROHIBIT A MINOR FROM RUNNING AWAY OR BEING BEYOND THE SUPERVISION OR CONTROL OF A PARENT; BY PROVIDING FOR A REPEALER CLAUSE; BY PROVIDING FOR A SEVERABILITY CLAUSE AND BY PROVIDING AN EFFECTIVE DATE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Hailey Ordinance No. 1172 amends Chapter 9.08 of the Hailey Municipal Code, as follows:

Section 1 amends the title of Chapter 9.08 from "Curfew for Minors," to "Minors."

Section 2 adds a new Section 9.08.005 to provide a purpose section for Chapter 9.08

Section 3 amends Section 9.08.010 to add definitions for Alcoholic Beverage, Beyond the Supervision and Control, Gathering, Host, Knowingly and Premises and to amend the definition of Minor.

Section 4 adds a new Section 9.08.030, to define Minors for the purpose of Section 9.08.030, to make it unlawful for a Host to Knowingly permit a Gathering on any Premises where a Minor is in possession of or consumes an Alcoholic Beverage, except as otherwise permitted by law, and to provide that a violation of this Chapter 9.08 is a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

Section 5 adds a new Section 9.08.040, to make it a status offense for any Minor living or found within the Hailey city limits who runs away from or is Beyond the Supervision and Control of the Minor's Parents and to provide that a violation of Section 9.08.040 subjects a Minor to the penalties and other sentencing provisions set forth in the Juvenile Corrections Act.

Section 6 provides for a repealer clause.

Section 7 provides for a severability clause.

Section 6 provides for an effective date of the ordinance.

The full text of Ordinance No. 1172 is available at Hailey City Hall at 115 South Main Street, Suite H, Hailey, Idaho 83333 and will be provided to any citizen upon request during regular business hours.

CERTIFICATION OF CITY ATTORNEY

I, the undersigned Attorney at Law, as attorney for the City of Hailey, Idaho, hereby certify that I have read the foregoing summary of Ordinance No. 1172 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1172, and that in my opinion, the above summary is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 4^h day of May, 2015.

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express, May __, 2015

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 4-20-15

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Vacation of portions of 6th Avenue and Carbonate Avenue and Grant of Easement *w/ Resolution 2015-32?*

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

In three separate actions, Hailey vacated portions of 6th Avenue, Carbonate Street and the alley in Block 94. The vacations collectively omitted two small rectangular portions of streets. In addition, one of the vacations of 6th Avenue did not address a sewer main line under the vacated street. I am attaching a townsite map showing the omitted portions of the streets and the location of the sewer main line.

To rectify these problems, I have drafted the attached vacation ordinance and easement. You will also find a letter I forwarded to the adjacent property owners. As you can tell by the attached map, the easement would only have to be signed by Mary Mizer. I expect Mary and her son, Jim, to be present at Monday's meeting. Mary told me that the easement is acceptable but her son strongly disagreed. I told Mr. Mizer to submit suggested revisions to me. As of the time of this memo, I have not received any suggested revisions.

I anticipate that the mayor will recuse himself from this item. Consequently, I show the Council President's name on the documents.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
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 ____ 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:

Conduct a public hearing. If acceptable, make a motion to a) approve Ordinance No. 1173, the Sewer Line Easement Agreement, the Quitclaim Deeds and Resolution No. 2015-32, b) conduct the first reading of the ordinance, and c) authorize the council president to sign the easement, quitclaim deeds and resolution with the condition that easement, quitclaim deeds and resolution are effective only after publication of Ordinance No. 1173.

FOLLOW-UP REMARKS:

4/20 - 1st Reading of Ord. NO. 1173 was read. ^{it approved Resolution} 2015-32
5/14 2nd Reading
5/18 3rd Reading: Publication of Ordinance
The certify ordinance for recording with other docs -

HAILEY ORDINANCE NO. 1173

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, VACATING A TWENTY FOOT (20') BY TWENTY FOOT (20') AREA AT THE INTERSECTION OF SIXTH AVENUE AND CARBONATE STREET AND A TWENTY FOOT (20') BY TWENTY SIX FOOT (26') AREA AT THE INTERSECTION OF CARBONATE STREET AND THE ALLEY IN BLOCK 94 IN THE ORIGINAL HAILEY TOWNSITE; PROVIDING FOR EXECUTION OF A QUITCLAIM DEED BY THE MAYOR CONVEYING TITLE TO SAID VACATED PROPERTY TO THE OWNER OF PROPERTY ADJACENT TO THE VACATED RIGHT-OF-WAY; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Ordinance No. 377 was adopted in January, 1978 by the Hailey City Council and recorded as Instrument No. 298178, records of the County Recorder, Blaine County, Idaho. Inter alia, Ordinance No. 377 vacated "[t]he Southeasterly 20' of Carbonate Street adjacent to the West one-half of Block 94" and "[t]he Southeasterly 20' of Carbonate Street adjacent to the Easterly one-half of Block 94;"

WHEREAS, Ordinance No. 389 was adopted in September, 1978 by the Hailey City Council and recorded as Instrument No. 298177, records of the County Recorder, Blaine County, Idaho. Inter alia, Ordinance No. 389 vacated the alley in Block 94;

WHEREAS, Ordinance No. 470 was adopted in August, 1983 by the Hailey City Council and recorded as Instrument No. 246316, records of the County Recorder, Blaine County, Idaho. Inter alia, Ordinance No. 389 vacated "20 feet by 300 feet of the east side of 6th Avenue commencing at the NW corner of Block 94 at Carbonate Street and running to the southwest corner of Block 94 at Boullion (*sic*) Street;"

WHEREAS, Ordinance Nos. 377, 389 and 470 did not vacate a twenty foot (20') by twenty foot (20') area at the intersection of Sixth Avenue and Carbonate Street and a twenty foot (20') by twenty six foot (26') area at the intersection of Carbonate Street and the alley in Block 94;

WHEREAS, the Hailey City Council has determined, and hereby finds, that the twenty foot (20') by twenty foot (20') area at the intersection of Sixth Avenue and Carbonate Street and a twenty foot (20') by twenty six foot (26') area at the intersection of Carbonate Street and the alley in Block 94 were mistakenly omitted from the property descriptions in Ordinance Nos. 377, 389 and 470, that these omitted portions of streets have not been used by the City of Hailey as public street rights-of-way, are no longer needed for public use, and are of no significant use or value to the City and that the vacation of same is expedient for the public good; and

WHEREAS, the Hailey City Council believes it is appropriate to vacate the twenty foot (20') by twenty foot (20') area at the intersection of Sixth Avenue and Carbonate Street and a twenty foot (20') by twenty six foot (26') area at the intersection of Carbonate Street and the alley in Block 94.

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

Section 1. The City of Hailey hereby vacates the twenty foot (20') by twenty foot (20') area at the intersection of Sixth Avenue and Carbonate Street and a twenty foot (20') by twenty

six foot (26') area at the intersection of Carbonate Street and the alley in Block 94, Original Hailey Townsite as shown on the official plat of the City of Hailey on file in the office of the Blaine County Recorder, more particularly described in attached Exhibit "A."

Section 2. The Mayor of the City of Hailey is hereby authorized to execute and deliver a Quitclaim Deed, on behalf of the City of Hailey, transferring title to the property vacated as deemed in the best interest of the adjacent property owner pursuant to Idaho Code § 50-311.

Section 3. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY
THE MAYOR THIS ____ DAY OF _____, 2015.

