AGENDA OF THE
HAILEY CITY COUNCIL
SPECIAL MEETING
Monday June 29, 2015 * Hailey City Hall Meeting Room

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

CONSENT AGENDA:

CA 252 Motion to approve Resolution 2015-51, authorizing Public Works Director and another city staff designee to administratively approve change orders for the biosolids handling facility for amounts $10,000 or less 1

CA 253 Motion to approve Minutes from June 15, 2015 council meeting and to suspend the reading of them 4

CA 254 Motion to approve claims for payments due by July 1, 2015..... 12

OLD BUSINESS:

OB 255 Discussion of Health Insurance JPA – consideration of Hailey's withdrawal from the III-A and consideration of Resolution 2015-52 providing notice to withdraw from III-A (*continued from 6/15/15 meeting)* 15

OB 256 3rd Reading of Ordinance No. 1180 and summary – Park Reservations amendments 29

EXECUTIVE SESSION: Pending & Imminently Likely Litigation (IC 67-2345(1)(f))

NEW BUSINESS:

NB 257 Consideration of Resolution 2015-53 authorizing Givens Pursley to execute a Joint Defense and Confidentiality Agreement and Scope of Work.....37

Matters & Motions from Executive Session

Next Ordinance Number - 1181 Next Resolution Number- 2015-54

AGENDA ITEM SUMMARY

DATE: 06/~~15~~ 29/15 **DEPARTMENT:** Public Works **DEPT. HEAD SIGNATURE:** MP

SUBJECT: Resolution 2015-51, Approval for Public Works Director and another city staff designee to administratively approve change orders for the biosolids handling facility for amounts $10,000 or less.

AUTHORITY: ☐ ID Code _____ ☐ IAR _____ ☐ City Ordinance/Code _____
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:
Administrative approval of some change orders is necessary to expeditiously complete this construction project. Delays to wait for formal approval from the Council could cost time and money. This administrative approval was allowed during Tiger II/Woodside Blvd. project and it is customary to approve smaller change orders in this manner.

Monthly change order summaries would still be given to the Council for ratification and approval.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

_X__	City Attorney	___	Finance	___	Licensing	___	Administrator
___	Library	___	Community Development	___	P&Z Commission	___	Building
___	Police	___	Fire Department	___	Engineer	___	W/WW
___	Streets	___	Parks	_X_	Public Works	___	Mayor

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:
Motion to approve Resolution 2015-_____, allowing the Public Works Director and another designated city staff member to administratively approve change orders for the biosolids handling facility for amounts $10,000 or less.

ACTION OF THE CITY COUNCIL:
Date _____
City Clerk _____

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

CITY OF HAILEY
RESOLUTION NO. 2015-51

RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY AUTHORIZING THE PUBLIC WORKS DIRECTOR AND ONE OTHER CITY STAFF DESIGNEE TO ADMINISTRATIVELY APPROVE CHANGE ORDER FOR AMOUNTS UP TO $10,000 FOR THE BIOSOLIDS HANDLING FACILITY PROJECT.

WHEREAS, the City of Hailey desires to expeditiously complete the Biosolids Handling Facility and recognizes that by allowing change order of a certain amount to be approved without waiting for formal authorization from the City Council will help facilitate this desire.

WHEREAS, the threshold of administrative approval for change orders made by the Public Works Director in amounts of $10,000 or less is conservative and found to be a lesser amount than customary for similar projects by the City's consultant engineer, HDR.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, that the City of Hailey approves the Public Works Director and one other city staff designee to authorize change orders for amounts of $10,000 or less.

Passed this _____ day of June, 2015.

City of Hailey

_____
Fritz X. Haemmerle, Mayor

ATTEST:

_____
Mary Cone, City Clerk

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 06/29/15 **DEPARTMENT:** Clerk's Office **DEPT. HEAD SIGNATURE** M. Cone

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SUBJECT

Approval of Minutes from the meeting of the Hailey City Council on June 15, 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

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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 JUNE 15, 2015
IN THE HAILEY TOWN CENTER MEETING ROOM

The Meeting of the Hailey City Council was called to order at 5:36 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.

Call to order 5:36:59 PM by Mayor Haemmerle.

Open Session for Public Comments:

5:37:14 PM Peter Lobb – comment on Circus, report on Channel 11 news regarding the circus, it did not look great on Hailey. Lobb feels council made good decision at time. Going forward, now is the time to pass an ordinance to ban exotic animals, because 1) people who want this ordinance are passionate people on the right side of history 2) if this festers, next year, the Rodeo could be at risk 3) is it ethical for "us" to abuse animals for our entertainment? Lobb thinks the smart way to go is to do the ordinance very soon, gain the moral high ground and save the rodeo.

CONSENT AGENDA:

CA 232 Motion to Ratify Mayor's signature on New Mobility West grant application deadline for submittal is June 15, 2015. Application is for a Main Street/Highway 75 study 1
CA 233 Motion to approve fireworks stand permits 13
CA 234 Motion to approve special event being Hailey Antique Market to be held at Roberta McKercher Park on Friday-Sunday, July 3rd - 5th from 9:00 am to 6:00 pm 17
CA 235 Motion to approve special event being Draper Preserve River Festival to be held at Lions Park & Draper Preserve on Saturday, July 4th from 2:00 pm to 5:00 pm 25
CA 236 Motion to approve special event being 4th of July Parade & Kid's Carnival to be held on Main Street & the Farmer's Market on Saturday, July 4th from 11:00 am to 4:00 pm 31
CA 237 Motion to approve special event being Sheeptown Drag Race to be held on Main Street between Myrtle & Spruce Streets on Thursday, June 25th from 5:00 pm to 10:30 pm 50
CA 238 Motion to approve special event being Paint the Town 5K, to start at the WRHS parking lot and continue through the surrounding neighborhoods Saturday July 4th, 2015 from 8:00 am to 10:00 am 58
CA 239 Motion to approve new taxi fare schedule presented by Sun Valley Limo/Airport Cab Company 65
~~CA 240 Motion to approve minutes of June 1, 2015 and to suspend reading of them ..... 68~~
CA 241 Motion to approve claims for expenses incurred during the month of May 2015, and claims for expenses due by contract in June, 2015 77
CA 242 Motion to approve treasurer's reports for May 2015 107

5:40:50 PM Cooley pulls CA 240 to abstain.

5:41:03 PM **Burke moves to approve all consent agenda items minus CA 240, seconded by Keirn, motion passed unanimously.**

CA 240 - Brown moves to approve CA 240, seconded by Burke, motion passed with Cooley abstaining.

