

AGENDA ITEM SUMMARY

DATE: 6/30/08 DEPARTMENT: Engr DEPT. HEAD SIGNATURE: 

SUBJECT: Motion to declare surplus vehicles and equipment and approve partial replacement with a leased loader and a newer semi.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The attached memo discusses the current condition of several pieces of equipment and various vehicles. The Street Department is making plans to minimize the necessary fleet vehicles and equipment and then provide more efficient equipment. Minimizing the fleet will necessitate hiring private contractors during the winter to assist with snow removal. This was done minimally during last winter with good results. This is reflected in an increase in the equipment rental costs in the proposed budget. A reduction in the fleet along with newer, more efficient equipment will also help reduce the fuel budget.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

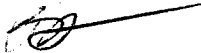
City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

Public Works Memo

To: Mayor Rick Davis
CC: City Council Members
Heather Dawson, City Administrator
Becky Stokes, City Treasurer
From: Tom Hellen, Public Works Director 
Date: 6/24/2008
Re: Street Department Vehicles & Equipment

Street Superintendent Kelly Schwarz has been reviewing our existing equipment and vehicles to determine where efficiencies can be found. The attached spreadsheet shows the proposed disposition and replacement of this property. There is also a set of photos showing the equipment for your benefit. While I am recommending a disposal of this equipment and vehicles there will be a need to replace some of the surplus vehicles or equipment with newer equipment.

Heavy Trucks

The four trucks listed have been inspected by our city mechanic and the repair costs from a cursory look and are at least twice the value of the truck and don't include any possible engine repairs or electrical work. I am proposing that we sell these four trucks and replace them with a newer Semi Truck and Dump Truck. Before purchasing there would be an inspection to confirm DOT compliance. With the net loss of two semis we would also sell two of the end dumps. This would leave us with three semis and end dumps for snow removal and other uses. To make up for this reduction in equipment we are proposing hiring additional trucks on an hourly basis from local contractors. We used this approach for part of last year with good results. This saves expenditures for capital equipment, hiring additional part-time help and future maintenance costs.

End Dumps

With the net reduction in the number of semi trucks there is no need for having 5 end dumps. I recommend that two end dumps be declared surplus and sold. The Street Department has not yet determined which end dumps to discard so the surplus declaration for these will come later.

Snowblowers

The 1979 Norland snowblower truck was purchased back in 2000 as our main snowblower. It has not been a reliable snowblower over the years and is no longer needed. The 1965 FWD snowblower has been more reliable and is our third backup. We have two loader mounted snowblowers; the new Kodiak and a used 1978 Norland; which have been very reliable. I would recommend retaining the FWD as it is a truck drive snowblower and would be the backup if there was a problem with the loader.

Mid-Size Loaders

With the new Liebherr L588 Loader for large projects and the Volvo L35 mini loader we have the top and bottom ends of work covered. Our two mid-sized loaders are a 1972 CAT 930 and a 1983 CAT 950. Both of these loaders have been losing power over the years and are in need of repair. Neither is fuel efficient; the larger L588 actually uses less fuel per hour; and the 930 does not have heat for the winter. The 950 has an estimate of \$16,391 to replace pins and its hydraulic system will need work soon at a cost near \$20,000. In addition we have a 1972 Case tractor that is used sparingly and only value is with a lawnmower attachment used for weed cutting. The last time this tractor was repaired it cost \$8,000 for a new transmission. Replacement of these three pieces of equipment with one mid-sized loader is recommended. The new loader could either be purchased outright or a lease agreement can be explored. There would be an additional savings in maintenance as either of these options would have a warranty period.

We have pursued the possibilities for obtaining a new loader from four vendors; Caterpillar, Komatsu, Liebherr and John Deere. I am recommending a lease program with a trade-in of the two loaders. We would have a 5 year lease with the choice of returning the loader or buying outright at the end of the lease. One estimated cost of this lease is \$6,695 per year. The other choice is a lease-purchase agreement with an annual cost of approximately \$20,000.

Vehicles

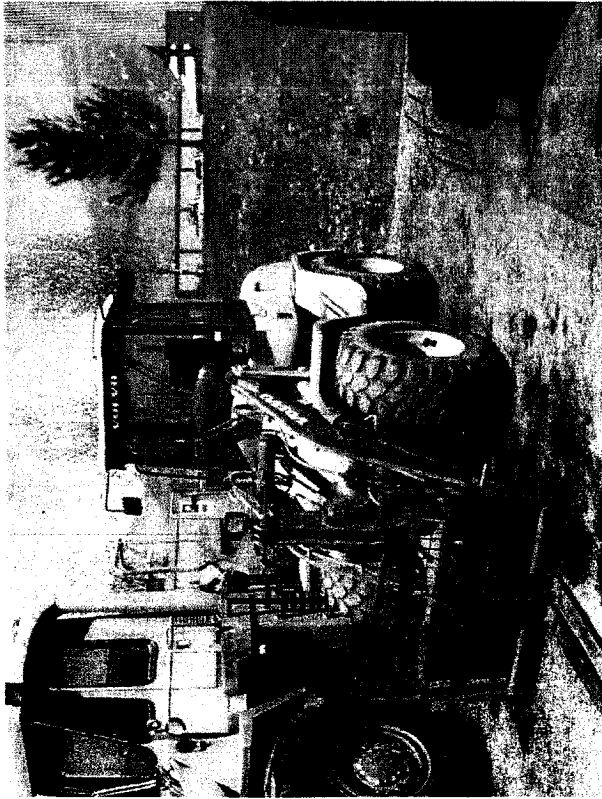
The vehicles listed are a combination of old police department cars and older pick up trucks. None are currently being used and are merely taking up space at the city shop. While some could possibly be refurbished for use for short trips by city personnel there are other vehicles available for that purpose on a rotating basis. If another vehicle is needed for that purpose it would be recommended that we budget for a more fuel efficient hybrid or electric vehicle.

