

AGENDA ITEM SUMMARY

DATE: 4/14/2008

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Ordinance No. 1005

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code 1005
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a proposed Ordinance No. 1005. This ordinance has been read one time. At the time of the reading, the council wanted to add language to Section 2.04.010.06. I have added language allowing the Council to discuss and deliberate upon an item without a motion.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS

Case # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<input checked="" type="checkbox"/> 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:

If acceptable, conduct a second reading of Ordinance No. 1005.

FOLLOW-UP REMARKS:

4/14 - 2nd Reading
4/28 - 3rd Reading - meeting cancelled - no quorum
5/12 - 3rd Reading

HAILEY ORDINANCE NO. 1005

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 2.04 OF THE HAILEY MUNICIPAL CODE ENTITLED PUBLIC HEARINGS, PROVIDING FOR PROCEDURES FOR REGULAR AND SPECIAL MEETINGS, CITY COUNCIL AGENDA, CONSENT AGENDA AND PUBLIC HEARINGS; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Hailey has adopted an ordinance, creating Chapter 2.04 of the Hailey Municipal Code, providing for procedures for public hearings;

WHEREAS, the Hailey City Council believes it prudent to establish procedures for regular and special meetings of the Hailey City Council, to establish a protocol for the City Council agenda, to create a consent agenda, and to revise the procedures for public hearings; and

WHEREAS, the Mayor and the City Council find that amendments to Chapter 2.04 of the Hailey Municipal Code will clarify the procedures of public meetings by the Hailey City Council and Planning and Zoning Commission.

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

Section 1. Section 2.04.010 of the Hailey Municipal Code is amended by the deletion of the stricken language and addition of the underlined language, as follows:

2.04.010 Procedures.

2.04.010.01 Regular Meetings. The Hailey City Council shall conduct at least one regular meeting each month in the City Council chambers at Hailey City Hall, 115 Main Street South, Hailey, Idaho.

2.04.010.02 Special Meetings. The Mayor of the City of Hailey, or one half (½) plus one (1) of the members of the Hailey City Council shall have the power to call a special meeting of the Hailey City Council.

2.04.010.03 City Council Agenda. The Mayor shall determine the agenda of all regular meetings and any special meeting, except for special meetings called by the Hailey City Council, in which case the Hailey City Council shall determine the agenda for the special meeting. The Agenda may consist of the following but not necessarily in the following order:

Open Session for Public Concerns
Call to Order
Consent Agenda
Proclamations and Presentations
Public Hearings

New Business
Old Business
Workshops
Staff Reports and Discussion
Council Reports and Discussion
Executive Session
Adjourn Meeting

2.04.010.04 Consent Agenda. The City Council and the Planning and Zoning Commission shall use the procedure of a "Consent Agenda" at its meetings. The Mayor or any City Council Member, or the Planning and Zoning Administrator, Commission Chair or Member, as the case may be, may request that an item be placed upon the Consent Agenda. The City Council or the Planning and Zoning Commission by single motion and vote may approve all items on the Consent Agenda. Prior to voting upon the Consent Agenda, the Mayor, any Council Member, Planning and Zoning Commission Chair or Member, or any staff member of the city, shall have the right to remove an item on the Consent Agenda, which item shall be discussed and decided upon separately at the meeting. Items to be included in a Consent Agenda may include approval of minutes, claims, findings of fact and conclusions of law, and contracts.

2.04.010.05 Public Hearings. A- If Idaho law or Hailey Ordinance requires a public hearing, the following procedure shall be followed with regard to all public hearings conducted by and before the eCity eCouncil and the pPlanning and zZoning eCommission:

1. City staff shall present an introduction and orientation;
2. The applicant or interested party shall be then afforded the opportunity to present and explanation of the application, request or other matter being considered by the City eCouncil or Planning and Zoning eCommission;
3. The members of the eCity eCouncil or Planning and Zoning eCommission shall then have the opportunity to direct questions to the applicant or interested party;
4. Public hearing shall then take place, members of the public being afforded the opportunity to be heard. The presiding officer shall have the discretion to set limits as to the time each individual may speak and/or the number of times each individual may speak. The presiding officer shall also have the authority to set an overall time limit for the entire public hearing;
5. After completion of all testimony and/or public comment, or at the conclusion of the time limit set for the public hearing, whichever shall first occur, the public hearing shall be closed;
6. The members of the eCity eCouncil or pPlanning and zZoning eCommission shall then have an opportunity to direct questions to the staff and/or the applicant or interested party;
7. The applicant shall be afforded a right to rebut any testimony or evidence presented as public comment;
8. A decision may then be rendered on the merits of the application or matter before the City eCouncil or Planning and Zoning eCommission, and shall be based either on written findings of fact and conclusions of law adopted by said body, or, at the discretion of the council or commission, proposed findings and conclusions may to be prepared by the staff and

presented for adoption at the next meeting of the City eCouncil or Planning and Zoning eCommission; and

