AGENDA ITEM SUMMARY

DATE: 7/16/2012  DEPARTMENT: Legal  DEPT. HEAD SIGNATURE: ____________

SUBJECT:
Amendment to Chapter 13.08 (Water Conservation) of the Hailey Municipal Code

AUTHORITY: □ ID Code ______ □ IAR ________ □ City Ordinance/Code _______
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I have drafted an amendment to the Water Conservation chapter of the Hailey Municipal Code. The proposed amendment eliminates the prohibition of outdoor watering on the 31st day of a month. In addition, the amendment will only allow a warning for a second violation. If you wish to make this amendment effective for July 31, then you will need to waive the 3 readings.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS

<table>
<thead>
<tr>
<th>Casele #</th>
<th>YTD Line Item Balance $</th>
<th>Estimated Completion Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Budget Line Item #</th>
<th>Estimated Hours Spent to Date:</th>
<th>Phone #</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Staff Contact:</th>
<th>Comments:</th>
</tr>
</thead>
</table>

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Discuss the proposed amendment. If acceptable, make a motion to approve the proposed ordinance amendment and to conduct the first reading of the ordinance by title only or conduct a reading of ordinance by title only, waive the 3 readings and authorize the mayor to sign. If you choose to waive readings, include in motion to authorize the Ordinance Summary.

FOLLOW-UP REMARKS:

-231-
HAILEY ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 13.08.010, TO ELIMINATE THE PROHIBITION OF OUTDOOR IRRIGATION ON THE 31ST DAY OF A MONTH; BY AMENDING 13.08.040 TO CLARIFY THE WARNING CITATION PROCESS; 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 the current odd-even water conservation system assists both in water pressures and conservation;

WHEREAS, the Mayor and City Council of the City of Hailey believe that enabling water users to irrigate on the 31st day of a month will not hinder water pressure and conservation efforts; 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, 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 six p.m. daily, except as provided below:

1. Upon written request made by a Water User, the 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:

a. 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

b. 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: Section 13.08.040 of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

13.08.040 Violation—penalty. Any person found to be violating any provision of this chapter shall be subject to the following:
   A. First and second violation: warning citation.
   B. All subsequent violations:
      1. All subsequent violations shall result in immediate termination of water service to the property. Prior to reinstatement of service, the person violating the provisions of this chapter shall pay a discontinuance fee and recommencement fee as established by city council resolution.
      2. Any person, firm or other legal entity violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars ($300.00) or imprisonment in the county jail for a period not to exceed six (6) months, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

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 ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5: 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 JULY, 2012.

Fritz X. Haemmerle, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

Publish: Idaho Mountain Express, July __, 2012.
AGENDA ITEM SUMMARY

DATE: 7/16/2012    DEPARTMENT: Legal    DEPT. HEAD SIGNATURE: 

SUBJECT:
Summary of Hailey Ordinance No. 1106 (Amendments to Water Conservation Chapter 13.08)

AUTHORITY: □ ID Code __________ □ IAR _________ □ City Ordinance/Code _________
(IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

I am enclosing a summary of Hailey Ordinance No. 1106 which amends Chapter 13.08 (Water Conservation). Ordinance No. 1106 removes the prohibition of watering on the 31st day of a month, allows watering on the 31st day of the month for odd numbered addresses, and requires a written warning for the first and second offenses under the Water Conservation Chapter.

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: (IFAPPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make a motion to approve the summary of Hailey Ordinance No. 1106.

FOLLOW-UP REMARKS:
SUMMARY OF HAILEY ORDINANCE NO. 1106

The following is a summary of the principal provisions of Ordinance No. 1106 of the City of Hailey, Idaho, duly passed and adopted July 16, 2012, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 13.08.010, TO ELIMINATE THE PROHIBITION OF OUTDOOR IRRIGATION ON THE 31ST DAY OF A MONTH; BY AMENDING 13.08.040 TO CLARIFY THE WARNING CITATION PROCESS; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR AN EFFECTIVE DATE.

Hailey Ordinance No. 1106 amends Hailey Municipal Code, as follows:

Section 1 amends Section 13.08.010 of the Hailey Municipal Code, to remove the restriction of watering on the 31st day of the month and to allow watering on the 31st day of month for odd numbered street addresses.

Section 2 amends Section 13.08.040 of the Hailey Municipal Code, to require warning citations for the first and second violation of Chapter 13.08 (Water Conservation).

Section 3 provides for a severability clause.

Section 4 provides for a repealer clause.

Section 6 provides for an effective date of the ordinance.

The full text of Ordinance No. 1106 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. 1106 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1106, 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 ___ day of July, 2012.