PROCLAMATIONS AND PRESENTATIONS:

PP 243 Nuclear waste presentation from Snake River Alliance – Kelsey Nunez and Beatrice Brailsford

5:42:09 PM Haemmerle introduced this topic.

5:42:20 PM Kelsey Nunez let the Mayor know that Beatrice stepped away from the meeting for a few minutes and asked that he give her a few minutes for this presentation to begin.

PUBLIC HEARINGS:

PH 244 Airport discussion – continuation of discussion from June 1st meeting

5:42:41 PM Mayor Haemmerle recapped the last discussion on this topic. FMAA board agreed that removing reference to alternative 7 was appropriate.

Mayor and council discuss generally the airport needs.

No public comments.

No further council comments.

PH 245 Consideration of Ordinance No. 1178 – curfew and fireworks (revised from 1st Reading on June 1st) and approval of summary of Ordinance No. 1178

5:46:58 PM Williamson explains that the previous ordinance was incorrect. Williamson suggested waiving 2 readings to allow to be in effect before July 1 to be in concurrence with state laws.

No public comments.

5:48:52 PM **Burke moves to adopt Ordinance No. 1178, waive two readings, authorize the Mayor to sign, approve summary, read by title only. Seconded by Keirn. Motion passed unanimously.**

5:49:54 PM **Mayor Haemmerle conducts 1st and only reading of Ordinance no. 1178 by title only.**

PROCLAMATIONS AND PRESENTATIONS:

PP 243 Nuclear waste presentation from Snake River Alliance – Kelsey Nunez and Beatrice Brailsford

5:50:50 PM Mayor Haemmerle hands over floor to Beatrice Brailsford.

5:51:44 PM Beatrice Brailsford presents to council. Brailsford is with the Snake River Alliance (SRA). SRA helped to solidify the 1995 agreement. Brailsford feels that the agreement has worked fairly well. The most helpful part of this agreement is in not allowing commercial spent fuel into the state. One of the key impediments to solving the nuclear waste problem is the governments' lack of commitment to fulfilling the promise of the 1995 agreement. In 2011, the state agreed to let in commercial waste for testing. In January 2014, the Attorney General (AG) and the Governor agreed to 2 shipments of 25 pounds of fuel to come into the state.

5:57:26 PM Haemmerle asks a question about the 1995 agreement and 2011 agreement with regards to Commercial fuel and if it was allowed? Brailsford responds.5:58:20 PM

Haemmerle wonders if commercial fuel is a problem if the total amount is not increasing in size. Brailsford recounts her memory of the 1995 referendum, she remembers pride in the fact that we were not allowing commercial fuel into the state.

6:00:22 PM Brailsford talks about the proposed 2nd shipment of 25 spent nuclear rods from a commercial power plant. The entire shipment of 25 nuclear rods are sister rods and are coming from the North Anna Power plant in Virginia. Brailsford talks about spent fuel and details about when they are removed from service now versus a long time ago. One of Brailsford's concerns with the spent fuel (Hyperna), nuclear rods are now allowed to remain in the reactor for longer, creating a more powerful spent rod and the potential for the cladding to be less flexible and more prone to cracking. We are being told that former governors are taking heat for not allowing commercial fuel. Brailsford announces that 20 tons of sister rods would come into our state within 10-15 years. Idaho National Lab (INL) consistently states that they are the only qualified place to do this commercial fuel testing. We've brought in 27 tons of fuel to date. Now we only have 28 tons left to bring in for the total amount allowed by the 1995 agreement.

6:05:37 PM Haemmerle asks Brailsford how she knows about this additional 20 tons of spent commercial fuel that is planned to come into the state.

Brailsford plays a recording from the Sept. 26, 2013, meeting of the Idaho Leadership in Nuclear Energy Commission (LINE). John Grossenbacher is speaking, he is the director of the Idaho National Laboratory and President of Battelle Energy Alliance.

Grossenbacher makes the connection between the 25 rods and the 20 tons of additional commercial spent fuel. Grossenbacher states that this is not a near term issue/discussion maybe 5 years away. To bring this in, it would be required to get approval from state and authorities. The recording Brailsford is playing tonight can be found on the Idaho Public Television website and the Snake River Alliance website. Brailsford plays another conversation from the same meeting. 6:10:35 PM Grossenbacher talks about the state and people needing to authorize this fuel to come in. There is no process to facilitate bringing in this additional 20 tons of commercial fuel.

Haemmerle asked for Brailsford to email this audio of the Idaho Leadership meeting to he and the council.

6:13:05 PM Brown asks a question to Brailsford regarding leverage with existing agreements and compliance with the documents to timelines. Brown mentioned that the Attorney General (AG) claimed the only leverage was in agreeing to the 2011 commercial fuel shipments in order to clean up liquid waste currently here and a risk to our state. Haemmerle adds a question onto Brown's question. We are not adding more tonnage amount. We never heard anyone claim that addition fuel beyond the original 55 tons allowed by the 1995 agreement would be allowed added Haemmerle. Brailsford agreed.

One of the problem with the Integrated Waste Treatment facility was that it was supposed to be up and running in 2011. And it is still not running today. Department of Energy (DOE) has already required the cleanup of the liquid waste, Brailsford states that this is already required by the agreements we have. Brailsford doesn't understand why we agreed to allow commercial fuel into the state.

6:16:32 PM Haemmerle asked the AG when he presented to council on May 18, 2015, and asked what happened in the oversight of this 1995 agreement. AG responded that there was a dedicated person in charge of overseeing this agreement, and her position was eliminated due to politics. No one will give us any information on this topic. Haemmerle asked for an overview of this situation from Brailsford.

6:18:12 PM Brailsford thinks the safety of Idaho should not be in the responsibility of one person. In 1974 the Governor's Blue Ribbon commission declined to support commercial fuel in the state. In the early 1990's there was a lot of public support of keeping commercial fuel out, and the result was the 1995 agreement. Idaho has an INL oversight program. Brailsford states that the state still has its responsibility in oversight.

6:21:59 PM Haemmerle recaps discussions.

6:22:19 PM Burke wonders if the AG's office knows about the 20 tons of additional fuel.

6:23:28 PM Burke recounts the justification of the 2011 agreement. 6:23:52 PM Haemmerle remembers the AG stating that total amount is not increasing.

6:25:30 PM Williamson asks if there have been any lawsuits regarding this federal law on clean up. 6:26:15 PM Brailsford responds. Original deadline for treating liquid waste was 2012. The problem with RIPRA or the 1995 settlement agreement, is DOE is required to remove liquid from the tanks no matter what. Brailsford cites the documents and agreements that require the cleanup of the liquid waste.