The attached list of vehicles and equipment is recommended to be declared surplus. Should the city council agree with this recommendation a motion specifying the surplus items would be necessary. Following that we will begin the process of the sale of these items.

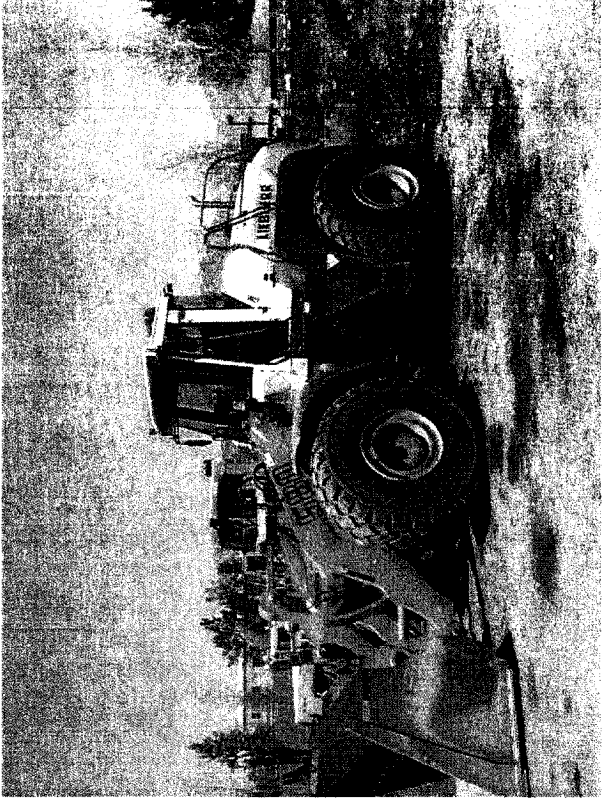
HEAVY EQUIPMENT LIST

<u>Equipment no.</u>	<u>Equipment type</u>	<u>Year/Make/Model</u>	<u>Vehicle ID# V/I/N</u>	<u>Department</u>	<u>License #</u>	<u>Cost new</u>	<u>Date purchased</u>
4011	SNOW BLOWER	1979 NORLAND TRUCK	T1018	STREET	N/A	16,800	10/1/2000
4051	HEAVY TRUCK	1982 KENWORTH W900	1XKWDB9X5CA196198	STREET	C10579	12,553	N/A
4052	HEAVY TRUCK	1979 KENWORTH W900	167317S	STREET	C6046	19,000	N/A
4053	HEAVY TRUCK	1977 KENWORTH W900	152133S	STREET	C6045	18,000	N/A
4054	HEAVY TRUCK	1978 FREIGHTLINER	CA213HP146907	STREET	C10578	4,800	N/A
4041	LOADER	1983 CAT 950B	31R00877	STREET	N/A	140,000	10/1/1982
4042	LOADER	1972 CAT 930	41K2248	STREET	N/A	19,500	1/1/1981
4033	TRACTOR	1972 CASE 870	855321	STREET	N/A	N/A	N/A
4022	P/U TRUCK	1981 DATSUN	JN6MDO6S7BWO29295	STREET	C7865	8,500	N/A
4023	P/U TRUCK	1988 CHEVY 1500	2GTDC14H1J1553230	STREET/PARKS	C8615	5,000	N/A
4095	CAR	1997 FORD CROWN VICTORIA	2FALP71W9VX137989	STREET	C13664	29,708	N/A
4058	Medium Duty Truck	1978 F-700	F70FVCD2406	Street	C6054	N/A	N/A