[Signature]

Ned Williamson, Hailey City Attorney

Publish: Idaho Mountain Express, July __, 2012
AGENDA ITEM SUMMARY

DATE: 07/16/2012  DEPARTMENT: Admin  DEPT. HEAD SIGNATURE: Heather Dawson

SUBJECT:
Woodside Boulevard Reconstruction:
- Pay Estimate No. 2
- Amended Civil Science Agreement for utility coordination
- Third Inspection Report from FHWA
- Discussion of seed mix recommended for landscaping strip

AUTHORITY: [ ] ID Code [ ] IAR [ ] City Ordinance/Code 2.32, 3.08

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:
The Woodside Boulevard reconstruction continues, and the second pay request from the contractor, Knife River, has been received.

The amount of the pay request is $401,173.01. Of this amount, $266,606.84 is paid for with federal funds, and includes earthwork, culverts and storm drains, aggregates, traffic control, and construction coordination; $74,525.03 is ITD funds for the signal; and $60,041.14 is city funds towards the pressure irrigation system.

The federal share requested for reimbursement is $266,606.84. The city (non-federal) share shown on the reimbursement request form includes all of the city's match from the signing of the original grant agreement on April 8, 2011 through June 30, 2012 – a total of $866,935.07. The city share includes all ITD funds expended on the project through June 30 ($191,348.05), water funds expended on the project through June 30 ($66,328.24) and other city funds (both direct expense and city labor) through June 30 ($609,258.78).

The contractor’s pay request has been reviewed and approved by both Civil Science and city staff. All required back-up information for each line item in the pay request has been filed in the project record. City staff conducted a records review in Civil Science's office on July 11, 2012 to assure the records validate the contractor's pay request. FHWA and city staff will review the records on July 18, 2012.

Documents encompassed by this Agenda Item include:
- SF270 – Request for Advance or Reimbursement (attached)
- Contractor’s Application for Payment No. 2 (attached)
- Contractor and Civil Science detailed documentation submitted as backup to Contractor’s Application for Payment No. 2 (available for review at City Hall)
- Elapsed Time and Work Status Statement (available for review at City Hall)
- Certification of Prompt Subcontractor Payment (receipt expected July 16, 2012)
- Treasurer’s Reconciliation of Contractor Pay Estimate (attached)
- Hailey Paid Invoice Report June 2012 (available for review at City Hall)
- Treasurer’s backup detail on city labor for June 2012 (available for review at City Hall)

All of the documents listed will be submitted to FHWA.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:
Staff Contact: Tracy Anderson  Phone # 788-4221 ext 26

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

<table>
<thead>
<tr>
<th>City Attorney</th>
<th>Clerk / Finance Director</th>
<th>Engineer</th>
<th>Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library</td>
<td>Planning</td>
<td>Fire Dept.</td>
<td></td>
</tr>
<tr>
<td>Safety Committee</td>
<td>P &amp; Z Commission</td>
<td>Police</td>
<td></td>
</tr>
<tr>
<td>Streets</td>
<td>Public Works, Parks</td>
<td>Mayor</td>
<td></td>
</tr>
</tbody>
</table>
RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Pay Request recommended action: Motion to authorize payment of Knife River Pay Estimate No. 2, contingent on receipt of signed Certification of Prompt Subcontractor Payment from Knife River.

ADMINISTRATIVE COMMENTS/APPROVAL:

Agreement Amendment recommended action: Motion to approve amendment to Civil Science Engineer Agreement adopted through Resolution 2012-41 to remove the not-to-exceed language and allow additional time and materials billing should the scope of work exceed 8 hours per week for 10 weeks, or a total of 120 hours at $9,600.

FHWA Third Inspection Report recommended action: No action required, this is for information purposes. We will utilize this report as the primary document by which to update the city council and public on the project progress.

Seed Mix Approval – the bid for seed mix to be used in the landscaping strip is for a tall fescue which is priced at $1.35 square yard. The contract states that the city shall approve the seed mix. During the council meeting, we will have information about what the benefits and costs to use a mixed seed would be.

Public Involvement: See below a July 11, 2012 correspondence from Tracy Anderson to Pat Cooley regarding dust abatement.

I wanted to get back to you on your question about the mag chloride. I spoke with Deven (Civil Science) about it and then stopped by Knife River’s office on my way back from the records review in Twin Falls today to get a little more information from Rob.

Knife River has had one of the suppliers trying to find a truck to apply the material sooner, and just this afternoon has received word that they should be able to have a truck here on Tuesday of next week.

Please let us know if you have any other questions or feedback; we appreciate reports from residents on the boulevard!

Other correspondence with the public in the past two weeks have been primarily site-specific questions regarding details of the plan at the specific properties.