6:27:58 PM Haemmerle comments about allowing additional waste to come in to force treatment of the liquid waste already in our state.

6:29:17 PM Williamson asks if the state knows about the recorded meeting? Brailsford responds that the Director of Idaho Commerce is the Chair of the LINE committee.

6:32:15 PM Margaret McDonald Stewart, a former SNA board member speaks to council. Stewart announces that these shipments would be entering the state via roads and bridges and no accountability or notification is required to be given to local authorities.

6:33:22 PM Gerhart Morrison has a question. Morrison wonders why would they want to do this, he answers his own question - money. Brailsford comments, that this commercial fuel would not bring in additional jobs.

6:35:42 PM Haemmerle comments that it is in no one's best interest to ship in additional waste. Morrison speaks again, what is the trade off? Brailsford, answers, trade off is additional fuel – meaning the additional 20 tons.

Haemmerle recaps for Morrison the discussion from the AG's office. Morrison comments again.

6:39:45 PM Keirn asks what is the deadline? Brown answers, until 2019. And a possible award term until 2024.

6:40:29 PM Brailsford feels that Hailey City does have a role in providing its comments to the state regarding this issue.

6:41:14 PM Morrison comments that we are 65 air miles from INL's facility. We need to take a stand and tell these people to use their "lever" authorized in the 1995 agreement to ensure clean up and removal of waste takes place.

6:42:28 PM Kelsey Nunez speaks to council, should talk about the entire project at the same time.

6:43:33 PM Stewart comments again. Kaz Thea asks a question, Brailsford answers.

6:44:37 PM Brown asks a question.

6:45:04 PM Ginna Lagergren Hailey resident speaks to council. Lagergren is a supporter of SRA and applauds council to continue with this conversation and speak up for Hailey. Lagergren thinks people should keep their own waste, don't ship it out of their state.

6:47:43 PM Kaz Thea comments, it is bad enough to have this high hazard waste but traveling on our highways – too dangerous to allow in. Thea announces, moving the waste around is risky in itself.

6:49:02 PM Brailsford, this spring DOE and state renegotiated the dates and have assessed fines for not meeting the deadlines. In that negotiation, if DOE fails, there are implications.

6:50:25 PM Mayor may adopt a Resolution on this topic at a future date.

Martha Burke dismisses herself from the meeting.

OLD BUSINESS:

OB 246 Discussion of Health Insurance JPA – consideration of Hailey's withdrawal from the III-A and consideration of Resolution 2015-____ providing notice to withdraw from III-A

6:52:05 PM III-A discussion. Haemmerle clarifies that we have not yet gotten out of III-A as the Idaho Mountain Express article mistakenly states.

Pending medical coverage quotes from Insurance Companies, Haemmerle suggests a special meeting on June 29th.

Cooley announces that he will recuse himself from these discussions.

6:53:48 PM **Keirn moves to have a special meeting on June 29th, Brown seconded. Motion passed with Keirn and Brown voting. Cooley abstains.**

OB 247 3rd Reading of Ordinance No. 1176 and summary – energy codes update

6:54:43 PM **Keirn moves to approve Ordinance No. 1176, authorize the 3rd reading, approve summary and authorize the mayor to sign, seconded by Brown. Motion passed unanimously.**

6:56:01 PM **Mayor Haemmerle conducts the 3rd Reading of Ordinance No. 1176 by title only.**

OB 248 3rd Reading of Ordinance No. 1177 and summary – Cross Connection ordinance

6:57:18 PM **Brown moves to conduct 3rd reading, authorize summary, authorize the Mayor to sign, seconded by Keirn. Motion passed.**

6:58:11 PM **Mayor Haemmerle conducts the 3rd Reading of Ordinance No. 1177 by title only.**

OB 249 2nd Reading of Ordinance No. 1179 – Initiatives and Referendums

6:58:36 PM Brown asked if a reading should be waived tonight so that the ordinance would be in effect by July 1st, 2015? Williamson confirmed yes.

6:59:21 PM **Brown moves to conduct 2nd reading, waive the 3rd reading and adopt ordinance, authorize 3rd reading and authorize mayor to sign. Seconded by Keirn, motion approved.**

7:00:01 PM **Mayor Haemmerle conducts the 2nd and final Reading of Ordinance No. 1179 by title only.**

OB 250 2nd Reading of Ordinance No. 1180 – Park Reservations amendments

7:00:51 PM **Mayor Haemmerle conducts the 2nd Reading of Ordinance No. 1180 by title only.**

STAFF REPORTS:

7:02:02 PM Craig Aberbach announces a successful chili cook off last weekend. And, last Saturday Hailey sponsored a valley wildland fire training exercise. In the last 10 days we've had a house fire, swift water rescue at the River, a Wildland fire, a technical rescue and a fire in draper preserve. Aberbach also announced Hailey is hosting the Chamber BAH this Thursday 5-7 pm at Croy and Main Streets, in the street which will be closed for the event.

7:03:49 PM Lisa Horowitz announced that the "Welcome to Hailey" sign unveiling will be at the site at noon on June 18, 2015.

7:05:06 PM Cooley announces, Arena concession stands retrofits are done.

7:05:17 PM Keirn announced that the Airport ribbon cutting 5-5:30 July 2nd at airport. (The official grand opening of the remodeled airport)

7:05:41 PM Haemmerle announces issues at skatepark last weekend, someone riding a bmx bike. Will have someone monitor, yet to be determined.

No Executive Session needed tonight.

7:06:40 PM **Brown moves to adjourn meeting, seconded by Keirn. Motion passed with roll call vote. Cooley, yes. Keirn, yes. Brown, yes.**

AGENDA ITEM SUMMARY

DATE 06/29/2015 DEPARTMENT: Finance & Records **DEPT. HEAD SIGNATURE:** MHC

SUBJECT

Council Approval of Claims costs incurred during the month of May 2015 that are set to be paid by contract for June 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:
Vendor.Vendor Number = 3124

Invoice Number	Sequence Number	Description	Type	Invoice Date	Due Date	Invoice Amount	Net Invoice Check Amount	GL Account Number	Job Number	GL Period
3124 IDAHO BUREAU OF W & WW PROF.										
6/23/15	1	APPLICATION FEE	Invoice	06/23/2015	07/06/2015	25.00	25.00	200-60-41723		615
6/23/15	2	ORIGINAL LICENSE FEE	Invoice	06/23/2015	07/06/2015	30.00	30.00	200-60-41723		615
6/23/15	3	EXAM FEE	Invoice	06/23/2015	07/06/2015	37.00	37.00	200-60-41723		615
Total 3124 IDAHO BUREAU OF W & WW PROF.:						92.00	92.00			
Total :						92.00	92.00			
Grand Totals:						92.00	92.00			

Summary by General Ledger Account Number

GL Account Number	Debit	Credit	Net
200-60-41723	92.00	.00	92.00
Grand Totals:	92.00	.00	92.00

Summary by General Ledger Posting Period

GL Posting Period	Debit	Credit	Net
06/15	92.00	.00	92.00
Grand Totals:	92.00	.00	92.00

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 06/29/2015 **DEPARTMENT:** Admin **DEPT. HEAD SIGNATURE:** HD

SUBJECT:.