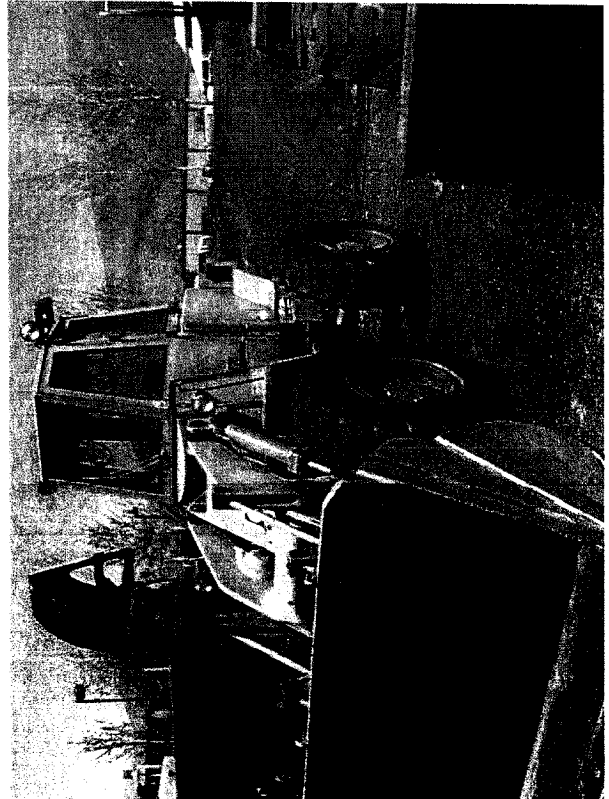
CITY EQUIPMENT - LOADERS



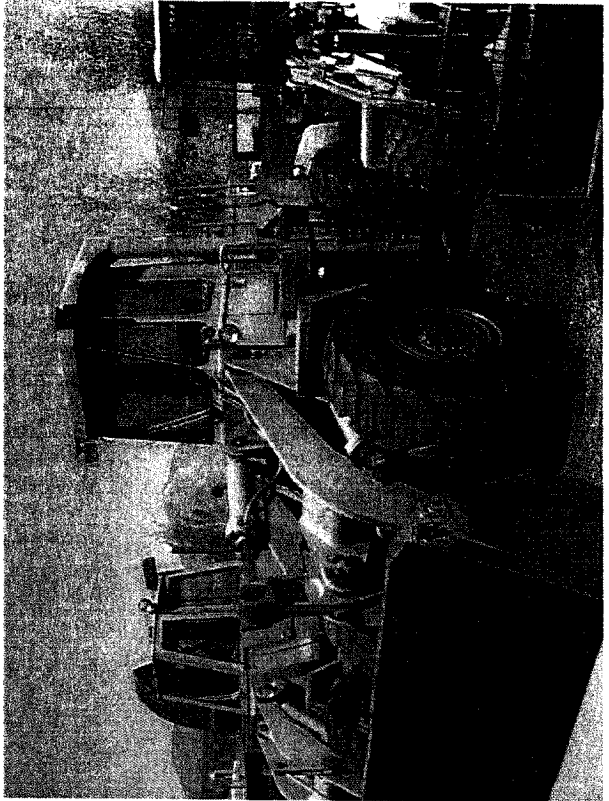
Volvo L35 Mini Loader



LIEBHERR 580 (LOT Funded)