Don Keim, Council President, City of Hailey

Attest:

Mary Cone, City Clerk

**A LEGAL DESCRIPTION FOR PORTIONS OF THE CARBONATE STREET AND 6TH AVENUE RIGHT OF WAYS
ADJACENT AND/OR NEAR TO LOT 13, BLOCK 94, HAILEY**

A parcel of land located within the North West 1/4 of Section 9, Township 2 North, Range 18 East, B.M., said parcel lying adjacent and/or near to Lot 13, Block 94, Hailey Townsite, City of Hailey, Blaine County, Idaho, and being more particular described as follows:

Commencing at the North West Corner of Block 94 of the Hailey Townsite, according to the official plat thereof on file at the Blaine County Recorder's office, said point being the POINT OF BEGINNING;

thence Northwesterly parallel to and fifty feet Easterly of the 6th Avenue centerline a distance of 20 feet to a point that falls thirty feet Southerly of the Carbonate Street centerline;

thence Southwesterly parallel to and thirty feet Southerly of the Carbonate Street centerline a distance of 20 feet to a point that falls thirty feet Easterly of the 6th Avenue centerline;

thence Southeasterly parallel to and thirty feet Easterly of the 6th Avenue centerline a distance of 20 feet;

thence Northeasterly parallel to and fifty feet Southerly of the Carbonate Street centerline a distance of 20 feet to the POINT OF BEGINNING;

Said parcel containing 400 square feet, more or less.

Together with the following described parcel of land:

Commencing at the North West Corner of Block 94 of the Hailey Townsite, according to the official plat thereof on file at the Blaine County Recorder's office, thence proceeding 120 feet Northeasterly along the northerly boundary of Lot 13 to the Northeast Corner of said lot, said point being the POINT OF BEGINNING;

thence Northeasterly parallel to and fifty feet Southerly of the Carbonate Street centerline a distance of 13 feet to the centerline of the alley between Lots 1 and 13;

thence Northwesterly along an extended centerline of said alley 20 feet to a point that falls thirty feet Southerly of the centerline of Carbonate Street;

thence Southwesterly parallel to and thirty feet southerly of the Carbonate Street centerline for a distance of 13 feet;

thence Southeasterly 20 feet to the POINT OF BEGINNING;

said parcel containing 260 square feet, more or less.

EXHIBIT "A"

**A LEGAL DESCRIPTION FOR A PORTION OF THE CARBONATE STREET RIGHT OF WAY ADJACENT
AND/OR NEAR TO LOT 1, BLOCK 94, HAILEY**

A parcel of land located within the North West 1/4 of Section 9, Township 2 North, Range 18 East, B.M., said parcel lying adjacent and/or near to Lot 1, Block 94, Hailey Townsite, City of Hailey, Blaine County, Idaho, and being more particular described as follows:

Commencing at the North East Corner of Block 94 of the Hailey Townsite, according to the official plat thereof on file at the Blaine County Recorder's office, thence proceeding 120 feet Southwesterly along the northerly boundary of Lot 1 to the Northwest Corner of said lot, said point being the POINT OF BEGINNING;

thence Southwesterly parallel to and fifty feet southerly of the Carbonate Street centerline for a distance of 13 feet to the centerline of the alley between Lots 1 and 13;

thence Northwesterly along an extended centerline of said alley 20 feet to a point that falls thirty feet Southerly of the centerline of Carbonate Street;

thence Northeasterly parallel to and thirty feet Southerly of the Carbonate Street centerline a distance of 13 feet;

thence Southeasterly 20 feet to the POINT OF BEGINNING;

said parcel containing 260 square feet, more or less.

EXHIBIT "A"

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 4-20-15

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Non-Discrimination Ordinance

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

See attached memo. At a prior hearing, the council directed staff to place this ordinance on the agenda under public hearings. Since the last hearing, I have made one revision to an exception in Section 9.16.040. Under the prior draft, the exception applied to religious entities. The enclosed draft not applies to religious activities. The enclosed draft is narrower and will limit the ability of a religious entity to invoke the exception. Stated differently, the enclosed draft will expand the protections based on sexual orientation and gender identity. This change also helps avoid the issues recently experienced in Indiana when it adopted a Religious Freedom Restoration Act.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
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	___ 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:

Conduct a public hearing. If the Council wished to adopt the Non-Discrimination Ordinance, make a motion to adopt Ordinance No. _____, conduct a first reading and read by title only.

FOLLOW-UP REMARKS:

4/20 - 1st reading of Ord. No. 1174 -
5/4 - 2nd reading
5/18 - 3rd reading & summary
- publication date of summary

MEMORANDUM

TO: Hailey Mayor and City Council Members
FROM: Ned C. Williamson
DATE: March 2, 2015
RE: Non-Discrimination Ordinance

At the last City Council meeting, I was asked to draft a Lesbian, Gay, Bisexual and Transgender (“LGBT”) ordinance. As part of this task, I have reviewed the attached nine ordinances addressing sexual orientation and gender identity discrimination adopted by Boise, Couer d’ Alene, Idaho Falls, Ketchum, Lewiston, Moscow, Pocatello, Sandpoint and Victor. I believe these nine cities are the only cities in Idaho which have adopted such non-discrimination ordinances.

All of the ordinances are designed to prohibit discrimination in employment, housing and public accommodations based on sexual orientation and gender identity or expression. Each ordinance uses a title other than LGBT. The literature refers to such an ordinance as a Non-Discrimination Ordinance (“NDO”). In large part, municipalities are adopting NDO’s because the state legislature has not amended the Idaho Human Rights Act. Presently, Idaho law prohibits discrimination on the basis of race, color, religion, sex or national origin. *Idaho Code* § 67-5909; *see also Idaho Code* § 18-7301. The state legislature has refused to “Add the Words” of sexual orientation and gender identity to this state law.

The recent court rulings on same sex marriage are important to consider when considering any NDO. The rulings impact the portion of NDO’s involving discrimination based on sexual orientation. I would not think these decisions will impact the portion of the NDO’s involving discrimination based on gender identity/expression. In 2006, Idaho voters amended the Idaho Constitution to add a provision that a marriage between a man and woman is the only domestic legal union recognized in the State of Idaho. *Idaho Constitution, Article III, § 28*. In other words, the Idaho Constitution expressly bans same sex marriage. But last year, an Idaho federal magistrate struck down the constitutional ban of homosexual marriage. This decision was affirmed by the Ninth Circuit Court, but Idaho has appealed the case to the United States Supreme Court. It appears that the United States Supreme Court will decide whether to accept in the very near future. Idaho has argued that the United States Supreme Court should hear the case because there is a split of authority among the federal circuit courts. Most federal courts have ruled in favor of same sex marriages.

I am aware of recent challenges in two communities to that community's NDO. The first challenge was a political challenge. Pocatello conducted a referendum vote on the Pocatello NDO. Although the vote was close, Pocatello voted against the referendum, which meant the NDO was not repealed.

The second challenge was a legal challenge. Shortly after the Idaho federal magistrate struck down Idaho's 2006 same-sex marriage ban, a Couer d' Alene church, called the Hitching Post, filed suit against the City of Couer d' Alene and sought a court order allowing it to refuse to conduct same-sex marriages. Eventually, the city stated that the Hitching Post would not be subject to the city's NDO because of the exemption for religious corporations found in the city's NDO. It is important to note that individuals performing marriage ceremonies who are not religious corporations and who declined to perform same-sex marriages may be subject to a claim of discrimination under a NDO. When reviewing the proposed Hailey NDO, you will see that I have included the same exemption for religious corporations.