Discussion of Hailey's membership status with Idaho Independent Intergovernmental Authority (III-A)

AUTHORITY: ☐ ID Code _____ ☐ IAR _____ ☐ City Ordinance/Code _____
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Hailey began a consideration of withdrawal from the III-A JPA on June 1, 2015. The matter was continued to June 15 and 29, 2015 so that a rate comparison between III-A and a traditional insurance company could be obtained.

See attached materials.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Budget Line Item #_____ YTD Line Item Balance $ 61,000 ____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

___ City Attorney	___ Finance	___ Licensing	___ Administrator
___ Library	___ Community Development	___ P&Z Commission	___ Building
___ Police	___ Fire Department	___ Engineer	___ W/WW
___ Streets	___ Parks	___ Public Works	___ Mayor

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Move to adopt Resolution 2015-52, withdrawing the City of Hailey from III-A Joint Powers Agreement, and to authorize the mayor to sign and to immediately inform III-A through a letter dated June 29, 2015.

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)

MEMORANDUM

To: Hailey Mayor and Council Members

From: Heather Dawson, Hailey City Administrator

Date: June 29, 2015 City Council Meeting

RE: III-A – Consideration of Hailey's Withdrawal from III-A

III-A JPA Consideration of Withdrawal

During the June 1, 2015 Hailey City Council meeting, I was directed to secure quotes to compare with III-A insurance costs for Hailey. In that process we learned several things:

Affordable Care Act (ACA) Effect on Insurance Design

1. We are unable to get quotes on exactly the same benefits design as we currently have with III-A, because the ACA has changed the rules regarding Out Of Pocket Maximum (OOPM). Our current OOPM is $2500, which includes $1000 deductible. Our closest comparison quotes are for plans with $3500 OOPM, which includes $1000 deductible and all co-pays, including direct prescription costs and co-pays.

2. Hailey has 53 employees eligible for insurance at this time, plus 5 elected officials who have waived coverage[1]. Two additional employees are budgeted for FY 2016, putting us in a Large Group Employer category with potentially 55 employees. There have historically been two types of Large Group Employer categories: 100 or more employees; and 51-99 employees. Organizations with 50 or less employees are considered small groups. The ACA changes these categories effective January 1, 2016. Small groups will be from 2-99, and large groups will be 100 or more. The group we are

[1] Hailey's personnel handbook calls out elected officials as eligible for health insurance. All eligible parties must be considered in the employee count of group size, even if they have waived coverage.

currently in, 51-99, will become obsolete UNLESS we choose to grandfather, or UNLESS the State of Idaho chooses to block this federal action and retain groups 51-99 as Large Groups.

3. Underwriting is handled differently on large and small groups. Large groups are required to submit applications from each eligible insured, and the total group risk is assessed in establishing rates. Small groups are required to provide their employees' age, gender, and whether or not any disabilities exist or any extended absences from work have occurred due to health issues. Because of the expectation that on January 1, 2016, many groups now considered large will not grandfather and will move to the small group, the small group is expected to become considerably larger. Underwriters are reluctant to guess how that will affect rates in the small groups in the future.

Quotes for Hailey - Large and Small Group Categories

We have obtained quotes from Regence Blue Shield in both the large and small group categories. These quotes should be considered under four options:

1) remain with III-A; consider exiting again in one year.

2) exit III-A and grandfather as a large group;

3) exit III-A and re-rate to small group on January 1, 2016, as allowed by the ACA;

4) exit III-A and become a small group by October 1, 2015. This last option would require reducing our employee pool to 50 eligible insured.

QUOTED EMPLOYEE INSURANCE PREMIUM OPTIONS						
			Option 1	**Option 2**	**Option 3**	**Option 4**
			III-A	**LG Group**	**LG Gr Re-Rated**	**Small Group**
			$802 PEPM	*$644 PEPM*	*Hybrid*	*$452 PEPM*
Total Costs for City of Hailey			**529,320**	**425,040**	**330,000**	**298,320**
Projected Savings over III-A				(104,280)	(199,320)	(231,000)

Within each of these options are a wide variety of choices for benefit design and costs. After the Hailey City Council makes a decision on whether or not to exit the III-A, an employee benefits

committee will review all of the quotes and benefit designs, as well as those from other insurance companies. By August, a narrowed group of recommendations will be available for council consideration. For this discussion, we have chosen only **one** plan design choice in each category: the quote with a design the most similar to what we currently have under the III-A.

Option 1) Remain with III-A; consider exiting again in one year. III-A responded to Mayor Haemmerle's letter requesting more information on rates with Hailey included. In summary, Hailey qualifies for no discounts and III-A Board is not likely to reduce rates further with Hailey factored in. With Hailey excluded, the III-A board had identified that a preliminary rate reduction of 1% would be taken. Final rates will not be set until after III-A knows how many entities will remain with the pool. The current III-A rate of **$802 PEPM** is used for this discussion.

Option 2) Exit III-A and grandfather as a large group. Blue Shield quote is **$644 PEPM.**

Option 3) Exit III-A and re-rate to small group on January 1, 2016, as allowed by the ACA. This option uses two rates – the Blue Shield large group rate of **$644 PEPM** for the first quarter, and a Blue Shield small group rate of **$452 PEPM** for the nine months remaining in the fiscal year.

Option 4) Exit III-A; become a small group by October 1, 2015. Blue Shield quote is **$452 PEPM.** The difference in this rate applied to nine months in Option 3 and twelve months in Option 4 amounts to additional savings of $31,680 to the City of Hailey.

Option 4 is also valuable in that it would allow us to obtain quotes from Blue Cross of Idaho, who is under contract with III-A as their third-party administrator (TPA). As such, Blue Cross of Idaho has a no-compete clause in their contract with III-A not to quote business in the 51 or larger group categories.

