

AGENDA ITEM SUMMARY

DATE: January 23, 2012

DEPARTMENT: Community Development

DEPT. HEAD: *BR*

**SUBJECT:** Request by Blaine County School District for consideration of an alternative sidewalk location to satisfy the sidewalk requirement for the new BCSD maintenance building in Airport West.

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code 6A.7  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

The Council discussed this matter on November 28 and agreed with staff's recommendation to apply the sidewalk alternative location to Woodside Blvd. However, the applicant's representative would rather construct the sidewalk in Airport West which would more directly benefit a school district asset, then have it applied to Woodside Blvd. A sidewalk length of approximately 320 feet long and 5 feet wide is required to meet the BCSD Maintenance Building sidewalk requirement.

Staff agrees with the applicant that having the sidewalk constructed at the location in Airport West would have less of a public benefit. Selection of an alternative location is generally preferable. Therefore, it is recommended that Council consider the second location that met the city's location selection criteria which is to connect to the existing sidewalk on First Ave by the Hailey Elementary School. A sidewalk on the south side of Chestnut starting from the east side of First to Main Street would be approximately 365 feet. A sidewalk starting from the south-west corner of First Ave and Elm along the south side of Elm would be approximately 265 feet and would extend the Safe Route to School sidewalk (that starts at the Wood River trail) to Main Street (it currently ends on the south-east side of First and Elm); this is Elm St segment is a very good option.

Another option could be to improve the public access easement designated on the west side of the Hailey Elementary School lot and platted as part of the Wertheimer Park Subdivision. The public access easement is approximately 675 feet. The requirement could be met by improving the easement with a 5 foot concrete sidewalk with a drainage swale to connect First Avenue and downtown to the Rodeo Park. This option would be a significant improvement to connectivity to downtown and the "south Main activity area" but would also require the additional cost of moving the fence inward to the east in order to maintain the integrity of the safety of the playground (the path would then be located outside the fence on the west side) and be approximately double the length of the amount of sidewalk required. This option would require a funding partnership between the city and BCSD.

**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 checked="" 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 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:**

Motion to change approval from Woodside Blvd to First Ave by the Hailey Elementary School, as the alternative location to construct the portion of sidewalk required as a condition of design review approval of the Blaine County School District Maintenance Building.

**ADMINISTRATIVE COMMENTS/APPROVAL:**

City Administrator \_\_\_\_\_

Dept. Head Attend Meeting (circle one) Yes No

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**ACTION OF THE CITY COUNCIL:**

Date \_\_\_\_\_

City Clerk \_\_\_\_\_

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**FOLLOW-UP:**

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

Copies (all info.):

Instrument # \_\_\_\_\_

\*Additional/Exceptional Originals to: \_\_\_\_\_

Copies (AIS only)





AGENDA ITEM SUMMARY

DATE: 1/23/2012

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: \_\_\_\_\_

SUBJECT:

Park Ordinance Amendment

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I have been asked by Mayor Haemmerle to draft an ordinance which would prohibit the use, consumption and possession of tobacco, alcohol, wine and beer at city parks which are heavily used by minors. The attached ordinance would prohibit the use and possession of tobacco, and the consumption and possession of liquor, beer and wine by any person, regardless of age, at Jimmy's Garden and the Skate Park. The definitions of Tobacco Product, Liquor, Beer and Wine are based on definitions found in the Idaho Code.

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:

Discuss this proposed ordinance. If acceptable, with or without revisions, a public hearing at a later date will consider the proposed ordinance.

FOLLOW-UP REMARKS:

**HAILEY ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, BY AMENDING SECTION 12.12.010 OF THE HAILEY MUNICIPAL CODE, TO ADD DEFINITIONS FOR BEER, JIMMY'S GARDEN, LIQUOR, TOBACCO PRODUCT AND WINE; AMENDING SECTION 12.12.060 OF THE HAILEY MUNICIPAL CODE TO PROHIBIT SMOKING, CHEWING OR INGESTION OF TOBACCO AT THE SKATE PARK FACILITY AND JIMMY'S GARDEN; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and the City Council of the City of Hailey have adopted Chapter 12.12 of the Hailey Municipal Code to regulate the use of City Parks and Trails; and

WHEREAS, in order to promote the health, safety and welfare of minors at parks frequently used by minors, the Mayor and the City Council of the City of Hailey desire to prohibit smoking, chewing and ingestion of tobacco products, and the consumption or possession of liquor, beer and wine by any person, regardless of age, at the Skate Park Facility and Jimmy's Garden.

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

**Section 1.** Section 12.12.010 of the Hailey Municipal Code is hereby amended by the addition of underlined language and by the deletion of the stricken language as follows:

12.12.010 Definitions. For purposes of this Chapter 12.12, the following words and phrases shall apply as defined herein:

"Beer" shall mean any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and/or other ingredients in drinkable water.

"City Parks" shall mean those parcels of land that are owned or managed by the City of Hailey and are held for public use or as open or green space, including, but not limited to city parks and hillside parcels.

"City Trails" shall mean those parcels of land that are owned or managed by the City of Hailey and are held for non-motorized public use as trails and rights-of-way.

"First Come, First Served Basis" shall mean that procedure whereby requests for parks use permits received first during the calendar year shall have priority over applications received later. All park use permit applications received during the same business day shall be considered to have been received at the same time.