With this background in mind, I will now address a potential NDO for Hailey. If Hailey elects to proceed with a NDO, I believe we ought to consider much of the same language found in the attached ordinances. All of the ordinances have virtually the same language and all of NDO's are designed to prohibit discrimination in housing, employment and public accommodations. All of the attached NDO's contain exceptions. To avoid constitutional challenges based on freedom of religion and freedom of association, I believe we should include most of the exceptions adopted in the attached NDO's. Like most of the NDO's enacted throughout the State of Idaho, the attached draft of the Hailey NDO prohibits discrimination in housing, employment and public accommodations based on sexual orientation and gender identity/expression, subject to several exceptions. The proposed Hailey NDO is a hybrid of the Boise and Moscow NDO's.

Some of the NDO's establish a monitoring and enforcement commission and provide for a mediation procedure. *See e.g.*, Ketchum, Lewiston, Pocatello and Sandpoint NDO. I would discourage the City Council from creating another commission in Hailey. We have many great commissions but it has been difficult to maintain full membership and they have created a strain on resources.

When debating this proposed NDO, I would, at the very least, encourage the mayor and council to balance the potential fiscal impact of this ordinance with the potential social benefits. As demonstrated in Couer d' Alene, a NDO may result in a lawsuit. The potential fiscal impact should be weighed against the benefit of a NDO to this community.

For your information, I believe the City Personnel Policy adequately prohibits discrimination against employees based on sexual orientation and gender identity or expression. If we adopt a NDO, we may, however, want to strengthen our personnel policy and make sure individual departments' personnel policies adequately protect against discrimination based on sexual orientation and gender identity or expression.

If you have any questions, please contact me.

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING THE HAILEY MUNICIPAL CODE TO ADD A NEW CHAPTER 9.16 TO PROHIBIT DISCRIMINATORY ACTS IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMODATIONS BASED UPON SEXUAL ORIENTATION AND/OR GENDER IDENTITY OR EXPRESSION SUBJECT TO CERTAIN EXCEPTIONS; 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, state and federal laws prohibit discrimination in the areas of employment, public accommodation, and housing on the basis of race, color, age, sex, national origin, familial status, veteran's status, and/or disability, but there are no specific protections against discrimination on the basis of sexual orientation or gender expression/identity;

WHEREAS, the City of Hailey believes that current State and Federal processes for the investigation and correction of discrimination on the basis of race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status, and/or disability are sufficient such that the City should not interfere or alter such processes;

WHEREAS, those within the community who feel that they are or have been discriminated against on the basis of race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status, and/or disability should be encouraged to make their claim for such discrimination directly to the state and/or federal agency directly responsible for receiving and investigating those claims;

WHEREAS, because there are no specific protections against discrimination on the basis of sexual orientation or gender expression/identity within Hailey, the Mayor and Council wish to prohibit such discrimination through a duly adopted City Ordinance;

WHEREAS, it is the policy and intent of the City of Hailey, Idaho that no person be denied equal protection under the law nor shall any person be discriminated against because of his or her sexual orientation or gender expression/identity;

WHEREAS, nothing contained herein shall be construed as supporting and/or advocating any particular doctrine, position, point of view or religious view; and

WHEREAS, it is the intention of this Ordinance that all persons are treated fairly and equally in the City of Hailey, Idaho.

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

Section 1. The Hailey Municipal Code is amended by the addition of a new Chapter 9.16, as follows:

Chapter 9.16

Non-Discrimination

9.16.010 Purpose and Intent

A. In order to ensure that all persons, regardless of sexual orientation and/or gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property and use of public accommodations, the City of Hailey has determined that discrimination on the basis of sexual orientation and gender identity/expression must be addressed and appropriate legislation be enacted.

B. It is hereby declared that every individual in the City of Hailey has the right to work and earn wages through gainful employment, has the right to seek housing and has the right to enjoy public accommodation and hospitality.

C. It is hereby declared to be the public policy of the City of Hailey to foster the employment of all individuals in accordance with their abilities. Every individual has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of a city by preventing all of the city's citizens from contributing to the cultural, spiritual, social and commercial life of the community. The contributions of all the citizens of the City of Hailey are essential to the City's growth, vitality and prosperity.

D. It is the intent of this Chapter that all persons be treated fairly and equally, and it is the express intent of this Chapter to guarantee fair and equal treatment under the law to all people in the City of Hailey. The denial of fair and equal treatment under the law due to sexual orientation or gender identity/expression is detrimental to the health, safety and welfare of the city's citizens, and damages a city's economic well-being.

E. This Chapter shall be deemed an exercise of the police power of the City of Hailey for the protection of the public welfare, prosperity, health and peace of the City of Hailey, its residents and the community.

F. The prohibitions against discriminatory acts as provided for in this ordinance are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations and housing. Therefore, this Chapter shall not apply to complaints alleging discrimination on a basis proscribed under state or federal law (e.g., race, color, religious creed, ancestry, age, sex, national origin, familial status, veteran's status and/or disability).

G. Nothing in this Chapter is intended to alter or abridge other rights, protections or privileges secured under state and/or federal law. This Chapter shall not create a private cause of action, nor shall it create any right or remedy that is the same or substantially equivalent to a remedy under federal or state law.

H. This Chapter shall not create any special rights or privileges which would not be available to all of Hailey's citizens because every person has a sexual orientation and a gender identity.

I. This Chapter shall be construed and applied in a manner consistent with constitutional right of freedom of speech and exercise of religion.

9.16.020 Definitions. The following capitalized definitions shall be used to define words and phrases within this Chapter 9.16:

A. "Deny" shall mean any act which, directly or indirectly, by any person or his agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment or representation. It also includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of sexual orientation and/or gender identity/expression.

B. "Discriminate" shall mean any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity or because of a person's association with any such person. Discrimination shall not be interpreted to require or to grant or accord any preferential treatment to any person because of that person's sexual orientation or gender identity/expression.

C. "Full Enjoyment" shall mean, but is not be limited to, the right to use, rent or purchase real property, any service, commodity or article of personal property offered or sold by any person or establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular sexual orientation and/or gender identity/expression to be treated as not welcome, accepted, desired or solicited.

D. "Gender Identity/Expression" shall mean a gender-related identity, appearance, expression or behavior of an individual regardless of a person's assigned sex at birth.

E. "Housing Accommodation" shall mean a building or portion of a building, whether constructed or to be constructed, that is or will be used as the home, domicile, residence or sleeping quarters of its occupants.

F. "Otherwise Qualified" shall mean a person who possesses the following bona fide job related qualifications required by an employer for any particular job, job classification, or position: education, training, ability, character, integrity, disposition to work,

adherence to reasonable rules and regulations and other bona fide job related qualifications required by an employer.

G. "Person" shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.

H. "Place of Public Resort, Accommodation, Assemblage or Amusement" shall mean, but is not limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, provided that where public use is permitted that use shall be covered by this section; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution.

I. "Sexual Orientation" shall mean actual or perceived homosexuality, heterosexuality and/or bisexuality.

9.16.030 Prohibited Discriminatory Acts. The following acts are prohibited and shall constitute a misdemeanor:

A. To Deny to any other Person Otherwise Qualified because of Sexual Orientation and/or Gender Identity/Expression the right to work: (a) by failing or refusing to hire, (b) by discharging, (c) by barring from employment, (d) by discriminating against such Person in compensation or in other terms or conditions of employment, or (e) otherwise discriminating against an individual with respect to employment.

B. To Deny to or to Discriminate against any Person because of Sexual Orientation and/or Gender Identity/Expression the Full Enjoyment of any of the accommodations, advantages, facilities or privileges of any Place of Public Resort, Accommodation, Assemblage, or Amusement.