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: _____________________________
*Additional/Exceptional Originals to: _____________________________
Copies (all Info.): _____________________________
Instrument # _____________________________

- 238 -
REQUEST FOR ADVANCE OR REIMBURSEMENT

FHWA

6. EMPLOYER IDENTIFICATION NUMBER
82-6000201

7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER

8. PERIOD COVERED BY THIS REQUEST
FROM (month, day, year): 04/08/2011
TO (month, day, year): 06/30/2012

9. RECIPIENT ORGANIZATION
Name: CITY OF HAILEY
Number and Street: 115 MAIN STREET S, SUITE H
City, State and ZIP Code: HAILEY, ID 8333

10. PAYEE (Where check is to be sent if different than item 9)
Name:
Number and Street:
City, State and ZIP Code:

11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED

<table>
<thead>
<tr>
<th>PROGRAMS/FUNCTIONS/ACTIVITIES</th>
<th>(a)</th>
<th>(b)</th>
<th>(c)</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Total program outlays to date</td>
<td>$1,326,274.62</td>
<td>$</td>
<td></td>
<td>$1,326,274.62</td>
</tr>
<tr>
<td>b. Less: Cumulative program income</td>
<td>0.00</td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>c. Net program outlays (Line a minus line b)</td>
<td>1,326,274.62</td>
<td>0.00</td>
<td>0.00</td>
<td>1,326,274.62</td>
</tr>
<tr>
<td>d. Estimated net cash outlays for advance period</td>
<td>0.00</td>
<td></td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td>e. Total (Sum of lines c &amp; d)</td>
<td>1,326,274.62</td>
<td>0.00</td>
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<td>1,326,274.62</td>
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<tr>
<td>f. Non-Federal share of amount on line e</td>
<td>866,935.07</td>
<td></td>
<td></td>
<td>866,935.07</td>
</tr>
<tr>
<td>g. Federal share of amount on line e</td>
<td>459,339.55</td>
<td></td>
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<td>459,339.55</td>
</tr>
<tr>
<td>h. Federal payments previously requested</td>
<td>192,732.71</td>
<td></td>
<td></td>
<td>192,732.71</td>
</tr>
<tr>
<td>i. Federal share now requested (Line g minus line h)</td>
<td>266,606.84</td>
<td>0.00</td>
<td>0.00</td>
<td>266,606.84</td>
</tr>
<tr>
<td>j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances</td>
<td></td>
<td>1st month</td>
<td></td>
<td>0.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2nd month</td>
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<tr>
<td></td>
<td></td>
<td>3rd month</td>
<td></td>
<td>0.00</td>
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</table>

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY

a. Estimated Federal cash outlays that will be made during period covered by the advance

b. Less: Estimated balance of Federal cash on hand as of beginning of advance period

<table>
<thead>
<tr>
<th>Line e minus line b</th>
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</thead>
<tbody>
<tr>
<td>Amount requested</td>
<td>$0.00</td>
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</tbody>
</table>

AUTHORIZED FOR LOCAL REPRODUCTION (Continued on Reverse)

STANDARD FORM 270 (Rev. 7-67)
Prescribed by OMB Circulars A-102 and A-110
CERTIFICATION

I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

[Signature]

Becky Stokes, City Treasurer

July 12, 2012

PUBLIC REPORTING BURDEN FOR THIS COLLECTION OF INFORMATION IS ESTIMATED TO AVERAGE 60 MINUTES PER
RESPONSE, INCLUDING TIME FOR REVIEWING INSTRUCTIONS, SEARCHING EXISTING DATA SOURCES, GATHERING
AND MAINTAINING THE DATA NEEDED, AND COMPLETING AND REVIEWING THE COLLECTION OF INFORMATION. SEND
COMMENTS REGARDING THE BURDEN ESTIMATE OR ANY OTHER ASPECT OF THIS COLLECTION OF INFORMATION,
INCLUDING SUGGESTIONS FOR REDUCING THIS BURDEN, TO THE OFFICE OF MANAGEMENT AND BUDGET, PAPERWORK
REDUCTION PROJECT (0346-0004), WASHINGTON, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11l, 12 and 13 are self-explanatory; specific
instructions for other items are as follows:

Item Entry

2 Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be
prepared on a cash basis.

4 Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If
the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate
amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made
against the grant or agreement.

6 Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution)
code if requested by the Federal agency.

7 This space is reserved for an account number or other identifying number that may be assigned by the recipient.

8 Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request
is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request
is for reimbursement, show the period for which the reimbursement is requested.

Note: The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not
both. Item 12 should be used when only a minimum amount of information is needed to make an advance and
outlay information contained in item 11 can be obtained in a timely manner from other reports.

11 The purpose of the vertical columns (a), (b), and (c) is to provide space for separate cost breakdowns when a
project has been planned and budgeted by program, function, or activity. If additional columns are needed, use as many
additional forms as needed and indicate page number in space provided in upper right; however, the summary
totals of all programs, functions, or activities should be shown in the "total" column on the first page.

11a Enter in "as of date," the month, day, and year of the ending of the accounting period to which this amount
applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For
requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services,
the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash
advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees.

11b Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests
prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis,
enter only the amount applicable to program income that was required to be used for the project or program by the
terms of the grant or other agreement.

11d Only when making requests for advance payments, enter the total estimated amount of cash outlays that will
be made during the period covered by the advance.