Option 4 is feasible only with a reduction in staff numbers. The City of Bellevue is currently considering changes to the law enforcement contract with Hailey Police Department. With some contract amendments, Hailey's currently insured/eligible employees[2] decrease from 53 to 49. With two new positions budgeted, Hailey would then apply a hiring freeze until January 2016 on one of those budgeted positions, to ensure that we remain no larger than 50 throughout the quarter.

Effect on Employees

The Blue Shield quotes save the City of Hailey money, but, because of the higher OOPM, could cost employees up to $1000 more for their health expenses (see comparison chart on next page). Additionally, the quotes from Blue Shield for a spouse or 1 dependent is considerably higher than employees currently pay. Eight of Hailey's employees would be affected, as one currently has a spouse on the policy and seven employees have one child on the policy. Alternatively, the family rate from Blue Shield is lower than current family rates with III-A. See dependent comparisons attached.

The city could opt to pay $500 per employee per year to help cover some of the additional OOPM costs employees may face under Option 2. In addition, the city could offer to pay $100 of spouse/dependent/family premiums to help equalize those costs to what is currently paid through III-A. If Options 3 or 4 materialize into the savings projected, a more robust benefits package could be fashioned for employees, including HRA's or higher amounts of family premiums being paid.

City Council Action

The City Council should understand and discuss this material on June 29, 2015 and make a final decision whether to adopt a resolution to withdraw and so notify III-A, or whether to remain with III-A for another year.

[2] A personnel handbook amendment making elected officials ineligible for major medical insurance would be necessary to achieve these numbers.

City of Hailey

Preliminary Comparison of Medical Benefits and Rates - Effective October 1, 2015

		III-A 80/60	Blue Shield Large Group 80/60/60	Blue Shield Small Group 80/50
Cost Share Options				
Annual Deductible In Network		$1,000 Ind./$2,000 Fam.	$1,000 Ind./$2,000 Fam.	$1,000 Ind./$2,000 Fam.
Max. Out of Pocket PCY In Network		$2,500 Ind./$5,000 Fam.	$3,500 Ind./$7,000 Fam.	$3,500 Ind./$7,000 Fam.
Max. Out of Pocket PCY Out of Network		$4,000 Ind./$8,000 Fam.	$3,500 Ind./$7,000 Fam.	$5,000 Ind./$10,000 Fam.
Professional Services				
Office Visit		$30 Copay /40% Coinsurance	$30/$45 Copay	$30/$45 Copay
Preventive Care		Covered in Full	Covered in Full	Covered in Full
Hospice Care *In Network/OONetwork/Max*		No Charge/40%/6 Months	20%/20%?/14 days	20%/20%?/14 days
RX Benefits				
Deductible (Waived for Generic) Retail (30 Day Supply)		$10/$25/$40	$10/$35/$75 OOPM Combined w/ Medical	$10/$40/$50% OOPM Combined w/ Medical
Rates:				
Employee	53	$802	$644	$452
Employee/Spouse	1	$778	$902	$452
Employee/Spouse/Child(ren)	0	$1,409	$1,277	$859
Employee/Child	7	$171	$276	$407
Employee/Child(ren)	0	$709	$579	$407
EAP and Life Insurance (term)		8 EAP visits, Term Life incl	Not included	4 EAP visits
Estimated Monthly Total		**$44,481**	**$36,966**	**$27,257**
Estimated Annual Total		**$533,772**	**$443,592**	**$327,084**

Idaho Independent Intergovernmental Authority

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Rick Watkins, Chair
City of Fruitland
Lisa Enourato, Vice-Chair
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Heather Dawson
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Jared Mitton
City of Oakley
Ruth Bailes
Minidoka Irrigation District

III-A Operations
Amy Manning
Program Manager
P.O. Box 4121
Pocatello, Idaho 83201
208.317.2814
amywmanning9@gmail.com
www.iii-a.org

June 18, 2015

Mayor Fritz X. Haemmerle
City of Hailey
115 Main Street South, Suite H
Hailey, ID 83333

Mayor:

Jacob and I appreciated the opportunity to meet with you, the City attorney, and superintendents regarding the City's benefits. I believe that it was helpful to have a dialogue about your frustrations and, hopefully, we were able to provide answers and information to alleviate your concerns regarding the III-A pool.

While at the meeting, Jacob and I reviewed the policies that had been adopted by the Board of Trustees during the May meeting in Chubbuck. One of those policies was the One-time Rate Reduction. We explained that there were four III-A members that qualified for the 10% reduction based on the March and April preliminary reports. To qualify for this one-time rate reduction a member's loss ratio had to meet the criteria under the policy during the three year period of May 2012 to May 2015. Hailey was one of the members listed on the preliminary reports, which did not include the last several months of the 2015 analysis. We also explained that the final decision would be made at the June Board of Trustees meeting using the May and June reports. It was critical that we factored in April, May, and June reports prior to releasing the final results. The III-A began business on March 2012. We did not receive claims to process/pay until May 2012. The full three years of claims were required to make the final determination which is May 2012 through May 2015.

The referenced report was distributed to all members of the Board of Trustees. Hailey Board member, Heather Dawson, received this information. The final reports presented to the Trustees included the final claim amounts for each city for the period referenced above. Unfortunately, the City of Hailey's claims for March, April, and May were high enough that the City is no longer eligible for the One-time 10% rate reduction because its loss ratio for the three year period exceeded the amount set by policy. The three members that qualified are the City of Chubbuck, City of Soda Springs, and Minidoka Irrigation District.

Robert Schmidt, actuary from Milliman, presented the Preliminary Rate Renewal Report at the Board of Trustees meeting. The report states that the III-A pool could take an 8.9% rate decrease for the FY2015-16 year beginning October 1, 2015. After a lengthy discussion, the Trustees agreed to adopt a preliminary rate of -1% to release to the membership for budgetary purposes at the Annual General Membership meeting on

June 10, 2015. The final renewal rate will be adopted at the July Board of Trustees meeting. I do not expect that the rate will change much considering the Trustees' conservative approach in figuring the preliminary rate.

I am pleased to hear that the Hailey City Council has not made a final decision as was erroneously reported in your local newspaper. However, based on a letter that the III-A received from you on January 24, 2014 which states the City's intent to leave the pool and request for dissolution of the pool, I was under the impression that III-A would be receiving notice and a resolution from Hailey in the near future.