C. To Deny to or Discriminate against any other Person because of Sexual Orientation and/or Gender Identity/Expression in the sale, purchase, lease or rental of any

Housing Accommodation, or to otherwise Discriminate in the terms and conditions, maintenance, improvement or repair of any Housing Accommodation.

9.16.040 Exceptions

A. Notwithstanding any other provision herein, nothing in this Chapter is intended to alter or abridge other rights, protections, or privileges secured under state and/or federal law. This ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.

B. This chapter does not apply to:

1. The religious activities of any church, synagogue, mosque, temple or other house of worship or other place used primarily for religious activities and ordained priests or ministers of any denomination engaged in such activities;

2. An expressive association whose employment of a Person protected by this chapter would significantly burden the association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000);

3. The United States government, any of its departments or agencies, or any corporation wholly owned by it; or the state of Idaho or any of its departments, agencies, or political subdivisions, except the City of Hailey;

4. The rental of a residential dwelling unit within a two family dwelling where the owner or a relative of the owner resides within one of the dwelling unit(s); or

5. The rental of a room or rooms in a single family residential dwelling unit by an individual if the individual or a member of the individual's family resides therein.

9.16.050 Penalty. A violation of this Chapter is a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1000) and imprisonment in the county jail not to exceed six (6) months or both.

9.16.060 Unlawful Intimidation, Retaliation and Interference. It shall be unlawful for any Person to Discriminate against, harass, threaten, harm, damage, or otherwise penalize another Person for opposing an unlawful practice, for filing a complaint, for assisting, or participating in any manner in the investigation, or in mediation concerning this Chapter.

9.16.070 Private Right of Action. There is no private right of action that is created by this Chapter or money damages available to any Person based on this Chapter.

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 _____ day of _____, 2015.

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 4-14-15 **DEPARTMENT:** Community Development **DEPT HEAD:** LH

SUBJECT: Changes to clarify the Floodplain Ordinance.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

A variety of "housekeeping changes are needed to clean up the City's Floodplain section of the Zoning Code. These changes also include FEMA's recent definition updates and map updates.

Procedural History and Background

The Planning and Zoning Commission at their March 9, 2015 meeting unanimously recommended approval of Ordinance 532, amending Article 4, Establishment and Purpose of Zone Districts, Section 4.10 which addresses the Flood Hazard Overlay District and Article 2, definitions related to floodplain. The Commission found that the amendments are in accordance with the Comprehensive Plan, 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, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Caselle

Budget Line Item Comm. Dev. Dept. and Bldg division _____ YTD Line Item Balance
\$ _____

Estimated Hours Spent to Date: _____ Estimated Completion Date: _____

Staff Contact: Lisa Horowitz, Comm. Dev. Dir. Phone # 208-488-9815 ext 13 _____

Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|---|--|---|
| <input type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Benefits Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input checked="" type="checkbox"/> Streets |
| <input type="checkbox"/> City Clerk | <input checked="" type="checkbox"/> Planning | <input type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input checked="" 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:

Direct staff to notice this item for a first reading.

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date 4/20-1st Reading of Ord. No. 1175-
City Clerk SLA 2nd Reading of Ord.
5/18 - 3rd Reading of Ord.

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record

*Additional/Exceptional Originals to: _____

Copies (all info.): _____

Copies (AIS only) _____

Instrument # _____

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 2.2 TO ADD AND REVISE DEFINITIONS; BY REPEALING SECTION 4.10.3 AND REPLACING IT WITH A NEW SUBSECTION 4.10.3 TO ADD DEFINITIONS; AMENDING SUBSECTION 4.10.4 TO CLARIFY REFERENCES TO THE FLOOD INSURANCE STUDY, FLOOD INSURANCE RATE MAP AND DIGITAL FLOOD INSURANCE RATE MAP AND PROVIDE GUIDANCE ON THE INTERPRETATION OF THE FLOODPLAIN AND FLOODWAY; AMENDING SUBSECTION 4.10.6 TO PROVIDE THAT A DEVELOPMENT MUST BE REASONABLY SAFE; AMENDING SUBSECTION 4.10.7 TO CORRECT REFERENCES AND GRAMMAR; AMENDING SUBSECTION 4.10.8 TO EXEMPT PERMITTED USES FROM A FLOOD HAZARD DEVELOPMENT PERMIT, TO REQUIRE THE LOWEST FLOOR TO BE ABOVE THE FREEBOARD AND TO REVISE THE CRITERIA OF EVALUATION FOR A FLOOD HAZARD DEVELOPMENT PERMIT FOR A DEVELOPMENT AND SUBDIVISION TO BE REASONABLY SAFE FROM FLOODING AND TO MINIMIZE FLOODING; 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 Zoning Ordinance is in accordance with the Hailey Comprehensive Plan;

WHEREAS, 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 uses are compatible with the surrounding area; and

WHEREAS, the amendment will promote 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. The following definitions in Section 2.2 of the Hailey Zoning Ordinance No. 532, are hereby amended with the addition of the underlined and the deletion of the stricken language, or are added with the underlined language in alphabetical order:

Base Flood. The Flood having a one percent (1%) chance of being equaled or exceeded in any given year. This is a regulatory standard also referred to as the "100-year flood." The base flood is used by the NFIP as the basis for mapping, insurance rating, and regulating new construction.

Base Flood Elevation ("BFE"). ~~or One Hundred (100)-year Flood Elevation.~~ The water surface elevation resulting from the Base Flood that is tied to a specified Datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.

The height of the Base Flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study (FIS) report, or depth of the Base Flood, usually in feet, above the ground surface. The water surface elevation during the Base Flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.

Basement. That portion of a building that is partly or completely below grade, or as more particularly described in the IBC or IRC. The portion of a Structure including crawlspace with its floor sub grade (below ground level) on all sides.

Datum. A common vertical elevation reference point, usually in relation to sea level.

Federal Emergency Management Agency (FEMA). The federal agency with the overall responsibility for administering the National Flood Insurance Program (NFIP).

Flood. General and temporary condition of partial or complete inundation of two (2) or more acres of normally dry lands or two (2) or more properties from 1) the overflow of inland waters, and/or 2) the unusual and rapid accumulation of runoff of surface waters from any source 3) mudflow, or 4) collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

a. One Hundred (100) Year Flood. Flood having an indicated average frequency of occurrence once in one hundred (100) years, although the flood may occur in any year.

b. One Hundred (100) Year Flood Elevation or Base Flood Elevation. The maximum high water elevation of the One Hundred (100) Year Flood at any given point on the floodplain.

Flood Fringe. The portion of the floodplain outside of the floodway covered by floodwaters during the Base Flood.

Flood Hazard Development Permit Board. The Floodplain Administrator, the City Engineer, and the Building Official.

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the FEMA, delineating the areas of special Flood hazard and/or risk premium zones applicable to the community that is specifically defined as the "Special Flood Hazard Areas Inundated by 100-Year Flood" on the current edition of the Flood Insurance Rate Map (FIRM), Community Map Panel Numbers 160022-0662, 160022-0664, 160022-0668, 160022-0856 and 160022-0857, or as modified by FEMA.

Flood Insurance Study (FIS). The report published by FEMA for a community along with the community's FIRM. The FIS contains such background data such as the base flood discharges and water surface elevations that were used to prepare the FIRM.