13 Complete the certification before submitting this request.

STANDARD FORM 270 (Rev. 7-87) Back
## Contractor's Application for Payment No. 2

<table>
<thead>
<tr>
<th>Application Period:</th>
<th>Application Date:</th>
<th>6/30/2012</th>
</tr>
</thead>
</table>

**To:**
City of Hailey  
**From:**
Kohin Corporation - Northwest  
**Via:**
Civil Science  
**Project:**
Woodside Boulevard Reconstruction  
**Contract Date:**
5/19/2012  
**Owner's Contract No.:**
7D09-C-97, DTFH61-11-G-00001  
**Contractor's Project No.:**
302614  
**Engineer's Project No.:**
2012-106

### Application For Payment

<table>
<thead>
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<th>Change Order Summary</th>
<th>Deductions</th>
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<td><strong>TOTALS</strong></td>
<td>$931.90</td>
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<tr>
<td><strong>NET CHANGE BY CO</strong></td>
<td>$1,111.98</td>
</tr>
</tbody>
</table>

### 1. ORIGINAL CONTRACT PRICE

- **Line 1.** $4,233,664.05

### 2. Change Order, Change

- **Line 1.** $5,111.98

### 3. Contract Price (Line 1 + 2)

- **Line 1.** $4,238,775.07

### 4. TOTAL COMPLETED AND STORED TO DATE

- **Line 1.** $754,753.52

### 5. RETAINAGE

- **a.** 5% of $754,753.52 Work Completed... $37,737.66
- **b.** 10% of $6,000 Stored Material... $600.00

### 6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5a + Line 5b)

- **Line 1.** $717,015.84

### 7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)

- **Line 1.** $315,842.83

### 8. AMOUNT DUE THIS APPLICATION

- **Line 1.** $401,173.01

### 9. BALANCE TO FINISH, PLUS RETAINAGE

- **Line 1.** $3,515,868.21

### Payment of:

- **$401,173.01**

### is recommended by:

- **Engineer**  
  **Date:**

### Payment of:

- **$**

### is approved by:

- **Owner**  
  **Date:**

### Approved by:

- **Funding Agency (if applicable)**  
  **Date:**

### Contractor's Certification:

The undersigned Contractor certifies that to the best of his knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Contractor against any such Liens, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

- **Date:**

---

**2012 SPNC-000030**

Modified from SPDC C-630 Contractor's Application for Payment
## PROJECT: WOODSIDE BOULEVARD RECONSTRUCTION

### DATE: 2/22/2012

### L.S.P. No. |

<table>
<thead>
<tr>
<th>Description</th>
<th>Q</th>
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<th>Contract</th>
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**Subtotal** | $455,996.30 | $0.00 |

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**Subtotal** | $1,200,567.25 | $0.00 |

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**Subtotal** | $101,102.69 | $0.00 |

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**Subtotal** | $132,950.50 | $0.00 |

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**Subtotal** | $132,950.50 | $0.00 |

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**Subtotal** | $132,950.50 | $0.00 |
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**TOTAL BASE BID:** $4,332,804.66 - $4,282,805.05 $4,039.61 48,364.00 - $422,257.20 $4,172.05 - $754,721.32 $3,776,190.63

**TOTAL (BASE BID):** $4,332,804.66 - $4,282,805.05 $4,039.61 48,364.00 - $422,257.20 $4,172.05 - $754,721.32 $3,776,190.63
This is EXHIBIT K, consisting of 2 pages, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated Mar. 9, 2012.

AMENDMENT TO OWNER-ENGINEER AGREEMENT

Amendment No. 1

1. Background Data:

   a. Effective Date of Owner-Engineer Agreement: March 9, 2012

   b. Owner: City of Hailey

   c. Engineer: Civil Science, Inc.

   d. Project: Woodside Boulevard Reconstruction

2. Nature of Amendment

   X Additional Services to be performed by Engineer

   X Description of Modifications

Attachment 1, “Modifications”

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is June 27, 2012.

OWNER: ________________________________

By: ________________________________

Title: ________________________________

Date Signed: _______________________

ENGINEER: ________________________________

By: Robert L. Ramsey, Jr.

Title: Project Manager

Date Signed: _______________________

Page 1 of 2 Pages

(Exhibit K - Amendment to Owner-Engineer Agreement)

EJCDC E-500 Standard Form of Agreement Between Owner and Engineer for Professional Services.

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- 2 4 5 -
Modifications

1. Engineer shall perform the following Additional Services:

   Engineer shall act as a utility coordinator and utility relocation facilitator for the Owner for the duration of the clearing, grubbing, and excavation process and proceedings for the Woodside Boulevard Reconstruction Project. Engineer will focus on helping to provide coordination and correlation services as well as act as a liaison between the Contractor and Utility Company representatives. Purpose of the Additional Services is to help narrow potential communication gaps between the Contractor and Utility Company representatives in an effort to expedite relocation of utilities conflicting with construction practices within the project limits. No guarantees or warrantees are granted or implied in relation to effectiveness or completion of Contractor or Utility Company relocation schedules, timelines, and/or deadlines.