§9. Any matter under consideration by the City eCouncil or Planning and Zoning eCommission may by a motion properly made, seconded, and passed, be tabled to a date uncertain or continued, upon a motion properly made, seconded, and passed, to a date certain, at which time the matter will be taken up again for action or decision.

B. 2.04.010.06 Robert's Rules of Order. All actions taken shall be pursuant to Robert's Rules of Order, except that an item may be discussed and deliberated upon without a motion.

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 Resolutions 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 12th day of May, 2008.

Richard L. Davis, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

Publish: Wood River Journal, May 21, 2008

AGENDA ITEM SUMMARY

DATE: 5/12/2008

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Summary of Ordinance No. 1005

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a proposed summary of Ordinance No. 1005.

Ned

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

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ 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:

If acceptable, make a motion to approve the summary of Ordinance No. 1005.

FOLLOW-UP REMARKS:

SUMMARY OF HAILEY ORDINANCE NO. 1005

The following is a summary of the principal provisions of Ordinance No. 1005 of the City of Hailey, Idaho, duly passed and adopted May 12, 2008, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 2.04 OF THE HAILEY MUNICIPAL CODE ENTITLED PUBLIC HEARINGS, PROVIDING FOR PROCEDURES FOR REGULAR AND SPECIAL MEETINGS, CITY COUNCIL AGENDA, CONSENT AGENDA AND PUBLIC HEARINGS; 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.

Hailey Ordinance No. 1005 amends Hailey Municipal Code, as follows:

Section 1 amends Section 2.04.010 of the Hailey Municipal Code by adding provisions governing the conduct of regular and special meetings of the Hailey City Council, setting of the City Council agenda, establishing a procedure for the consent agenda of the Hailey City Council and Planning and Zoning Commission, and allowing an applicant a right to rebut evidence in a public hearing, by clarifying provisions for the preparation and presentation of findings of fact and conclusions of law for a decision in a public hearing, by clarifying motions to table and continue hearings, and by allowing an action discussed and deliberated without a motion.

Section 2 provides for a severability clause.

Section 3 provides for a repealer clause.

Section 4 provides for an effective date of the ordinance.

The full text of Ordinance No. 1005 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. 1005 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1005, 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 12th day of May, 2008.

Ned Williamson, Hailey City Attorney

Publish: Wood River Journal _____

HAILEY ORDINANCE NO. 1006

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 7, SUPPLEMENTARY LOCATION AND BULK REQUIREMENTS, TO INCREASE REQUIRED YARD SETBACK FOR PERGOLAS AND TO CLARIFY REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES; 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 will generally conform with the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services; and

WHEREAS, the amendment will be in accordance with the safety and welfare of the general public.

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

Section 1. Section 7.1.5 of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

7.1.5 Pergolas. Supporting columns for Pergolas shall meet required yard setbacks. The roof of a pergola shall not extend into a required yard setback by more than ~~three (3)~~ five (5) feet.

Section 2. Section 7.1.8 of Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

7.1.8 Accessory ~~s~~Structures with a floor area of 120 square feet or less:

a. Except as otherwise provided herein, Accessory Structures with a floor area of 120 square feet or less are allowed to be setback a minimum of three (3) feet from the side and/or rear property line.

1. On Normal Corner Lots, Accessory Structures with a floor area of 120 square feet or less shall have a minimum side yard setback of two thirds (2/3) the front yard setback requirement for the zoning district in which the lot is located.

2. Except in the Business District, in the case where an alley is located along the side or rear lot line of the property, a six (6) foot setback is required for Accessory Structures with a floor area of 120 square feet or less.