I instructed the actuary to prepare the preliminary report without the City of Hailey because of the above mentioned letter. The actuary also excluded two other members based on the assumption they would be leaving the III-A as well. This was done to be conservative and to try and get our rate analysis as close to reality as possible. Removing Hailey from the Preliminary Report did not affect the result significantly. It would shift the rate renewal amount no more than a few tenths of a percentage point. The actuary will not be providing another report until his Final Rate Setting Report that will be presented to the Trustees at the July meeting. The decision to exclude the City of Hailey was purely based on the prior communications the III-A had with the City and to be conservative with the rate renewal.

During the Trustees discussion at their Board meeting, it was apparent that they were committed to a conservative approach regarding the rate decrease. They opted to reinforce the reserves while preparing a budget and policies that will allow the initial startup and assessment monies to be paid back to the founding members over the next few years. Choosing to reinforce the reserves shows their commitment to stability for the pool and their interest in having a minimal increase or decrease again next year. The additional 8% will be used to stabilize future rates and is still owned by the members of the III-A rather than being profit for an insurance company.

I apologize for not being able to respond in time for your June15th meeting due to responding to several requests for information from potential new members following the AIC Conference. Please let me know if you have any additional questions.

Thank you,

Amy W. Manning
III-A Program Manager

City of Hailey

OFFICE OF THE MAYOR

115 MAIN STREET SOUTH, SUITE H
HAILEY, IDAHO 83333

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

June 11, 2015

Amy W. Manning
2925 Trapper Court
Pocatello, ID 83201
Via Regular U.S. Mail and E-mail

Re: III-A

Dear Ms. Manning:

It was a pleasure meeting you and Jacob Catmull on May 18, 2015. I believe if you and Jacob were the primary contacts at the inception of III-A, the City of Hailey's experience within III-A would have been better. When we met, you told us that III-A would provide us with an assessment of whether several cities, including Hailey, would be entitled to a 10% rate reduction based on our positive health record, and a rate modification factor based on the III-A policy, provided Hailey remained a member of III-A. I have been advised that III-A did not provide these assessments at the recent III-A meeting.

Contrary to a newspaper report of a Hailey City Council meeting conducted on June 1, 2015, the City of Hailey has not made a decision to withdraw from III-A. The Hailey City Council continued its discussion about health insurance options until June 15, 2015, to allow the city an opportunity to gather quotes from other providers and to analyze any potential reimbursement from III-A. At the moment, we only know a preliminary estimate for III-A contributions for the next fiscal year, but the estimate does not include Hailey employees, nor does it account for Hailey's rate discount factors.

It is not appropriate for III-A to assume that Hailey will withdraw from III-A. We have been forthright and honest during our membership of III-A. Based on several reasons, we have asked to withdraw early. In response, III-A has steadfastly stated Hailey can withdraw but only if it pays a substantial penalty. Hailey kept its contractual obligations and performed consistently within our agreement. We expect III-A to keep its contractual obligations and to treat Hailey consistently with the other III-A members.

Please provide Hailey with a preliminary estimate of contributions for the next fiscal year based on a pool of III-A members which includes Hailey and also provide Hailey with a projected adjustment or discount based on Hailey's health record.

Without the III-A information, we will not be able to make an informed decision. Therefore, I expect the City Council will have to conduct a special meeting later this month. The latest available date to discuss health insurance options is June 29, 2015. Before June 29, 2015, please provide us with the actuary's preliminary estimate of contributions with Hailey included in the rates. We would appreciate receiving the information on mod factors and 10% rate reductions on Monday, June 15, 2015, but in any circumstance not later than June 29, 2015.

If you have any questions, please contact either me or Heather Dawson. Thank you.

Sincerely,

Fritz X. Haemmerle

FXH/jrs

cc: Hailey City Council
Heather Dawson

City of Hailey

OFFICE OF THE MAYOR

115 MAIN STREET SOUTH, SUITE H
HAILEY, IDAHO 83333

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

June 29, 2015

Amy W. Manning
2925 Trapper Court
Pocatello, ID 83201

Re: III-A – Notice of City of Hailey's withdrawal from III-A Joint Powers Agreement

Dear Ms. Manning:

Thank you for your timely response to my correspondence of June 11, 2015. After thorough review and discussion of costs and benefits between III-A and other alternatives, the Hailey City Council has determined to withdraw from the Joint Powers Agreement effective September 30, 2015.

III-A Board of Trustee's member Heather Dawson will continue to serve on the Board until the effective date of Hailey's withdrawal.

If you have any questions, please contact either me or Heather Dawson. Thank you.

Sincerely,

Fritz X. Haemmerle

FXH/jrs

cc: Hailey City Council
Heather Dawson

CITY OF HAILEY
RESOLUTION NO. 2015-52

A RESOLUTION OF THE MAYOR AND CITY COUNCIL FOR THE CITY OF HAILEY AUTHORIZING HAILEY'S WITHDRAWAL FROM THE JOINT POWERS AGREEMENT THROUGH WHICH HAILEY HAS BEEN A MEMBER OF THE IDAHO INDEPENDENT INTERGOVERNMENTAL AUTHORITY (III-A), EFFECTIVE SEPTEMBER 30, 2015

WHEREAS, the City of Hailey entered into a Joint Powers Agreement dated August 11, 2011 and an Amended Joint Powers Agreement dated December 12, 2011 (collectively referred to "Joint Powers Agreement"), which have been executed by several other Idaho governmental jurisdictions who have together formed the Idaho Independent Intergovernmental Authority ("Authority" or "III-A");

WHEREAS, in pertinent part, Section XV(A) of the Joint Powers Agreement provides that "[a]ny Member may elect to withdraw from Membership in the Authority and from participation in its programs effective September 30 of any year by giving notice to the Authority by no later than July 1 of the same year. It shall be a condition precedent to the making of such an election that the Member has completed not less than three full fiscal years as a Member of the Authority immediately prior to the proposed effective date of its withdrawal. The notice of withdrawal shall consist of a resolution adopted by the governing board of the Member, expressly stating the party's intention to exercise its right hereunder to withdraw effective the next succeeding September 30;"

WHEREAS, the City of Hailey will have completed more than three full fiscal years as a member of the III-A immediately prior to September 30, 2015; and

WHEREAS, the City of Hailey desires to withdraw as a member of the Authority effective September 30, 2015 and withdraw from the Joint Powers Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, that the City of Hailey, pursuant to Section XV(A) of the Joint Powers Agreement, does hereby expressly state its intent to exercise its right under Section XV(A) of the Joint Powers Agreement to withdraw from the Authority effective at midnight on September 30, 2015 and does hereby provide notice to Authority that the City of Hailey shall withdraw as a member of the Authority, effective at midnight on September 30, 2015.