   Anticipated scope of work to include:
   a. coordination phone calls
   b. coordination emails
   c. up to 10 on-site and/or off-site meetings
   d. review and coordination of Contractor and Utility Company schedules to help alleviate potential work area staging conflicts, etc.

2. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:

   Additional compensation will be on a time and materials basis as outlined below:
   Anticipate additional services to be rendered for approximately 10 weeks up to 8 hours per week. Should additional work beyond the estimated 8 hours per week and/or 10 weeks be required the additional services will be compensated on a time and materials basis as part of this amendment. Anticipate majority of the additional services will be provided using the Engineer III at the current contract rate of $120/hr.
   Estimate Expense is 80 hrs * $120/hr = **$9,600.00**

3. The schedule for rendering services is modified as follows:

   June 25, 2012 through August 31, 2012
Modifications

1. Engineer shall perform the following Additional Services:

   Engineer shall act as a utility coordinator and utility relocation facilitator for the Owner for the duration of the clearing, grubbing, and excavation process and proceedings for the Woodside Boulevard Reconstruction Project. Engineer will focus on helping to provide coordination and correlation services as well as act as a liason between the Contractor and Utility Company representatives. Purpose of the Additional Services is to help narrow potential communication gaps between the Contractor and Utility Company representatives in an effort to expedite relocation of utilities conflicting with construction practices within the project limits. No guarantees or warranties are granted or implied in relation to effectiveness or completion of of Contractor or Utility Company relocation schedules, timelines, and/or deadlines.

   Anticipated scope of work to include:
   a. coordination phone calls
   b. coordination emails
   c. additional on-site and/or off-site meetings as needed
   d. review and coordination of Contractor and Utility Company schedules to help alleviate potential work area staging conflicts, etc.

2. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:

   Additional compensation will be on a time and materials basis with a not to exceed amount as outlined below:
   Anticipate additional services to be rendered for approximately 10 weeks.
   Anticipate 8 hours a week for additional services.
   Will use bill rate for Engineer III per current contract rate at $120/hr.
   80 hrs * $120/hr = $9,600.00

5. The schedule for rendering services is modified as follows:

   June 25, 2012 through August 31, 2012
# INSPECTION REPORT

## U.S. Department of Transportation
Federal Highway Administration

### DIVISION | REPORT NUMBER | DATE OF INSPECTION | DATE OF REPORT | STATE KEY # | FEDERAL #
---|---|---|---|---|---
Idaho | 3 | 6/26/2012 | 6/29/2012 | 12907 | TDGII-C-09

### PROJECT TITLE AND LOCATION

**TIGER II - Woodside Blvd Reconstruction – Complete Streets Initiative, Hailey, Idaho**

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<th>OWNER ACCEPTANCE (estimated)</th>
<th>COUNTY</th>
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<th>QUALITY OF WORK</th>
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<th>TIME ELAPSED</th>
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<td>$192,732.71, 6% Federal ($3,396,032) $116,823.02, 55% State ($212,020) $6,287.10, 1% Local ($519,752.07)</td>
<td>42% 11 wks elapsed/ 26 wks allowed</td>
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### INSPECTOR(S)

- **Ed Miltner**: Bridge & Operations Engineer
- **Tom Hellen**: Hailey Public Works Director/Resident Engineer
- **Tracy Andersen**: Hailey Grant Administrator
- **Deven Elison**: Civil Science
- **Jake Southwick**: Civil Science

### IN COMPANY WITH

- **Process Review/Product Evaluation**
  - Inspection in-Depth: X
  - Project: X
  - Final: X
  - Final Acceptance: X

---

**Project Scope and Location:**

The project consists of the reconstruction of existing travel lanes, constructing new bicycle lanes, rolled curb, gutter, storm drainage facilities, planter strip, detached sidewalks, and bus shelters with areas for bicycle parking on Woodside Blvd., construction of a roundabout at the intersection of Woodside Blvd. and Fox Acres Rd. and construction of a traffic signal at the intersection of Woodside Blvd. and SH-75 in Hailey, Idaho. Construction items include those contained in the Base Bid schedule. Items in the option bid schedule were not included as part of the contract. Work items include: new curb and gutter, sidewalk, bike lanes, sub-base aggregate, plant-mix pavement and items associated with a traffic signal. Numerous removal items are included.

**Description of Work Underway:**

The City completed its separate, locally funded sewer replacement project on Fox Acres Drive in the vicinity of the Woodside Blvd intersection. During this project, a 48" CMP culvert was damaged near Sta 17+50 on Fox Acres Drive (see pictures). The City is investigating how this damage occurred and what corrective action will be taken to repair the damage. Our contract is reconstructing the roadway above this culvert. Concern was expressed to the City to repair this culvert as soon as possible, preferably before the Contractor begins operations in this area. Per the contract, Knife River now has access to this area to construct the roundabout. The northern terminus of the project includes the roundabout and is referred to as Segment 6 in the CPM. Contractor indicated they would begin segment 6 construction the week of 7/2. Idaho Power was performing utility relocations during our inspection in this segment.