3. Within the Business District, Accessory Structures may be built to the property line.

b. Accessory Structures with a floor area of 120 square feet or less and are located a minimum of three (3) feet from the side and/or rear property line shall have a maximum bearing wall height of eight feet and a maximum building height of 12 feet.

- c. Accessory Structures with a floor area of 120 square feet or less shall comply with all applicable Building Code requirements.
- a. ~~Detached accessory structures which do not require a building permit may be located within the side and/or rear yard setback (except on corner lots), provided that a minimum 3-foot clear space is maintained between the accessory building and any other structure on the property, and a 3-foot clear space is maintained between the accessory building and any property line. On normal corner lots, a detached accessory structure shall have a side yard setback not less than two thirds (2/3) the front yard setback requirement for the zoning district in which the lot is located.~~
- b. ~~Detached accessory structures which do not require a building permit and are located within the side and/or rear yard setback shall have a maximum bearing wall height of eight feet and a maximum building height of 12 feet.~~
- e. ~~Attached accessory structures may be located within the side and/or rear set back providing that minimum 3-foot separation is maintained from the property line and that a building permit is obtained.~~
- d. ~~Except in the Business District, in the case where an alley is located along the side or rear lot line of the property, a 6-foot setback is required for any accessory structure.~~

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

Section 4. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 5. 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 _____, 2008.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 4/14/08 DEPARTMENT: PW DEPT. HEAD SIGNATURE: [Signature]

SUBJECT: Water Conservation Ordinance

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code 1007
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Two years ago we removed the odd-even watering restrictions to allow residents to experiment with watering on different schedules such as every 3 days or twice per week. With the pressure problems we have experienced and evidence that watering daily has been occurring we are proposing a return to the odd-even watering schedule. In addition, there is concern that the Idaho Dept of Water Resources could move towards conjunctive management in the valley which could affect our city wells. Such a move could necessitate curtailment of all irrigation within the city in order to conserve water for domestic purposes. This ordinance would give the mayor the authority to order this restriction.

decision - Public Works

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____

Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14
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:

*- 1st Reading 4/14 - MC
2nd Reading pending 4/28 - MC*

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

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

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

Draft 12-30-03

HAILEY ORDINANCE NO. 1007

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 13.08.010 OF THE HAILEY MUNICIPAL CODE, BY ADDING AN IRRIGATION RESTRICTION BASED ON AN ODD-EVEN SCHEDULE AND AN AUTHORIZATION TO RESTRICT ALL IRRIGATION IN AN EMERGENCY; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and the City Council of the City of Hailey believe that returning to an odd-even water conservation system will assist both in water pressures and conservation; and

WHEREAS, the Mayor and City Council of the City of Hailey believe that in the event of drought or other emergency conditions, it is appropriate to allow the City to limit the use of municipal water to domestic purposes only and to prohibit the use of municipal water for irrigation purposes; and

WHEREAS, the Mayor and City Council of the City of Hailey believe that the adoption of this ordinance will promote the health, safety and general welfare of the citizens of the City of Hailey.

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

Section 1: Section 13.08.010 of the Hailey Municipal Code is hereby amended by the deletion of the stricken language and by the addition of the underlined language, as follows:

13.08.010 Implementation of Municipal water usage conservation measures.

A. Prohibition and Restriction of Municipal Water Usage. The sprinkling or watering of outdoor plantings such as grass, lawns, gardens, ground cover, shrubbery, trees or other landscaping shall be restricted upon all properties with even numbered street addresses to even numbered calendar days, upon all properties with odd numbered street addresses to odd numbered calendar days, and upon all properties on the 31st day of any month, and shall be prohibited between the hours of ten a.m. and ~~five~~ six p.m. daily, except as provided below:

A1. Upon written request made by a Water User, the ~~public-works~~ water superintendent may grant an exception to the prohibition and restriction of municipal water usage if one or more of the following conditions are met:

1a. The Water User is now using, or will use as condition to the granting of the exception, water conservation irrigation devices such as drip or bubbler style irrigation systems that minimize water evaporation losses; or

2b. The Water User's water usage will be for the purpose of sprinkling or watering new plantings for a specified time period.

B. Exclusion. Sprinkling or watering by commercial nurseries on their own sites are specifically excluded from the prohibitions and restrictions of this chapter.

C. Emergency Powers. The Mayor may, upon notification by the Idaho Department of Water Resources of curtailment of City of Hailey water rights, declare an emergency and restrict water use to domestic purposes only.