Floodplain. A relatively flat area or low land adjoining a body of water which has been or may be inundated by water from the One Hundred (100) Year Flood, that is specifically defined

as the “Special Flood Hazard Areas Inundated by 100-Year Flood” on the Flood Insurance Rate Map/Flood Hazard Boundary and Floodway Map (Community Panel Numbers 160022-0662, 160022-0664, 160022-0668, 160022-0856 and 160022-0857), dated November 26, 2010, or as modified by FEMA by an interpretation of on-site elevations. The land that has been or may be covered by Floodwaters, or is surrounded by Floodwater and inaccessible, during the occurrence of the Base Flood that is specifically defined as the “Special Flood Hazard Areas Inundated by 100-Year Flood” on the current edition of the Flood Insurance Rate Map (FIRM), or as modified by FEMA by an interpretation of on-site elevations. The riverine Floodplain includes the Floodway and the Flood Fringe.

Floodplain Administrator. That individual designated by the Administrator to administer Section 4.10 of this Ordinance.

Flood Protection Elevation (FPE). An elevation that corresponds to the elevation of the one percent (1%) chance annual flood (Base Flood), plus any increase in flood elevation due to floodway encroachment, plus a Freeboard of one foot (1') minus the Floodway encroachment elevation. The Flood Protection Elevation for the City of Hailey is equal to BFE plus one foot (1'). As defined in Idaho Code §46-1021(7), an elevation that shall correspond to the elevation of the one percent (1%) chance annual flood (base flood elevation or BFE), plus any increased flood elevation due to floodway encroachment, plus any required freeboard. The flood protection elevation for the City of Hailey is equal to BFE plus one foot (1') of freeboard; the freeboard accounts for any flood elevation increases due to floodway encroachment as shown in the community's Flood Insurance Study.

Floodway (Regulatory Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than a designated height shown That portion of the flood hazard area that includes the channel and the portion of the adjacent area which conveys the major portion of the flow for the one hundred (100) year flood, that is specifically defined as the “Floodway Areas in Zone AE” on the current edition of the Flood Insurance Rate Map (FIRM)/Flood Hazard Boundary and Floodway Map (Community Panel Numbers 160022-0662, 160022-0664 160022-0668, 160022-0856 and 160022-0857) dated November 26, 2010, or as modified by FEMA by an interpretation of on-site elevations.

Freeboard. A factor of safety usually expressed in feet above a flood level, the BFE, for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams and the hydrologic effects of urbanization in a watershed. The Freeboard for the City of Hailey is equal to Base Flood Elevation (BFE) plus one vertical foot.

Letter of Map Change (LOMC). An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are issued in the following categories:

Letter of Map Amendment (LOMA). A revision based on technical data showing

~~that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area. An official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation.~~

~~Letter of Map Revision (LOMR). A revision based on technical data showing that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination that a structure of parcel has been elevated by fill above the base flood elevation and is excluded from the special flood hazard area. FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.~~

~~Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM or FIS report.~~

~~Lowest Floor. The lowest floor of the lowest enclosed area (including basement) used for living purposes, which includes working, storage, cooking and eating, or recreation, or any combination thereof. This includes any floor that could be converted to such a use including a basement or crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor. The Lowest Floor is a determinate for the flood insurance premium for a building, home or business. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to the structure in violation of the applicable non-elevation design requirements of Section 4.10 of this Ordinance, the Flood Hazard Overlay District.~~

~~Manufactured Home. A structure, constructed according to HUD/FHA home construction and safety standards, transportable in one (1) or more sections, which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent~~

foundation when connected to the required utilities. Manufactured Homes, where permitted, shall meet the following minimum requirements:

- The Manufactured Home shall be multi-sectional and shall enclose a space, exclusive of garage or accessory space, of not less than 864 square feet.
- The Manufactured Home shall be placed on a foundation that meets all City requirements under the IBC and IRC. The foundation shall be back-filled so that the Manufactured Home is no more than 12" above finished grade. The individual installing the Manufactured Home shall remove the wheels and trailer tongue from the home immediately upon installation.
- The Manufactured Home shall have a minimum roof pitch of three to twelve.
- The Manufactured Home shall have exterior roofing and siding which is similar in material, texture and color to material commonly used throughout the neighborhood or subdivision in which the Manufactured Home is to be located.
- ~~For the purposes of the Flood Hazard Overlay District (Section 4.10), Manufactured Home also includes RV's placed on a site for greater than one hundred eighty (180) consecutive days.~~

Substantial Damage. Damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a Structure, the cost of which equals or exceeds 50 percent of the market value of the Structure before the "start of construction" of the improvement. This term includes Structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either: 1) Any project for improvement of a Structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or 2) Any alteration of a "Historic Structure", provided that the alteration will not preclude the Structure's continued designation as a "Historic Structure".

Section 2. Section 4.10.3 of the Hailey Zoning Ordinance is hereby repealed and replaced by a new Section 4.10.3, as follows:

4.10.3. Definitions. The following capitalized definitions shall be used to define words and phrases within Chapter 4.10, Flood Hazard Overlay District. All other words and phrases not defined in Section 4.10.3 shall be defined in Article II of the Zoning Ordinance.

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures, or the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of mobile homes; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials; and the deposition or extraction of materials; specifically including the construction of dikes, berms, and levees. The term "Development" does not include the operation, cleaning, maintenance or repair of any ditch,

canal, lateral, drain, diversion structure, or any other irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations.

Manufactured Home. A Structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Manufactured Home does not include a Recreational Vehicle.

Recreational Vehicle (RV). A vehicle which is: a) built on a single chassis; b) designed to be self-propelled or permanently towable by a light duty truck; and c) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Structure. A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Section 3. Section 4.10.4 of the Hailey Zoning Ordinance No. 532, is hereby amended with the addition of the underlined and the deletion of the stricken language, as follows:

4.10.4 Establishment of the Flood Hazard Overlay District.

A. The following are hereby adopted by reference as the primary sources for Flood hazard analysis as identified by the Federal Insurance Management Administration:

1. The current edition of the Flood Insurance Study, Blaine County, Idaho and Incorporated Areas, prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Management Administration, date November 26, 2010 (FIS).
2. The current edition of the Flood Insurance Rate Maps, Blaine County, Idaho and incorporated areas Incorporated Areas, dated November 26, 2010 (FIRM).
3. The current edition of the Digital Flood Insurance Rate Map (DFIRM), Blaine County, Idaho and Incorporated Areas (DFIRM), date November 26, 2010.

B. The Flood Hazard Overlay District is hereby established. The regulations of this District apply to all lands within the jurisdictions of the City of Hailey that lie within the Base Flood Floodplain boundaries as determined by the FIS and the FIRM.

C. Floodway and Floodplain Regulations. The Flood Hazard Overlay District is divided into two (2) sub-districts, the Floodway sub-district and the Floodplain sub-district. The boundaries of these sub-districts are indicated on the FIRM(s).

D. The precise boundaries of the Floodway and Floodplain sub-district boundaries may be determined by on-site elevations as interpreted from the adopted Flood Insurance Study. Interpretations of the elevation information can result in a Floodplain/Floodway area greater than that depicted on the FIRMs. The Floodplain/Floodway areas cannot be less than the area depicted on the FIRMs unless changed by a Letter of Map Revision (LOMR). All land within the ~~external~~ boundary of the Floodplain sub-district shall be considered to be within the Floodplain and all land within the external boundary of the Floodway sub-district shall be considered to be within the Floodway, and governed by the provisions of this District.