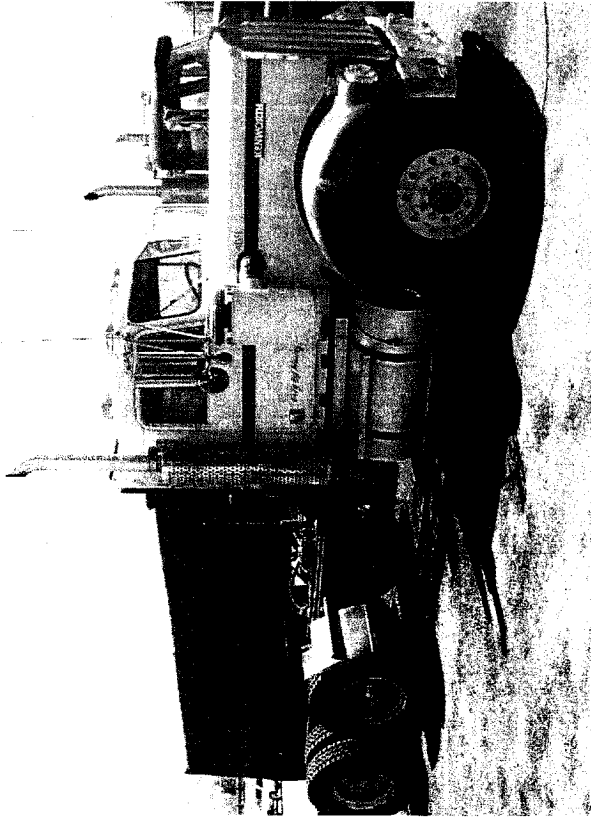


1972 Cat 930 Loader - Recommended for Surplus Sale

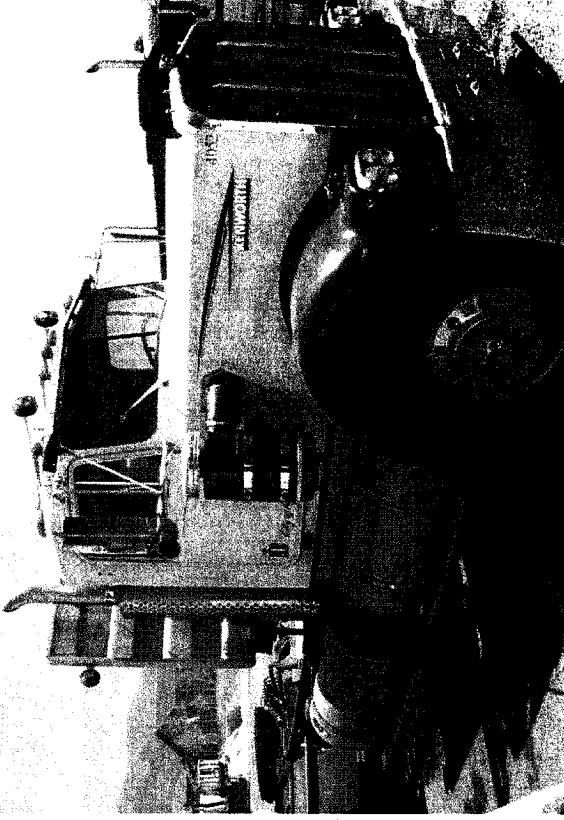


1983 Cat 950 Loader - Recommended for Surplus Sale

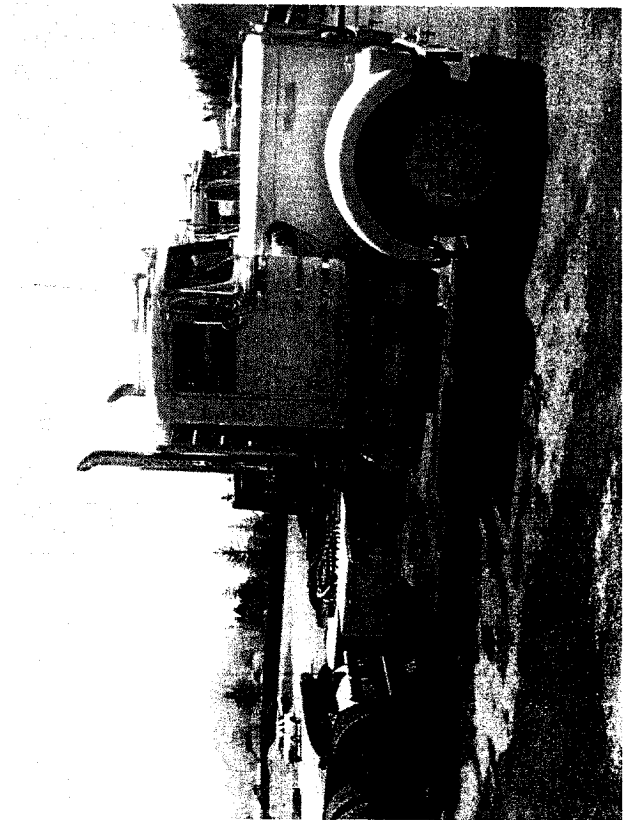
CITY HEAVY TRUCKS - RECOMMENDED FOR SURPLUS SALE



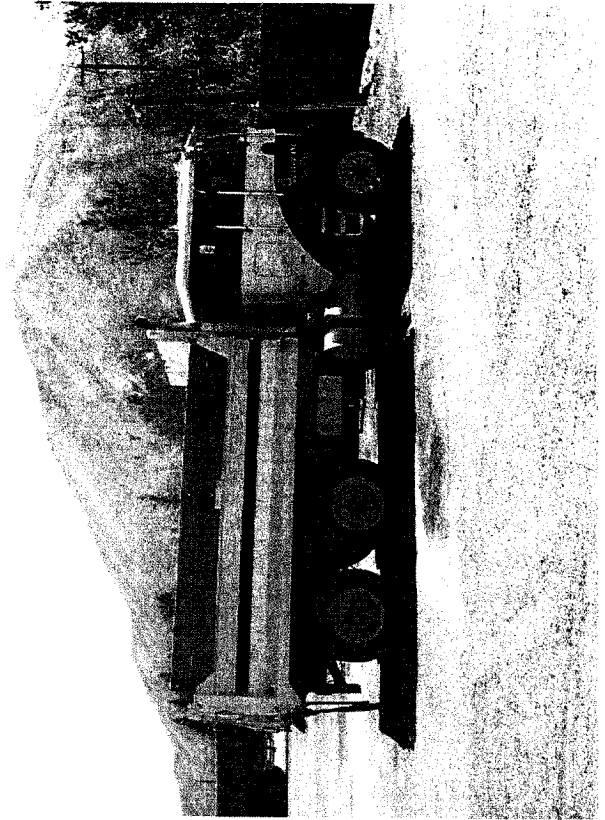
1982 Kenworth



1979 Kenworth

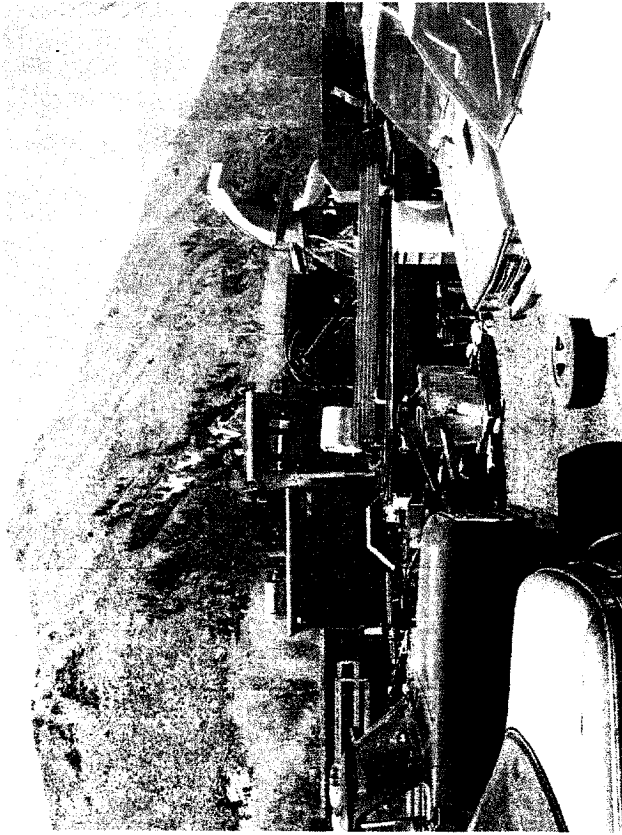


1977 Kenworth

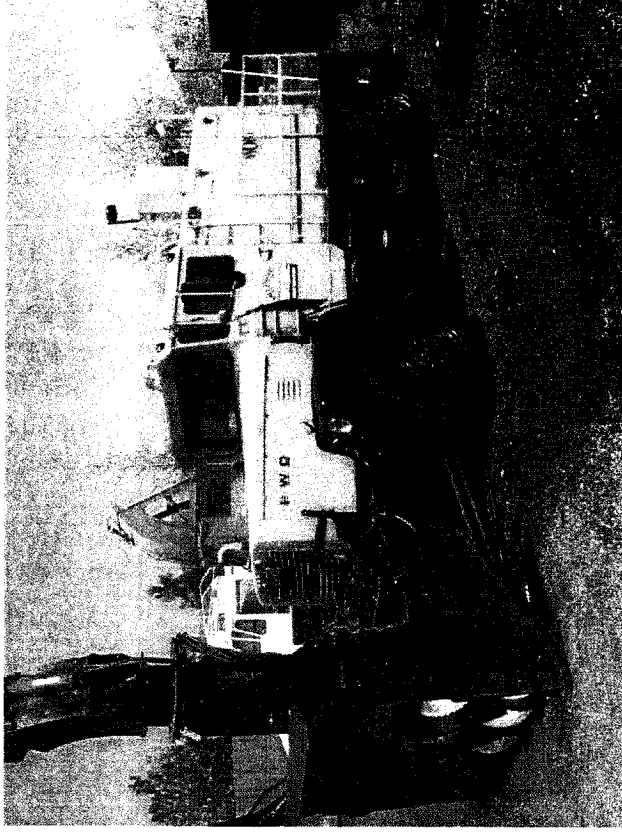


1978 Freightliner

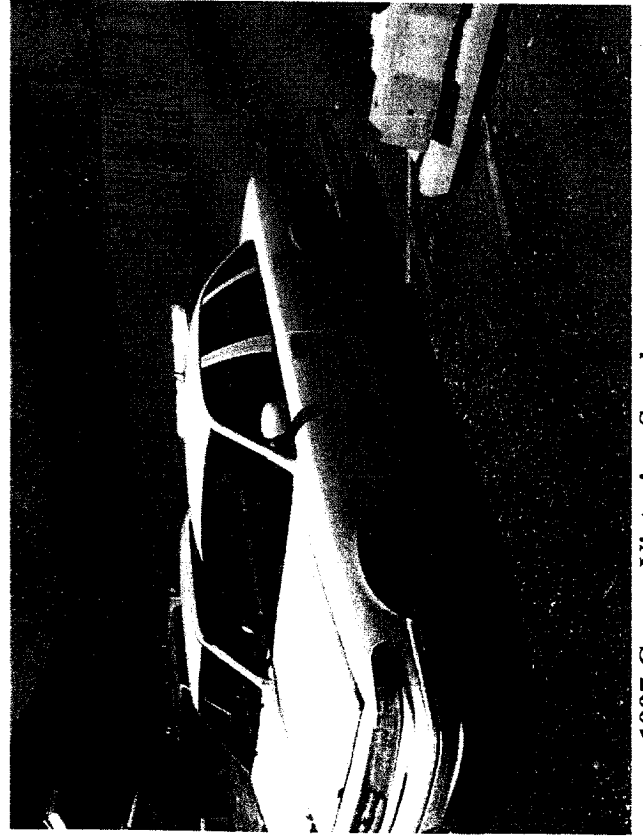
MISCELLANEOUS CITY VEHICLES & EQUIPMENT



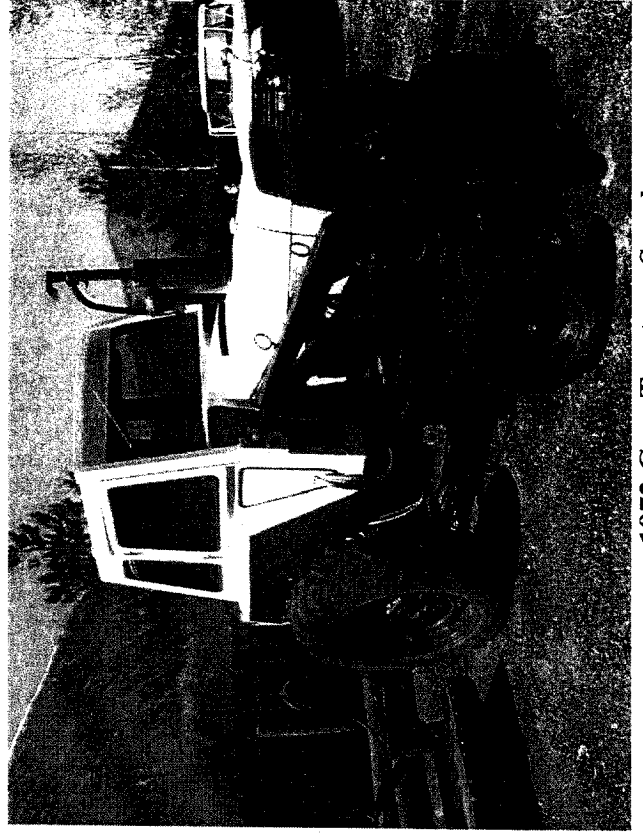
1979 Norland Snowblower - Surplus



FWD Snowblower - Retain



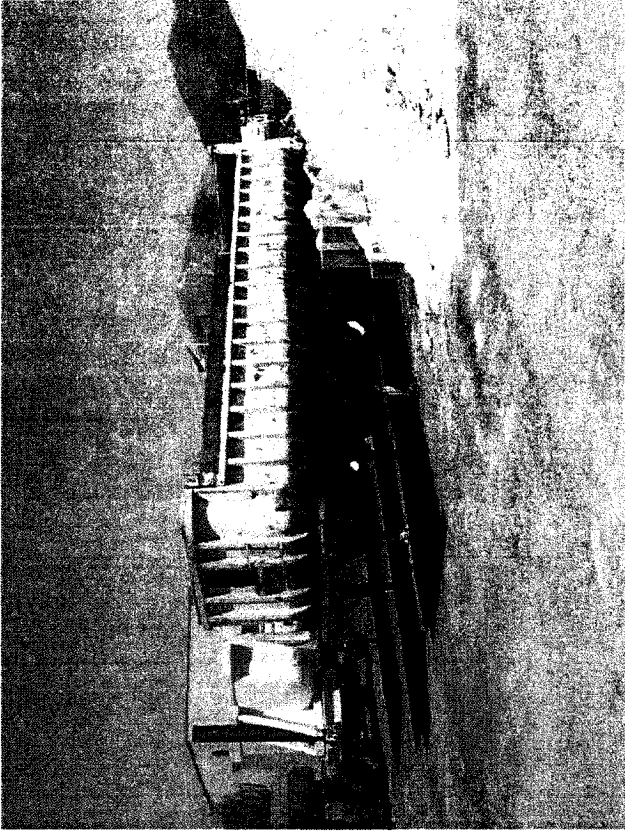
1997 Crown Victoria - Surplus



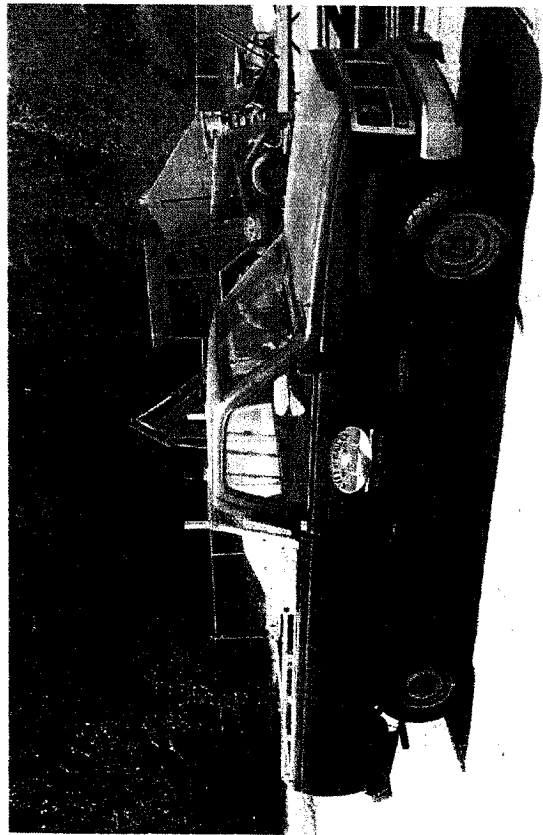
1972 Case Tractor - Surplus



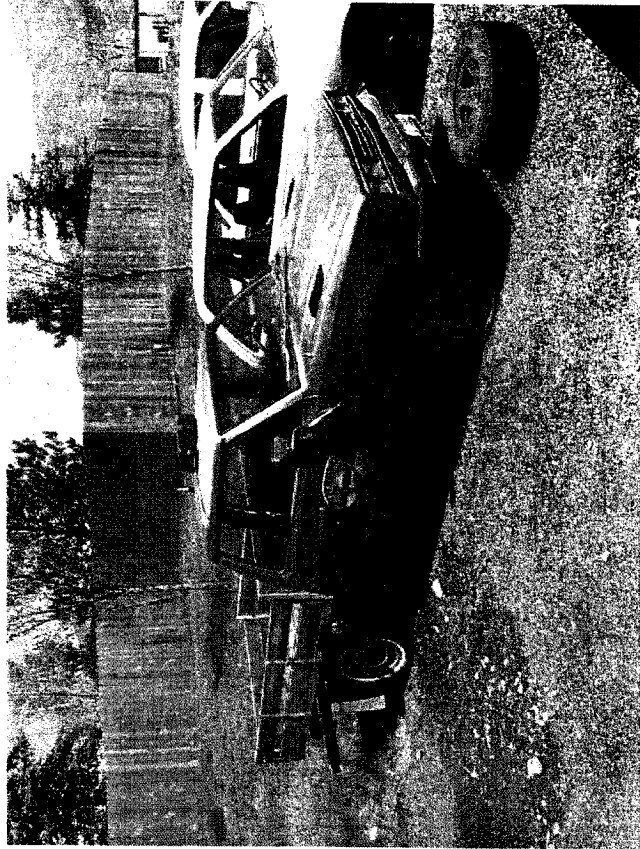
1978 Ford F-700



End Dumps



1988 Chevy 1500 - Surplus if Replaced with Electric Vehicle



1981 Datsun - Surplus

AGENDA ITEM SUMMARY

DATE: 6/30/08 **DEPARTMENT:** Parks **DEPT. HEAD SIGNATURE:** _____

SUBJECT: Motion to authorize purchase of a 20' x 20' pavilion structure plus installation costs for Woodside Central Park.