"In-Line Skates" shall mean footwear containing three or more axles mounted in a straight line extending generally from or behind the heel of the footwear to or in front of the toe of the footwear with a single wheel attached to each axle.

"Jimmy's Garden" shall mean that City Park located adjacent to the intersection of Croy Street and Second Avenue, Hailey, Idaho.

"Liquor" shall mean (a) alcohol which means the product of distillation of any fermented liquor, rectified once or more than once, whatever may be the origin thereof, or synthetic ethyl alcohol; (b) spirits which means any beverage containing alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, among other things, brandy, rum, whiskey and gin; and (c) any liquid or solid, patented or not, containing alcohol, spirits, and susceptible of being consumed by a human being, for beverage purposes, and containing more than four percent (4%) of alcohol by weight.

"Organized Private Event" shall mean a planned private event involving use of one of the City Parks in a manner which will preclude the use of that park, or a portion thereof, by persons other than those participating in such planned event. An Organized Private Event is generally by invitation only and not taking place as a fundraiser.

"Organized Public Event" shall mean a planned public event involving use of one of City Parks in a manner which will preclude the use of that park, or a portion thereof, by persons other than those participating in such planned event. An Organized Public Event is generally open to the general public and/or is taking place as a fundraiser.

"Railroad Right-of-Way" shall mean that certain real property lying within the legal city limits of the city, legally described in attached Exhibit "A."

"Roller Skates" shall mean footwear containing two axles with two wheels attached to each axle.

"Skate Park Facility" shall mean that City Park located adjacent to the intersection of Airport Way and Highway 75, Hailey, Idaho, and used for Skateboarding, Roller Skating and In-Line Skating.

"Skateboard" shall mean a short board-like object that has two axles attached to the bottom of the board-like object with two wheels attached to each axle and the user rides or stands upon the board-like object.

"Tobacco Product" shall mean any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco papers, or smokeless tobacco.

"Wine" shall mean any alcoholic beverage containing not more than sixteen percent (16%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added, and those beverages that are designated or labeled, pursuant to the federal alcohol administration act, as "sherry," "madeira" or "port," which contain more than sixteen percent (16%) alcohol by volume, but do not exceed twenty-one percent (21%) alcohol by volume.

**Section 2.** Section 12.12.060 of the Hailey Municipal Code is amended by the addition of the underlined language, as follows:

12.12.060. Permitted and Prohibited Uses of City Parks and Public Pathways.

A. Except as otherwise provided, City Parks and Trails shall only be used by pedestrians, equestrians, bicycle riders, cross-country skiers and snowshoers, and for all other non-motorized recreational uses. Licensed motorized vehicles are permitted on designated roadways and parking areas within City Parks.

B. Except as otherwise provided, motorized vehicles, including without limitation, automobiles, motorcycles, trail bikes, mopeds, motorized bicycles and motorized scooters, shall not be permitted on City Parks and Trails. Motorized vehicles are permitted for construction of improvements or maintenance of the City Parks and Trails.

C. Smoking, chewing, ingestion or possession of a Tobacco Product, and the consumption or possession of any Liquor, Beer or Wine, by any person, regardless of age, at the Skate Park Facility or Jimmy's Garden is prohibited.

**Section 3.** 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 4.** Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 5.** 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 \_\_\_\_\_, 2012.**

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

Attest:

\_\_\_\_\_  
Mary Cone, City Clerk

Publish: Idaho Mountain Express \_\_\_\_\_, 2012



AGENDA ITEM SUMMARY

DATE: 1/23/2012

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: \_\_\_\_\_

SUBJECT:

Run-Off Election Ordinance

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Immediately before the last municipal election, Hailey revised our ordinances to make them consistent with the new election law. Under the new election law, the county is now in charge of and responsible for the costs of conducting municipal elections. However, if a city has a run-off election, the law provides that a city is responsible for the costs of a run-off election. The City Clerk attempted to obtain an estimate of the cost to conduct a run-off election, if one would have been necessary for the contested council seat. The City Clerk believes the cost of a run-off election would be approximately \$5000; considerably more than the \$1,500 budgeted for election expenses. Staff believes it is appropriate to consider eliminating run-off elections for financial reasons. There are other valid debatable reasons to conduct or not conduct run-off elections.

Our present ordinance only requires a run-off election if a candidate for council did not receive 50% or more of the vote. Our present ordinance does not require a run-off election for mayor.

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:

Discuss this proposed ordinance. If acceptable, with or without revisions, a public hearing at a later date will consider the proposed ordinance.

FOLLOW-UP REMARKS:

HAILEY ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, BY REPEALING SECTION 2.20.020 OF THE HAILEY MUNICIPAL CODE TO DELETE RUNOFF ELECTIONS FOR CITY COUNCIL MEMBERS; 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 ordinances providing for election procedures for municipal elections;

WHEREAS, effective January 1, 2011, Idaho law was amended to provide that the county administer all elections within the county including municipal elections and that if there was a runoff election in a municipality, a municipality was responsible for the costs of the runoff election; and

WHEREAS, the Mayor and the City Council find that the repeal of the runoff elections for city council members is consistent with the present requirements for mayoral elections which do not require runoff elections and will reduce election expenses in future years, without jeopardizing the integrity of the electoral process.

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

**Section 1.** Chapter 2.20 of the Hailey Municipal Code is amended by the repeal of Section 2.20.020.

**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 \_\_ DAY OF \_\_\_\_\_, 2012.**

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express \_\_\_\_\_, 2012