Passed this 29th day of June, 2015.

CITY OF HAILEY

_____

Fritz X. Haemmerle, Mayor

ATTEST:

_____

Mary Cone, City Clerk

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 6/29/2015 **DEPARTMENT:** Legal **DEPT. HEAD SIGNATURE:** _____

SUBJECT:

Hailey Ordinance No. 1180 and Summary of Hailey Ordinance No. 1180 (Park Ordinance Amendment)

AUTHORITY: ☐ ID Code _____ ☐ IAR _____ ☐ City Ordinance/Code _____
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The attached Hailey Ordinance No. 1180 amends Chapter 12.12 (Parks and Public Pathways) of the Hailey Municipal Code. This ordinance has been approved and a third reading is scheduled for June 29, 2015. A summary is also attached.

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: (IFAPPLICABLE)

___	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 conduct a third reading by title only, to authorize the mayor to sign and to approve the summary of Hailey Ordinance No. 1180.

FOLLOW-UP REMARKS:

HAILEY ORDINANCE NO. 1180

AN ORDINANCE OF THE CITY OF HAILEY AMENDING, SECTION 12.12, PARKS AND PUBLIC PATHWAYS OF THE HAILEY MUNICIPAL CODE, TO ALLOW SEASONAL EVENT RESERVATIONS AT FOXMOOR PARK, LIMIT SEASONAL RESERVATIONS TO FOUR DAYS A WEEK, ESTABLISH THAT KEEFER PARK HAS FOUR FIELDS THAT CAN EACH BE RESERVED SEPARATELY, CHANGE THE FEE WAIVER FOR RESERVATIONS TO 20 HOURS OF PARK SERVICE AND TO ESTABLISH THE REQUIREMENTS AND BENEFITS OF THE PARK ADOPTION PROGRAM; BY PROVIDING FOR A REPEALER CLAUSE; BY PROVIDING FOR A SEVERABILITY CLAUSE AND BY PROVIDING AN EFFECTIVE DATE AFTER 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 encourage park reservations and ensure they are administered fairly and consistently with the Municipal Code requirements and;

WHEREAS, the Mayor and City Council find that the amendments to the Chapter will enhance the adopt a park program and further the public health, safety and general welfare.

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

Section 1. Section 12.12.040 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

12.12.040: RESERVATION OF CITY PARKS:

A. Applicability: Reservation for the exclusive use of ~~a city park, or~~ a portion of a city park ~~thereof~~, for gatherings of less than two hundred fifty (250) people shall require the prior issuance of a park reservation. For gatherings that are reasonably expected to attract two hundred fifty (250) or more people or require the exclusive use of the entire park, the procedures and requirements of chapter 12.14 of this title shall apply instead.

1. Hop Porter and McKercher Parks shall be kept available for special events, defined and administered pursuant to chapter 12.14 of this title, on the Friday, Saturday and Sunday of the following weekends of each year:

a. Memorial Day;

b. The weekend closest to July 4. If July 4 is on a Tuesday, the weekend before is reserved. If July 4 is on a Wednesday or Thursday, then the weekend after is reserved;

c. The first weekend of August for the Northern Rockies Folk Festival;

d. Labor Day;

e. The second weekend in October for the Trailing of the Sheep Festival;

2. Deerfield, ~~Foxmoor,~~ Curtis, the skatepark, Balmoral and Echo Hill Parks are neighborhood parks that should remain available for use by the general public and shall not be reserved for exclusive use, except with an approved special events application pursuant to chapter 12.14 of this title.

3. Jimmy's Garden and E.W. Fox Demonstration Garden shall not be reserved for exclusive use.

4. Sports fields at Cutters, Foxmoor, Balmoral, Keefer and McKercher Parks shall be available for recreational league use through a seasonal event permit, limited to four (4) days per week.

5. Reservation of Deerfield ~~and Foxmoor~~ Park~~s~~ for seasonal events shall be prohibited due to the limited parking available.

6. Keefer Park has three playing fields and one baseball/softball field. One reservation and applicable fees shall be required and apply for each individual playing field.

B. Administration: The administrator of this chapter is responsible for the coordination of any applicable departmental review and issuance of a park reservation.

1. Authority of administrator:

a. For events that are reasonably expected to attract less than two hundred fifty (250) participants, the administrator has the authority to issue a park reservation and shall comply with the provisions of this chapter.

b. For events that are reasonably expected to attract two hundred fifty (250) or more people, the applicant shall comply with chapter 12.14 of this title.

C. Application Procedure:

1. An application for a park reservation shall be signed by the applicant on a form provided by the administrator and shall be filed with the administrator.

2. At a minimum, the applicant shall provide, on a form provided by the administrator, sufficient information to address the requirements set forth in this chapter.

3. Except as otherwise provided herein, all park reservation applications shall be issued according to date received. Requests for park use permits received first shall have priority over applications received later~~. All park reservation applications received during the same business day shall be considered to have been received at the same time.~~

a. If Hop Porter or McKercher Park is not reserved for a special event on one of the weekends listed in subsection A.1 of this section, then a park reservation application may be submitted to reserve the park on one of the weekends listed in subsection A1 of this section not more than fourteen (14) calendar days prior to the start of the desired reservation date.

4. A park reservation shall include the minimum conditions that any amplified sound shall be limited between ten o'clock (10:00) A.M. and dusk, and that any amplified sound shall not exceed ninety (90) dB, measured at the property line at any time during the event; provided, however, the administrator is authorized to impose more restrictive conditions.

5. Additional conditions may be added to an approved park reservation, as determined by the administrator. These include, but are not limited to, events with more than ninety-nine (99) people may be required to provide a portable restroom in location approved by the administrator.

D. Fees: Except as otherwise provided herein, the applicant shall pay a nonrefundable reservation fee, in addition to any applicable per diem or service fees for the use of the park, as established by resolution of the city council, at the time of the filing of the park reservation application.

1. An individual or group may apply with the city to adopt a park. The ~~following minimum~~ requirements outlined in the annual Adopt a Park program guide shall be met in accordance with the applicable park maintenance standards~~:~~.

~~a. Spring and/or fall cleanup;~~

~~b. Spring and/or fall fertilizing;~~

~~c. Weed control;~~

~~d. Weekly mowing.~~

2. If an adopt-a-park ~~application~~ agreement is approved, the city will recognize the individual or group~~,~~ and waive park reservation fees~~,~~ as outlined in the annual Adopt a Park program guide. ~~on the applicable park sign and waive park reservation fees as follows for the same individual or group named on the adopt-a-park application:~~

~~One reservation for one hundred (100) to two hundred forty nine (249) people.~~

3. An individual or group may apply with the city for a waiver of the seasonal use fee, provided the following minimum requirements are met:

a. ~~Ten (10)~~ Twenty (20) hours of service in the park;

b. A proposed plan of the service to be performed presented to the ~~parks and lands board for recommendation to the city council~~ administrator for approval;

c. Adequate performance in previous years if this request is made by the same individual or group as the prior year.