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The purchase and installation of a picnic pavilion structure for Woodside Central Park is the last item for the LWCF Grant for park construction. It is my estimation that the installation cost is reasonable and will eliminate my time in bidding with local contractors and scheduling. Total cost is \$17,400.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

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

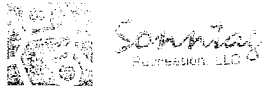
ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

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



QUOTE

Sonntag Recreation

QUOTE # 601
DATE: JUNE 9, 2008

4245 Panorama Cir, Salt Lake City, UT 84124
Phone 801-278-9797 Fax 801-278-9794
jwebb@sonntagrec.com

EXPIRATION DATE 7/11/08

TO **City of Hailey**
Tom Hellen

SALESPERSON	JOB	PAYMENT TERMS	LEAD TIME
Jeremiah	Hailey	Due on receipt	8 to 10 weeks

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Classic Recreation System 12x12 Mesa Shelter Engineered for 90 MPH Wind Load and 100 PSP Snow Load		\$6,900.00
1	Classic Recreation System 20x20 Mesa Shelter Engineered for 90 MPH Wind Load and 100 PSP Snow Load		\$11,500.00
<i>Prices do not include installation</i>			
SUBTOTAL			\$18,400.00
FREIGHT			\$1,550.00
TOTAL			\$19,950.00

Quotation prepared by: Jeremiah Webb _____

This is a quotation on the goods named, subject to the conditions noted below: (Describe any conditions pertaining to these prices and any additional terms of the agreement. You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: _____