Section 4. Section 4.10.6 of the Hailey Zoning Ordinance No. 532, is hereby amended with the addition of the underlined and the deletion of the stricken language, as follows:

4.10.6 Administration.

- A. The Floodplain Administrator shall administer and implement this Section 4.10.
- B. Duties and Responsibilities of the Floodplain Administrator and Flood Hazard Development Board.
 1. Review all Flood Hazard Development Permits to determine that the permit requirements of this Section 4.10 have been satisfied, that the proposed Development is reasonably safe from Flooding, and to make recommendations to approve, conditionally approve or deny any Flood Hazard Development Permits according to the procedures set forth in this Section 4.10.
 2. Review all other Federal, State, and local government permits with the Flood Hazard Development Permit Board for Development in the Floodplain. This includes, but is not limited to: US Army Corp of Engineers 404 Permits, Idaho Department of Water Resources Stream Channel Alteration Permits, and documentation of Section 9 and 10 of the Federal Endangered Species Act, if applicable.
 3. When Base Flood Elevation data ~~has~~have not been provided in the FIS or FIRM, the Floodplain Administrator and the Flood Hazard Development Permit Board shall obtain, review and reasonably utilize any Base Flood Elevation and Floodway data available from a Federal, State or other source developed using current federal engineering standards and practices, in order to administer the regulations of this Section 4.10.
 4. Where Base Flood Elevation data ~~is~~are provided through the FIS or FIRM, the Floodplain Administrator and the Flood Hazard Development Permit Board shall obtain, and record the actual elevation in relation to the vertical Datum on the effective FIRM, or highest adjacent grade, of the Lowest Floor level, including Basement, of all new construction or substantially improved Structures. A current FEMA Elevation Certificate shall be obtained for all new or Substantially Improved Structures, if within the Floodplain.
 5. For all new or substantially improved Flood proofed Structures, the Floodplain Administrator and the Flood Hazard Development Permit Board shall obtain, verify and record the actual elevation (in relation to the vertical Datum on the effective Flood Map to which the Structures have been Flood-proofed), and maintain the Flood proofing certification.
 6. When ~~Flood-proofing~~ floodproofing is utilized for a Structure, the Floodplain Administrator shall obtain from the applicant a certification of design criteria from a registered professional engineer or architect required in ~~Section 4.10.7~~Subsection 4.10.8.
 7. Maintain for public inspection all records pertaining to the provision of this District.
 8. In certain instances, there may be the need for expert review by a third party of the technical data submitted by the applicant. It shall be at the sole discretion of the Floodplain Administrator to determine whether such review is required. Such technical review shall be paid for by the applicant. The applicant shall pay the City the estimated cost of the expert review prior to further processing of the application by the City. If additional costs are incurred, the applicant shall pay those prior to issuance of a Flood Hazard Development Permit.

Section 5. Section 4.10.7 of the Hailey Zoning Ordinance No. 532, is hereby amended with the addition of the underlined and the deletion of the stricken language, as follows:

4.10.7 Floodway and Floodplain Regulations.

4.10.7.1 Floodway Sub-District Use Regulations. Uses in the Floodway Sub-District are limited to the following:

- A. Permitted Uses.
 - 1. Open space recreation uses, provided the uses do not involve Development that no Structure is constructed.
 - 2. River Restoration Projects, provided a stream alteration permit and a no rise certificate is issued.
 - 3. City projects and infrastructure, such as bridges and utility crossings, provided a steam alteration permit and a no rise certificate has been issued.
- B. Prohibited Uses. All other uses are strictly prohibited.

4.10.7.2 Floodplain Sub-District Use Regulations. Uses in the Floodplain Sub-District are limited to the following:

- A Permitted Uses.
 - 1. Open space and recreational uses, provided the uses do not involve Development they are not subject to Substantial Damage when Flooded and will not cause Flood losses on other land or to the public, or provided that they can be readily removed from the Flood hazard areas prior to the time of Flooding; and
 - 2. River Restoration Projects, provided a stream alteration permit is issued.
- B. Uses Requiring a Flood Hazard Development Permit.
 - 1. Any Development, ~~excluding mining and dredging;~~ and
 - 2. Subdivisions.
- C. Prohibited Uses.
 - 1. Any use not mentioned herein that is susceptible to Flood damage from the ~~One Hundred (100) Year Base Flood~~ or that could potentially cause Flood damage from such a Flood to other property.
 - 2. RV's and ATV's stored or kept outdoors on any property more than 180 consecutive days; any RV's, ATV's or other vehicle(s) must be fully licensed and ready for highway use.
- D. Bulk Requirements. For other supplementary location and bulk regulations, see Article VII, Title 17, Zoning.
 - 1. Minimum Lot Size – twenty-thousand (20,000) square feet for buildable lots. No minimum lot size for unbuildable lots. All land lying within the Floodway sub-district shall not be included in determining lot size.

2. Minimum Lot Width – seventy-five (75) feet.
3. ~~Maximum Building Height – thirty (30) feet.~~
4. Minimum Front Yard Setback – twenty-five (25) feet.
5. Minimum Side and Rear Yard Setback – the setback from the adjacent property line shall be one (1) foot for every two (2) feet of building height for all portions of the building exceeding 20 feet in height, however, no side or rear yard shall be less than ten (10) feet.
6. Riparian Setback. Unless otherwise provided for herein, all permanent buildings and Structures in the Flood Hazard Overlay District shall have a one hundred foot (100') wide Riparian Setback from the mean high water mark of the Big ~~wood~~Wood River. Removal of live vegetation or excavation within the Riparian Setback is prohibited, except for any tree that has been recommended for removal by a certified arborist, in writing, because the tree has been found to potentially endanger the resident(s) of the property on which it is located or any member of the public, or has become hazardous to any street, alley or other public right-of-way or public utility, or because the removal of a tree would substantially improve the health of other trees on the property. Pruning of trees and planting of riparian trees, shrubs and ground cover within the Riparian Setback are allowed, provided however, that all plantings conform to the ~~criteria for evaluation condition set forth in Section 4.10.7.2(h)~~ 4.10.8(D)(1)(h) of this Ordinance. Where the application of the one hundred foot (100') Riparian Setback and other applicable setbacks will result in a building site of one thousand (1000) square feet or less, the Riparian Setback may be reduced to such an extent that the building site is one thousand (1000) square feet; provided however, the Riparian Setback shall not be less than fifty feet (50').

4.10.7.3 Non-conforming Uses in the Flood Hazard Overlay District.

A. Structure or the use of a Structure or premises which was lawful before the passage or amendment of this Section 4.10 but which is not in conformity with the provisions of this District may be continued subject to the following conditions:

1. No such use shall be expanded, changed, enlarged or altered in a way which increases its non-conformity.
2. If any non-conforming use or Structure is partially or completely destroyed, it shall not be reconstructed except in conformity with the provisions of this Section 4.10.
3. Uses which are or become nuisances, as defined by Chapter 8.04 of the Municipal Code, shall not be entitled to continue as non-conforming uses.
4. Any alteration, addition or repair to any non-conforming Structure which would result in ~~substantially increasing its Flood damage potential~~Substantial Improvement shall be required to obtain a Flood Hazard Development Permit pursuant to ~~Section 4.10.7~~Subsection 4.10.8 of this Ordinance.

Section 6. Section 4.10.8 of the Hailey Zoning Ordinance No. 532, is hereby amended with the addition of the underlined and the deletion of the stricken language, as follows:

4.10.8 Flood Hazard Development Permit.

A. A Flood Hazard Development Permit shall be obtained before any site alteration, construction or Development begins within or upon any area located within the

Floodplain Sub-District.

1. All applications for a Flood Hazard Development Permit for a subdivision shall be evaluated and approved or denied by the Commission and Council at the same time as the Preliminary and Final Plat applications, in accordance with the Subdivision Ordinance.