Segment 1 of Woodside Blvd, from Baldy View Drive to Jackpine Drive (Sta 12+00 to Sta 35+00) reconstruction is underway. Excavation is complete. Two inch minus aggregate has been placed throughout segment 1. Storm drain excavation is complete. All driveways have temporary access in place. Excavation for the culvert extensions at Sta 17+00 is complete. Culvert extensions are not installed, improper elliptical pipe sizes were delivered to the project and had to be returned. The 6" PVC irrigation line has been installed throughout segment 1. Crews were placing 4" depth of 3/4" minus crushed aggregate base for the west sidewalk with a small paving machine and compaction roller near Sta 24+00 during our inspection.

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Segment 2 of Woodside Blvd, from Jackpine Drive to Shenandoah Drive (Sta 32+00 to Sta 64+00) is underway. The majority of work is occurring between Copper Ranch Drive and Laurelwood Drive. The pipe crew was excavating a trench for the 6" pressure irrigation, installing pipe, and backfilling. All asphalt pavement has been removed in segment 2. Multiple utility relocations were occurring in this area, although they were temporarily halted while the Contractor’s pipe crew continued irrigation line installation.

The signal at Woodside and SH-75 was turned on about 30 minutes prior to our arrival. The signal sub-contractor had just completed some equipment adjustments and had just pulled off-site. ITD was on-site making some additional adjustments to timing and the detection zones. During our inspection, the Woodside Blvd stop sign was removed since the signal is now operating (see photos). New stop bars had been installed on SH-75 and Woodside Blvd. There are existing paint markings that are beyond the new stop bars (see photos) that need to be removed. City has discussed this with ITD and developed an acceptable method for completing this work. See “Potential Change Orders” section in the Review Notes of this report. Recommend removing the paint markings ASAP to prevent driver confusion. Luminaries still need to be installed. Advance warning sign detection loops (dilemma zone) have been installed in the pavement, however they are not yet connected to the electronics in the cabinet. Parts are on order.

No other work observed in other segments of Woodside Blvd. Numerous dig line paint markings throughout the corridor were observed. These markings indicate locations of underground utilities. Several of these locations indicate potential conflicts that could need to be moved prior to the Contractor’s excavation operations. Utility’s should be potholing in these areas right now to determine if they are in conflict and then move before the Contractor’s operation encroaches. Some of the dig line paint markings are facility upgrades that the utility companies are performing concurrent with their relocation work. City has repeatedly stressed to utility companies that relocations are the priority and upgrades are only to be done if they can complete them ahead of the Contractor’s operations so as to avoid interference in the progression of work and subsequent delay.

At this inspection, the City provided us a plan for accelerating utility relocations (see inspection report 2 for background). Several pieces of correspondence have been sent to the utility companies directing them to accelerate this work. Numerous verbal communications and meetings have also transpired since the last inspection. The City also indicated in its plan that they are working through negotiations with its CE&I agent, Civil Science to add utility coordination services. CE&I agent has already assumed this role even though negotiations are ongoing. City and the Contractor agreed that utility companies have been very responsive when the Contractor exposes conflicts. However City and Contractor would prefer utilities move their facilities that are in conflict ahead of the Contractors operations because concurrent relocation causes delay. Contractor has informed the City that they have started tracking delays and may request compensation. Division Office will continue to closely monitor this issue in future inspections to determine if City’s plan has resolved the progress of work issue or if additional corrective action(s) are needed. Progress of work has improved since the last inspection.

The work site was orderly and reasonably secure. Most hazards were clearly and properly marked and traffic control devices were performing well. Some BMPs (see photos) needed minor maintenance. Some fall hazards (underground electrical vaults) were improperly covered with flat sheet signing material. This was done by the utility company, not the prime Contractor.

Status of Previous Recommendations:
There were nine recommendations from inspection report 1. Recommendations 1-4 and 6-9 are complete. Recommendation 5 is partially complete. Traffic control plans have been submitted and approved for segments 1-3 & 6. Segments 4-5 are not approved; however the Contractor has not started working in these areas yet.

There were 4 recommendations from inspection report 2. All are complete.

Inspection Observations & Recommendations:
1. Ensure utility company hazards are properly marked and covered.
2. Ensure the Contractor is placing proper lift thickness during fill operations and is properly compacting each lift.
3. Continue to monitor the utility relocation activities. Ensure utility companies accelerate work such that they are working ahead of, not concurrent with the Contractor’s operations.
4. Ensure the pavement markings on SH-75 that are ahead of the new stop bars are removed ASAP (see photos).
5. Ensure the damaged culvert on Fox Acres is repaired or replaced in a manner that does not interfere with the Contractor's operations.