PROPOSAL/ESTIMATE

PICTURE PERFECT PLAYGROUNDS

Date	Estimate #
6/8/2008	ID07-519REV

P.O. Box 607
Ashton, Idaho 83420
1-800-353-0667

Name / Address			
Sonntag Recreation Jeremiah Webb 4245 Panorama Circle Salt Lake City, UT 84124 801-278-9797			
Terms	Estimate valid for	Project	
Due upon completion	30 days	Hailey Shelter	
Item	Description	Cost	Total
PROFESSIONAL INS...	Installation of 20X20 Mesa Shelter, including footings, frame and metal erection	5,900.00	5,900.00
PREVAILING WAGE	Prevailing wage or other special wage requirements not included	0.00	0.00
USE TAX	Use Tax on installed equipment as required by state law	0.00	0.00
EXTREME DIGGING	Picture Perfect Playgrounds reserves the right to charge for unforeseen and extreme digging conditions Not Included: concrete pad	0.00	0.00
		Total	\$5,900.00

Signature below accepting this proposal will constitute a purchase order only upon approval by Picture Perfect Playgrounds and customer receipt of an order acknowledgement to constitute such approval.

Accepted by _____ Date _____

Print Name _____ Contact Phone _____

Curtis Stoddard

Proposed by PPP _____ Date _____



AGENDA ITEM SUMMARY

DATE: 6/30/08 DEPARTMENT: Engr DEPT. HEAD SIGNATURE: 

SUBJECT: Partial release of bond for the R. Davis Business Park improvements