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

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

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

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF ____, 2008.

Rick Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: Wood River Journal

AGENDA ITEM SUMMARY

DATE 4/14/08 DEPARTMENT: Building/WW **DEPT. HEAD SIGNATURE:** DF/TH

SUBJECT

Municipal Code Amendment to defer payment of some fees to the time a certificate of occupancy is issued, rather than from the time a building permit is issued, for the purpose of encouraging the development of Energy Star Construction homes.

AUTHORITY: ID Code IAR _____ City Ordinance/Code 1008

BACKGROUND:

The council had undergone the first reading of an ordinance which deferred building permit fees, plan review fees, and development impact fees to the time of certificate of occupancy. Staff pulled that ordinance from the ordinance reading process following advice from the city attorney:

"I found a problem with the amendment process of the DIF ordinance. Idaho Code §82-8208(4) states the capital improvements plan has to be updated each time we propose an amendment of the DIF ordinance. It seems bizarre that we would have to do go through an extensive process to modify a CIP just to make a minor amendment to the DIF ordinance. But that is what it says. Ned"

The ordinance deferring fees has been redrafted to defer water and wastewater connection fees rather than development impact fees. This change allows a larger fee amount to be deferred, and gives Hailey stronger collection authorities through it's water and wastewater fees collections sections of Title 13.

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:

Consider proposal, and move to authorize first reading of proposed ordinance (this amendment constitutes a significant change to the previous draft).

FOLLOW UP NOTES:

*1st reading 4/14/08
2nd reading 4/28 agenda*

HAILEY ORDINANCE NO. 1008

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTIONS 15.08.020(E) AND 13.40.140.A OF THE HAILEY MUNICIPAL CODE BY ALLOWING FOR THE DEFERRAL OF BUILDING PERMIT, PLAN REVIEW, FIRE REVIEW AND DEVELOPMENT IMPACT FEES TO THE DATE OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ENERGY STAR CERTIFIED SINGLE FAMILY RESIDENCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hailey have determined to allow applicants of building permits for residential structures which comply to Energy Star certified requirements to defer payment of building permit and plan review fees until time of issuance of Certificate of Occupancy.

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

SECTION 1. Sections 15.08.020 and 15.16.070.01 of the Hailey Municipal Code are amended the addition of the underlined language, as follows:

15.08.020 Amendment of codes. Pursuant to Idaho Code Section 39-4116(3), the following codes adopted pursuant to Section 15.08.010 herein or provisions thereof are added to, amended, altered and/or modified as follows:

12. All fees stated above, are payable at the time the building permit is issued except when on the application for a single family residence of an Energy Star certified project in which case fees other than those described in Sections I and II must be paid at the issuance of a Certificate of Occupancy.

13.04.140 (Water and Wastewater) Connection fees.

A. The Owner or agent of any Property connected to the Municipal Water or Wastewater System shall pay a water connection fee for the value of water service and a Wastewater connection fee for the value of Wastewater service. Connection fees paid to the City at the time a building permit is issued shall be paid in accordance with 5.08.020.E.12.

The basis for the connection fee for those persons or entities connecting to the Municipal Water and Wastewater Systems is to charge the value of the system capacity that the new user will absorb at that point in time. The value of the system is determined each year by updating the original construction cost of each major capital improvement to the system to determine the cost to replace that improvement in that particular year. This is accomplished by determining the annual average engineering news record construction costs index ("ENR (CCI)") in the year that the improvements were made and the year

that the connection fee is being determined. The ENR (CCI) for the year calculated is divided by the ENR (CCI) for the year in which the improvements were made. The value is then multiplied by the original cost for the improvements. The value obtained is the estimated cost to replace the improvements at the time the connection fee is calculated. The gross value to replace the system must be adjusted by subtracting the remaining bond principal to obtain the net value. The remaining bond principal to be paid for bond retirement is determined from the bond retirement schedule each year. The remaining bond interest is not subtracted from gross system value.

SECTION 2. 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. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its proclamation, passage and approval and posting in at least five (5) public places in the City of Hailey.

ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE
MAYOR this ____ day of _____, 2008.

Rick Davis, Mayor
City of Hailey

ATTEST:

Heather Dawson
Hailey City Clerk

Publish: Summary - Wood River Journal: _____