Project Records Review:
At the offices of the project CE&I Consulting Engineer, Civil Science, in Twin Falls, ID. We examined Division 100 records and sampled a few of the pay item files which have active work ongoing such as pressure irrigation and aggregate pay items. Diaries are current and complete. Labor, equipment, and notable items are included. We asked the CE&I agent to document in diaries if he has to inform the Contractor of proper embankment placement and compaction practices.

The Division 100 records, sampled pay item files and supporting documentation were adequate. No material exceptions were noted. See notes below for further detail.

Closeout Conference:
Observations, recommendations, and other notable items in this report were discussed with the City of Hailey and their CE&I agent, Civil Science on Wednesday 6/27.

Conclusion:
Work progress to date is marginal, although is showing improvement since inspection 2. The Division Office will continue to monitor the utility relocation efforts and determine if additional corrective actions are needed. Quality of work is satisfactory.

Review notes:
Number of Inspectors/tester on site the day of inspection: 1
Original Contract Work days / Completion Date: Approximately 130 days (26 weeks). This is not a working days contract. Per the contract documents, construction time began on 4/15, roundabout completion is required by 8/31, and substantial completion is required by 10/15.
Current Contract Work Days / Completion Date: No change, see above.
CPM (Generated by the Contractor): The latest version of the CPM is 6/26/12. CPM shows paving dates of September 14-19.
Project clean-up and punch list should be complete by October 12.
Notice to Proceed: 3/26/2012
Time Stopped: No stoppages to date.
Work Days Charged: This is not a working days contract, see "Original Contract Work days / Completion Date" section above.
Original Contract Amount: $4,232,884.05
Current Contract Amount: $4,231,772.07
Total Contract Amount Paid to Date: $192,732.71 or 6% of the $3,500,000.00 TIGER II Grant has been expended. The Contractor's Application for Payment No. 1 has been reviewed and a copy is available in the Division Office records. It is not attached to this report due to size.

Executed Field Orders: 10 field orders have been executed.
Potential Field Orders: Additional field orders are being developed. All are clarifications of items not yet started by the Contractor.
Executed Change Orders: 6 change orders have been executed. Cumulative value: -$1,111.98, 0 additional days
CO 001 (straight line measurement of aggregates) ......................................................... $0.00 ........................................ 0 additional days
CO 002 (change from ½" to ⅞" asphalt aggregate on private driveways) ...................... $0.00 ........................................ 0 additional days
CO 003 (concrete pad changes at bike parking areas) .................................................. $684.78 ........................................ 0 additional days
CO 004 (delete 66" x 51" culvert from contract) ................................................................. -$2000.00 ........................................ 0 additional days
CO 005 (add asphalt for a driveway tie-in, plan omission) ............................................ $247.12 ........................................ 0 additional days
CO 006 (delete 34 SY of asphalt path removal, plan omission) ....................................... -$43.88 ........................................ 0 additional days

Potential Change Orders: Additional change orders are being developed.

- A landscape build out change order has been presented to the City and will increase the project cost. The City is currently in negotiations with the Contractor. If executed, the City has indicated they will pay for this change order with City funds.
- A change order is being developed to add 2" sleeves in a few locations for the landscape system build out and is dependent upon the execution of the prior potential change order.
- A change order is being developed for modifications to the culverts near Sta 39+00. The existing culverts were removed and the extensions are to be deleted. There is a catch basin and seepage bed drainage system in the area to collect runoff.
• CE&I agent indicated a pay item is needed to obliterate the pavement marking on SH-75 (see photos). Agree with this determination. However, we reminded the CE&I agent that the Contractor has been directed to not refresh the paint markings on SH-75 since ITD recently completed this work as part of its District wide maintenance activities. Recommended the CE&I agent reduce pavement marking quantities appropriately to offset the increase for obliteration of old markings.

Contract DBE Goal: 5% of contract value
Contractors DBE Commitment: $239,461.84 (5.65% of original contract amount)
Training Hours Goal: 25% of apprentices in each occupation shall be in their first year of apprenticeship or training.
Payroll Wage and Fringe Benefits: Certified payroll records were reviewed in the project records. The last payroll records were for the period ending 6/2. Labor compliance interviews were not reviewed in this inspection.
Posters on the bulletin board: Some are missing. See attached checklist and attachments.
Approved Sub-contractors and contract amount:
Balanced Rock Electric ......................................................... $212,020.00
Xcel Concrete Construction Inc........................................... $735,989.00
JJ Howard Consulting Engineers ....................................... $57,800.00
All Seasons Landscaping ................................................ $110,109.00
Eureka Construction (sub to a sub) .................................... $7,368.80
Valley Paving ...................................................................... $173,301.75
Construction Material Recycling ........................................ $34,902.50

Approved DBE's and contract amount:
Curtis Clean Sweep (sub to prime) ..................................... $67,291.95
Curtis Clean Sweep (sub to a sub) ..................................... $9,974.50
Advanced Sign Design, Traffic Products & Service (sub to prime) $87,754.75 +$4,500.00
Advanced Sign Design, Traffic Products & Service (sub to sub) $11,547.64
Northwest Signal (supplier) .............................................. $38,393.00

Prompt Progress payment: CE&I agent will utilize ITD forms to verify prompt payment to sub-contractors occurs within 20 days as per contract. Now that payment #1 has been made, this will be reviewed in future inspections.