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The applicant has requested a partial release of the surety provided for improvements at the R. Davis Business Park. I am verifying that the work for the requested amount has been completed and \$11,670 can be released from the letter of credit.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: Tom Hellen Phone # 788-9830 Ext 14
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)
____ City Attorney ____ Clerk / Finance Director ____ Engineer ____ Building
____ Library ____ Planning ____ Fire Dept. ____
____ Safety Committee ____ P & Z Commission ____ Police ____
____ Streets ____ Public Works, Parks ____ Mayor ____

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

**See T. Hellen's recommendation note on next page. MHC*

ADMINISTRATIVE COMMENTS/APPROVAL:

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

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

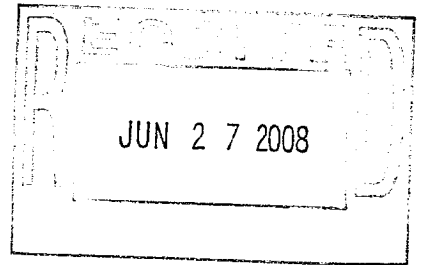
Mary Cone

From: Tom Hellen [tom.hellen@haileycityhall.org]
Sent: Friday, June 27, 2008 10:42 AM
To: 'Mary Cone'
Subject: R. Davis Business Park

Mary,

I have reviewed the application by Bruce Allen for partial release of the bond for the R. Davis Business Park and agree with the request. Please arrange for the release of \$11,670 of the letter of credit.