4. An individual or group may apply with the city for a waiver of a one time daily rental fee for up to 249 people for a pavilion, sports field, or nonfield sport rental, provided the following minimum requirements are met:

a. Eight (8) hours of service in the park;

b. A proposed plan of the service to be performed presented to the administrator for approval;

c. Adequate performance in previous years if this request is made by the same individual or group as the prior year.

Section 2. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 3. 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 4. 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 June, 2015.

Fritz X. Haemmerle, Mayor
City of Hailey

ATTEST:

Mary Cone, City Clerk

SUMMARY OF HAILEY ORDINANCE NO. 1180

The following is a summary of the principal provisions of Ordinance No. 1180 of the City of Hailey, Idaho, duly passed and adopted June 29, 2015, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY AMENDING, SECTION 12.12, PARKS AND PUBLIC PATHWAYS OF THE HAILEY MUNICIPAL CODE, TO ALLOW SEASONAL EVENT RESERVATIONS AT FOXMOOR PARK, LIMIT SEASONAL RESERVATIONS TO FOUR DAYS A WEEK, ESTABLISH THAT KEEFER PARK HAS FOUR FIELDS THAT CAN EACH BE RESERVED SEPARATELY, CHANGE THE FEE WAIVER FOR RESERVATIONS TO 20 HOURS OF PARK SERVICE AND TO ESTABLISH THE REQUIREMENTS AND BENEFITS OF THE PARK ADOPTION PROGRAM; BY PROVIDING FOR A REPEALER CLAUSE; BY PROVIDING FOR A SEVERABILITY CLAUSE AND BY PROVIDING AN EFFECTIVE DATE AFTER PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Hailey Ordinance No. 1180 amends Chapter 12.12 of the Hailey Municipal Code, as follows:

Section 1 amends Section 12.12.040 of the Hailey Municipal Code by clarifying that only a portion of a city park may be reserved for gatherings of less than 250 people, by deleting Foxmoor as a neighborhood park, by limiting seasonal event permits at the sports fields at Cutters, Foxmoor, Balmoral, Keefer and McKercher parks to 4 days per week, by deleting the prohibition of a seasonal permit at Foxmoor park, by clarifying a reservation at Keefer park only applies to each sports field, by deleting the statement that all park reservations received on the same day is considered to have been received at the same time, by allowing additional conditions to be imposed on park reservations including requiring a portable restroom for events with more than 99 persons, by requiring the Adopt a Park program guide to be met and allowing a waiver of park reservation fees for an individual or group who have adopted a park, by allowing a waiver of a seasonal use fee with 20 hours of service in the park and a plan of service approved by the administrator, and by allowing a waiver of a daily rental fee for up to 249 people for a pavilion, sports field or non-field sports rental provided the user provides 8 hours of service in the park, a plan of service is approved by the administrator and if the user has adequately performed in the past.

Section 2 provides for a repealer clause.

Section 3 provides for a severability clause.

Section 4 provides for an effective date of the ordinance.

The full text of Ordinance No. 1180 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. 1180 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1180, 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 29th day of June, 2015.

_____
Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express, July___, 2015

Return to Agenda

AGENDA ITEM SUMMARY

DATE: 6/29/2015 **DEPARTMENT:** Legal **DEPT. HEAD SIGNATURE:** _____

SUBJECT:

Resolution No. 2015 – 53 to authorize the execution of a Joint Defense and Confidentiality Agreement and Scope of Work

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AUTHORITY: ☐ ID Code _____ ☐ IAR _____ ☐ City Ordinance/Code _____
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The attached Resolution No. 2015-53 authorizes Givens Pursley to execute a Joint Defense and Confidentiality Agreement and Scope of Work on behalf of Hailey in conjunction with the water delivery calls by the Big Wood and Little Wood Users Association. These documents will be discussed in executive session.

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: (IFAPPLICABLE)

___	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 Resolution No. 2015-53 and to authorize the mayor to sign.

FOLLOW-UP REMARKS:

HAILEY RESOLUTION 2015 - 53

A RESOLUTION OF THE CITY OF HAILEY, IDAHO, AUTHORIZING GIVENS PURSLEY TO SIGN A JOINT DEFENSE AND CONFIDENTIALITY AGREEMENT AND SCOPE OF WORK FOR AND ON BEHALF OF THE CITY OF HAILEY IN THE MATTER OF THE DELIVERY CALLS BY THE BIG WOOD AND LITTLE WOOD CANAL COMPANIES

WHEREAS, the Big Wood and Little Wood Water Users Association has submitted a letter dated February 23, 2015 requesting administration of water rights under the prior appropriation doctrine;

WHEREAS, the Director of the Idaho Department of Water Resources ("IDWR") has treated the letter as a delivery call pursuant to the IDWR Conjunctive Management Rules and has initiated a contested case proceeding (Case No. CM-DC-2015-001);

WHEREAS, the City of Hailey has engaged the law firm of Givens Pursley to represent Hailey in Case No. CM-DC-2015-001 and has filed a Notice of Intent to Participate in Case No. CM-DC-2015-001;

WHEREAS, the City of Hailey believes it is in the best interest of the City of Hailey to also engage an expert to assist Hailey in this proceeding, to join other entities in the employment of an expert and to share the costs thereof; and

WHEREAS, the City of Hailey wishes to maintain appropriate confidentiality of documents under the attorney-client privilege and as work product.

NOW, THEREFORE, BE IT RESOLVED by the City Council and the Mayor of the City of Hailey that Givens Pursley is authorized to execute the following documents on behalf of the City of Hailey:

1) Joint Defense and Confidentiality Agreement relative to the Matter for Administration of Water Rights under the Prior Appropriation Doctrine by Members of the Big and Little Wood Water Users Association Diverting from the Little Wood River.

2) Scope of Work from SPF Water Engineering relative to the Matter for Administration of Water Rights under the Prior Appropriation Doctrine by Members of the Big and Little Wood Water Users Association Diverting from the Little Wood River.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS _____ DAY OF JUNE, 2015.

_____
Fritz X. Haemmerle, Mayor

ATTEST:

_____
Mary Cone, City Clerk

Return to Agenda