2. All other Flood Hazard Development Permit applications shall be evaluated and approved or denied by the Flood Hazard Development Permit Board subject to final approval or denial by the Commission on its consent agenda

a. Notice of an application evaluated by the Flood Hazard Development Permit Board, providing a 10 day comment period, shall be mailed to property owners within 300 feet a minimum of 15 days prior to the Commission meeting.

3. For all new construction and Substantial Improvement of any commercial Structure and residential Accessory Structure, excluding residential Dwelling Units and Accessory Dwelling Units which are addressed in Subsection 4.10.8(A)(4)-4.10.7(A)(4), applying for a Flood Hazard Development Permit shall either submit an elevation certificate showing that the bottom of the Lowest Floor of the Structure is elevated to the Flood Protection Elevation or provide Flood-proofing measures, in accordance with this Section 4.10.

4. Any residential Dwelling Unit, including any Accessory Dwelling Unit, or any Substantial Improvement thereto, applying for a Flood Hazard Development Permit shall submit an elevation certificate showing that the bottom of the Lowest Floor of the Structure is elevated to the Flood Protection Elevation.

5. ~~In all Areas of Special Flood Hazard where the Flood Protection Elevation and BFEs are established, the following standards for manufactured homes and recreational vehicles that are an allowed use under the zoning ordinance shall apply:~~

~~a. — Manufactured homes placed or substantially improved:~~

~~i) — On individual lots or parcels,~~

~~ii) — In new or substantially improved manufactured home parks or subdivisions, or~~

~~iii) — In expansions to existing manufactured home parks or subdivisions, or on a site in an existing manufactured home park or subdivision where a manufactured home has incurred Substantial Damage as the result of a Flood, must have the Lowest Floor, including Basement, elevated to the Flood Protection Elevation.~~

~~b. — Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:~~

~~i) — The Lowest Floor of the manufactured home is elevated to the Flood Protection Elevation or one foot (1') above the level of the Base Flood elevation, whichever is higher, or~~

~~ii) — The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches above the highest adjacent grade.~~

~~c. — Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to, and consistent with, applicable state requirements. Manufactured Homes shall meet the following additional standards:~~

a. In all Areas of Special Flood Hazard where the Flood Protection Elevation is established, Manufactured Homes placed, substantially improved, or have incurred substantial damage must be elevated on a

permanent foundation such that the lowest floor of the manufactured home is elevated to the Flood Protection Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- b. In all Areas of Special Flood Hazard where the Base Flood Elevation has not been established, Manufactured Homes placed, substantially improved, or have incurred substantial damage must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet (2') above the highest adjacent grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

dc. Manufactured homes placed on solid perimeter walls shall meet the Flood vent requirements in Subsection 4.10.8(C)(12)Article 4.10.7(C)(13).

6. In AH Zones, where flood depths are 1 to 3 feet and BFEs are determined, drainage paths shall be provided to guide Flood water around and away from proposed and existing Structures.

7. In all Areas of Special Flood Hazard, RVs must either:

- a. Be on the site for fewer than 180 consecutive days; and
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached Structures or addition, or

- c. The RVs must meet all the requirements for "New Construction," including the anchoring and elevation requirements.

8. Where the Floodway has not been determined, no new construction, Substantial Improvements, or other Development (including fill) shall be permitted in Zones A1-30 and AE on the effective FIRM, unless it is demonstrated that the cumulative effect of the proposed Development, when combined with all other existing and anticipated Development, will not increase the water surface elevation of the Base Flood more than one foot at any point within the community. Applicants of proposed projects that increase the Base Flood Elevation more than one foot are required to obtain and submit to the Floodplain Administrator, a Conditional Letter of Map Revision (CLOMR) preconstruction. Certification and documentation by a licensed professional engineer shall be submitted to demonstrate compliance with this section.

- a. Applicants of proposed projects that increase the base flood elevation more than one foot are required to obtain and submit to the Floodplain Administrator, a Conditional Letter of Map Revision (CLOMR) preconstruction.
- b. Post construction, the applicant must apply to FEMA for a Letter of Map Revision for changes to the flood hazard map proposed in the CLOMR.

9. Critical Facilities. Critical Facilities, where permitted, shall be constructed at a three foot (3') Flood Protection Elevation (FPE). Critical Facilities include Public Service Facilities, Public Uses, Public Utility Facilities and hospitals.

B. Application. An application for a Flood Hazard Development Permit shall be made on a form furnished by the Floodplain Administrator. Such application shall contain, at a minimum, the following (if applicable):

1. Plans drawn in duplicate and to scale showing 1) the existing contours with intervals of one foot (1') or less of the elevation of the entire property, 2) the proposed contours with intervals of one foot (1') or less of the elevation of the entire property, and 3) the location, dimensions and elevations (measured from mean sea level) of the proposed improvements, including buildings, Structures, fill, drainage facilities, driveways and streets.
2. Certification by a registered professional engineer/architect that the Flood-proofing methods meet the Flood hazard reduction provisions of this Section 4.10.
3. A description of the extent to which any watercourse would be altered or relocated.
4. Copies of all required and necessary submitted federal and state applications or approved federal and state permits, including studies and mitigation plans for wetlands (e.g., 404 permits, Endangered Species Act consultation).

C. Criteria for Evaluation. The Flood Hazard Development Permit Board, the Commission or the Council, as the case may be, shall evaluate and find adequate evidence to support each of the following criteria:

1. There will be no significant danger to life and property due to increased Flood heights or velocities or that any materials may be swept on to other lands or downstream to the injury of others and that the proposed Development is reasonably safe from Flooding.
2. All subdivision proposals shall:
 - a. Be reasonably safe from flooding.
 - ab. Have adequate drainage provided to reduce exposure to Flood hazards.
 - bc. ~~Reduce~~Minimize Flood damage, to the extent possible, through design criteria, such as requiring building envelopes, minimizing the size of building envelopes, locating building envelopes in the safest locations, reducing the number and size of encroachments in the Floodplain and providing unobstructed passage of Flood waters.
 - ed. Have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize Flood damage.
 - de. Include the mapped Flood hazard zones from the effective FIRM shown on the preliminary plat.
 - ef. Generate and/or provide Base Flood Elevation data for subdivision proposals and all other proposed Development, including manufactured home parks and subdivisions, greater than fifty lots or greater than five (5) acres, whichever is less.
3. The proposed location represents the safest location on the subject property for the proposed use.
4. Safe access to the property shall be available in times of a ~~One Hundred~~ (100) Year Base Flood for ordinary and emergency vehicles.
5. Inherent natural characteristics of the watercourses shall be preserved.
6. Existing riparian vegetation and wildlife habitat along the stream bank and within the required one hundred foot (100') riparian setback shall be preserved.
7. New landscaping shall include plantings that are low-growing and have dense root systems to stabilize stream banks and to repair any damage previously done to riparian vegetation.
8. All new construction permitted in this Chapter, including ~~m~~Manufactured ~~h~~Homes and RV's as defined and permitted in this Ordinance, accessory buildings, and

Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement and be reasonably safe from flooding.

9. All new construction and Substantial Improvements shall be constructed with materials resistant to Flood damage and constructed using methods and practices that minimize Flood damage. The lowest portion of a floor system of new construction or Substantial Improvement of any Structure shall be elevated to or above the level of the Flood Protection Elevation. Any electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall also be designed and elevated to or above the level of the Flood Protection Elevation.