Utilities and ROW: Utility relocation is underway and is still adversely affecting the pace of the project, however signs of improvement are evident. See the "Description of Work Underway" section of this report. Will continue to monitor.

Storm Water Pollution Plan: The official copy of the SWPPP is complete and inspections are occurring in a timely manner. Minor maintenance needed on a few BMPs due to traffic damage.

Materials sampling, testing, acceptance: Documentation for a sample of active pay items were reviewed as part of this inspection and are adequate.

Materials Certifications: Documentation for a sample of active pay items were reviewed as part of this inspection and are adequate.

Detours: Detour signage is adequate.

Buy America Steel Certifications: Certifications are adequate.

Traffic Control: Traffic control plans have been submitted and approved for Woodside segments 1-3, 6, and the traffic signal. No traffic control plans have been submitted for segments 4-5, however the Contractor has not started working in these areas yet.

Pavement Markings: See "Inspection Observations & Recommendations" and "Potential Change Orders" sections of this report.

Claims: No claims have been submitted, all though the Contractor has indicated he is starting to track delays due to utility conflicts.

Seedling: Not reviewed as part of this inspection.

Construction Sequencing: Not reviewed as part of this inspection.

Materials Storage: Material storage is adequate. The staging yard is located at the project’s midpoint at the intersection of Woodside and Countryside. Materials are stored in/on acceptable containers.

Compliance with PS&E: Yes.

Incentive and Disincentive Validation and Payment: Not reviewed as part of this inspection.

Railroad Release Letter: Not applicable, there is no railroad work on this project.

Temporary Pedestrian and Bicycle Access: Although not encouraged, bicyclists and pedestrians can safely traverse the work-zone to their homes. Thru traffic is encouraged to use detour or adjacent facilities.

As-Built Plans: Not reviewed as part of this inspection.

Quantity Over runs and Under runs: Not reviewed as part of this inspection.

Public Communication: Not reviewed as part of this inspection.

Notice of Disputes/Claim Filed: None. See "Claims" section above.
Liquidated Damages Assessed: $0
Payments Withheld: $0

Environmental Commitment Tracking:
Right of Way Construction Access: Agreements Complete, Construction access OK
FAA Coordination: FAA Review Complete, FAA Permit Obtained YES
Continuous and safe access for Wood River Trail: Trail is open and not impacted by the project
UPRR berm and Hiawatha Canal undisturbed: No disturbance to these resources
Wildlife (bald eagle and migratory birds): None observed on date of inspection
Storm Water (SWPPP, NPDES permit): SWPPP is current and available at project office
Wetlands Permit (USACE Nationwide Permit): Permit obtained, Disturbance within limits of permit
Floodplains: Permit obtained, Disturbance within limits of permit

Accident History: Data is provided on the OSHA forms on the worksite bulletin board.
Time lost due to accidents: Data is provided on the OSHA forms on the worksite bulletin board.
Final Inspection: N/A
Final Estimate: N/A
Punch List Furnished: N/A
Punch List Completed: N/A

Attachments
Photos with annotation and comments
Woodside Blvd Reconstruction

Construction Inspection Photos
6/27/2012

FHWA Idaho Division
TDGII-C-07
DTFH61-11-G-00001

CMP culvert crushed – not part of this project

-48" CMP Culvert replaced – not part of this project

Fox Acres Rd – City funded sewer reconstruction (not part of this project) Photo taken near 17-00-11, looking south
Prime Contractor: Water truck for dust control.

Idaho Power utility relocations underway.

City's power reconstruction (not part of this project) underway.

Future roundabout - Contractor to start construction week of 7/2/12.
Paving crew placing 4" depth of 1" minus Crushed Base Aggregate

Woodside Blvd Photo taken near 398 2400 ft looking south

Underground electrical vault (installed by Idaho Power Forces)

Woodside Blvd Photo taken near 599 2350 ft looking west
Underground electrical vault (installed by Idaho Power forces)

Improper fall hazard protection
7" depth of 2" minus Crushed Aggregate
4" depth of R" minus Crushed Base Aggregate for sidewalk

Woodside Blvd Photo
taken near 30-30-01, heading north

Construction vehicle tracking - water and sweeper needed
BMP's need maintenance

Woodside Blvd Photo
taken near 30-30-00, 01, 10004E
west
Path to be reconstructed to meet new sidewalk finished grade elevation.

Valves and manholes to be retained and raised to new finished grade.

Woodside Blvd Photo
Taken near 140, 14, looking east.

Woodside Blvd Photo
Taken near 30, 31, 11, looking northwest.
Conflicting "Stop" sign removed during this inspection.

Note: Traffic Signal was put into operation approximately 30 minutes prior to inspection.