10. Any proposed water supply and sanitation system shall prevent disease, contamination and unsanitary conditions.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of Flood waters into the system.

b. New and replacement water sanitary sewage systems shall be designed to minimize or eliminate infiltration of Flood waters into the systems and discharge from the systems into Flood waters.

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during Flooding.

11. Any chemicals or other toxic materials that could cause contamination of surface waters or ground water, or that could be injurious to public health, safety and welfare shall be located at ~~least one foot (1')~~ above the Base-Flood Protection Elevation and stored in a manner that prevents their release in the event of a Flood.

12. The lowest portion of a floor system of new construction or Substantial Improvement of any Structure shall be elevated to a level at least to the Flood Protection Elevation. Any Fill shall not extend more than twenty-five feet (25') beyond the limits of any Structure erected on a lot or property ("backfill"); provided, however, Fill may extend more than twenty-five feet (25') beyond the limits of any Structure erected on a lot or property only if the cumulative volume of the Fill below the BFE does not exceed the volume of fill below the BFE allowed within the twenty-five foot (25') perimeter. Fully enclosed areas below the Lowest Floor are prohibited, or shall be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of Floodwaters. Designs for meeting this requirement ~~must either~~ shall be certified by a registered professional engineer/architect and must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot (1') above the proposed grade.

c. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of Floodwater.

d. Below grade crawlspaces are prohibited at sites where the velocity of Floodwaters exceed 5 ft/second

e. Interior grade of the crawlspace below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG)

f. Height of the below grade crawlspace, measured from the lowest interior grade of the crawlspace to the bottom of the floor joist must not exceed 4 feet at any point

g. Contain an adequate drainage system that removes Floodwaters from the interior area of the crawlspace

13. Encroachments in the Floodway, including Fill, new construction, Substantial Improvements and other Development shall require certification from a registered professional engineer certifying the following:

a. Such encroachments shall not result in any increase in Flood levels during the occurrence of a Flood.

D. Conditions.

1. Upon consideration of the criteria in ~~Section 4.10.7(C)~~ Subsection 4.10.8(C), above, the Flood Hazard Development Permit Board, the Commission or the Council, as the case may be, may attach such conditions to the permit, as deemed necessary to further the purposes of this District, including but not limited to:

a. Modification of water disposal and water supply facilities to minimize or eliminate infiltration of Flood waters.

b. Limitations of periods of use and operation.

c. Imposition of operational controls, sureties and deed restrictions.

d. Requirements or prohibition of construction of channel modification dikes, levees and other protective measures.

e. Submission of a plan or document certified by a registered professional engineer/architect stating that the Flood-proofing measures comply with this Section 4.10.

f. Flood-proofing measures for Structures such as the following:

i) Installation of watertight doors, bulkheads, shutters, and similar Structures

ii) Reinforcement of walls to resist water pressures.

iii) Use of paints, membrane or mortars to reduce seepage of water through walls.

iv) Addition of mass or weight to Structures to resist flotation.

v) Installation of pumps to lower water levels in Structures.

vi) Construction of water supply and waste treatment systems so as to prevent the entrance of Flood waters.

vii) Installation of pumping facilities or comparable sub-surface drainage systems for buildings to relieve external foundation wall Flood pressures.

vii) Construction to resist rupture or collapse caused by water pressure or floating debris.

ix) Installation of valves or controls on sanitary and storm drains that will permit the drains to be closed to prevent back-up of sewage and storm waters into the building or Structures.

x) Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to Flooding and to provide protection from inundation by the Flood waters.

xi) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety and welfare in a manner which will assure that the facilities are

situated at least ~~one foot (1')~~ above to the Base Flood Protection Elevation and/or are adequately Flood-proofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into Flood waters.

- g. Location of building pads or envelopes.
- h. Installation and maintenance of new landscaping and preservation of existing riparian vegetation.
- i. Obtain all required and necessary Federal and State permits (e.g., 404 permits, Endangered Species Act consultation, etc).
- j. Any other condition reasonably related to the issuance of a Flood Hazard Development Permit.

Section 7. Severability Clause. 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 8. Repealer Clause. All City of Hailey ordinances or parts thereof, which are in conflict herewith, are hereby repealed.

Section 9. Effective Date. 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 ____ DAY OF _____, 2015.

Fritz X. Haemmerle, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Return to Agenda

**AGENDA OF THE
HAILEY CITY COUNCIL MEETING
Monday May 18, 2015 * Hailey City Hall Meeting Room**

5:30 p.m. CALL TO ORDER - Open Session for Public Concerns

CONSENT AGENDA:

- CA 000 Grant Applications
- CA 000 Grant Agreements
- CA 000 Contracts & Bids
- CA 000 Motion to approve Resolution 2015-____, authorizing Arena Use Agreement with Jordan World Circus for event at the arena on June 6, 2015
- CA 000 Findings of Fact and Ordinance Summaries
- CA 000 Motion to approve minutes of April 20, 2015 and to suspend reading of them.....
- CA 000 Motion to approve claims for expenses incurred during the month of April 20, 2015, and claims for expenses due by contract in May, 2015
- CA 000 Motion to approve Treasurer's reports for April 2015.....

MAYOR'S REMARKS:

MR 000

PROCLAMATIONS & PRESENTATIONS:

PP 000

APPOINTMENTS & AWARDS

AA 000

PUBLIC HEARING:

- PH 000 Discussion of Hailey's policy on nuclear waste shipments to Idaho and storage within Idaho (AG's office invited by Mayor Haemmerle).....
- PH 000 Water Master Plan.....
- PH 000 Consideration of ordinance amendments to Hailey's building codes and energy codes (continued from April 20th council meeting).....
- PH 000 Consideration of Resolution 2015-30, authorizing Second Addendum to Annexation Agreement and Third Modification to Deed Restriction for the North Hailey Business Center (continued from April 20th council meeting).....
- PH 000 Biosolids project – Award of construction contract.....
- PH 000 Biosolids programming Task Order # ____ with HDR
- PH 000 Discussion on ordinance amendments to park and arena reservations and use
- PH 000 Proposed Ordinance Title 13 cross-connection ordinance amendment to consider allowing alternative backflow protection devices for irrigation
- PH 000 Update on water issues, including a) water right delivery calls (CM-DC-2015-001 and CM-DC-2015-002) filed by Big Wood and Little Wood Water Users Association, b) Idaho Department of Water Resources letter dated February 20, 2015 and c) formation of the Galena Groundwater Management District, and consideration of Resolution 2015-31, authorizing engagement with Mike Creamer of Givens Pursley Law Office to represent the City of Hailey

NEW BUSINESS:

- NB 000 Consideration of Cobblestone Project Construction Agreement and approval of notice to advertise for bids.....
- NB 000 Discussion of City water projects and goals.....
- NB 000 Sterling Codifiers.....

OLD BUSINESS:

- OB 000 3rd Reading of Ordinance No. 1173 - vacating portions of 6th Avenue and Carbonate Street – Mary Mizer property Summary of Ordinance?
- OB 000 3rd Reading of Ordinance No. 1174 - Non-Discrimination Ordinance, which establishes protections against discrimination based on gender identity or sexual orientation within the City of Hailey (Summary of Ordinance?).....
- OB 000 3rd Reading of Ordinance No. 1175 – Floodplain Ordinance Amendments Summary of Ordinance
- OB 000

STAFF REPORTS: Staff Reports Council Reports Mayor’s Reports

- SR 000 Draft Agenda for next council meeting.....

EXECUTIVE SESSION:

Matters & Motions from Executive Session

Next Ordinance Number - [redacted] Next Resolution Number- 2015-01

RRF

Return to Agenda