Tom Hellen
Public Works Director/City Engineer
208-788-9830 Ext 14



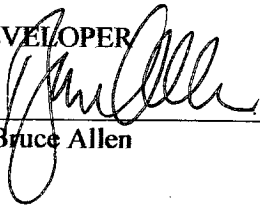
**SECURITY AGREEMENT PARTIAL RELEASE REQUEST
(R. DAVIS BUSINESS PARK SUBDIVISION)**

Under the terms of THE SECURITY AGREEMENT (R. Davis Business Park Subdivision) ("Agreement") made and entered into the 20th day of December, 2007, by and between Bruce L. Allen, an individual, whose mailing address is P.O. Box 3609, Hailey, Idaho, 83333 (hereinafter referred to as "Developer"), and the City of Hailey, Idaho, a municipal corporation, (hereinafter referred to as "Hailey") and indicated in section 4. Release, Developer is requesting a partial release of the Agreement in the amount ELEVEN THOUSAND SIX HUNDRED SEVENTY AND 00/100 DOLLARS (\$11,670.00) as indicated in Exhibit A.

IN WITNESS WHEREOF, the parties hereto have signed this document

DEVELOPER

By


Bruce Allen


Date

CITY OF HAILEY, IDAHO

By

Rick Davis, Mayor

Date

EXHIBIT "A"

<u>Description</u>	<u>Original Amount</u>	<u>Completed Amount</u>	<u>Release Amount @ 150%</u>	<u>Remaining Amount</u>
Roadways				
Imported 2-inch Minus Sub-Base 6" depth for Parking Area	\$4,357.50	\$2,000.00	\$3,000.00	\$2,357.50
Imported 3/4" Leveling Course, 4" Depth for Roadway	\$7,470.00			\$7,470.00
Asphaltic Concrete Pavement 2.5" Depth for Roadway	\$22,320.00			\$22,320.00
Seal Coat for Roadway	\$3,720.00			\$3,720.00
Concrete curb & gutter	\$14,980.00			\$14,980.00
Concrete sidewalk (6")	\$9,690.00			\$9,690.00
PVC Storm Drain Pipe	\$3,740.00	\$3,740.00	\$5,610.00	\$14,980.00
Pavement Sawcutting & Surface Repair	\$40.00	\$40.00	\$60.00	\$9,690.00
Street Signs	\$600.00			
Subtotal:	\$66,917.50	\$5,780.00	\$8,670.00	\$61,137.50
Landscape & Minor Irrigation System				
Irrigation system (laterals, valves, clocks, etc.)	\$2,000.00	\$2,000.00	\$3,000.00	\$1,800.00
Hydroseed (Right-of-way)	\$1,800.00			\$2,500.00
Regrade, prepare, & clean up site	\$2,500.00			
Subtotal:	\$6,300.00	\$2,000.00	\$3,000.00	\$4,300.00
Total:	\$73,217.50	\$7,780.00	\$11,670.00	\$65,437.50
Security Required @ 150%	\$109,826.25	\$11,670.00		\$98,156.25

SECURITY AGREEMENT
(R. DAVIS BUSINESS PARK SUBDIVISION)

THIS SECURITY AGREEMENT (R. Davis Business Park Subdivision) ("Agreement") is made and entered into this 20th day of December, 2007, by and between Bruce L. Allen, an individual, whose mailing address is P.O. Box 3609, Hailey, Idaho, 83333 (hereinafter referred to as "Developer"), and the City of Hailey, Idaho, a municipal corporation, (hereinafter referred to as "Hailey").

RECITALS

A. Developer has made an application for and received final plat approval of the R. Davis Business Park Subdivision from Hailey thereof as set forth in the Hailey City Council's Findings of Fact, Conclusions of Law and Decision dated October 9, 2006, and incorporated herein by reference; and

B. Developer has requested final plat approval prior to completion of construction of the certain improvements described on attached Exhibit "A" ("Improvements") and as a condition thereof, Developer is required by the Hailey City council to post security therefore consistent with the ordinances of the City of Hailey.

AGREEMENT

NOW, THEREFORE, Developer and Hailey hereby covenant and agree as follows:

1. Security. Developer, simultaneously with the execution of this Agreement, deposits with Hailey an Irrevocable Standby Letter of Credit (Number ZSB802115) dated December 11, 2007 ("Letter of Credit"), from Zion First National Bank, Ketchum, Idaho, whose mailing address is 291 Washington Avenue, Ketchum, Idaho in the principal total amount of ONE HUNDRED NINE THOUSAND EIGHT HUNDRED TWENTY SIX AND 25/00 DOLLARS (\$109,826.25), as security for complete performance and construction of the Improvements upon the terms and conditions set forth herein. The Letter of Credit shall be made solely in the name of the City of Hailey, Idaho and shall be held by Hailey in lieu of the Owner filing or depositing other security with Hailey.
2. Time of Performance. Developer shall complete construction of the Improvements on or before one (1) year from the date of the Letter of Credit or the amount of the Letter of Credit shall be due and payable to Hailey up to the full amount thereof and Hailey may draw upon the Letter of Credit as Hailey in its sole discretion determines necessary to complete the Improvements or any portion thereof as provided in paragraph 3, below.
3. Remedies. In the event Developer fails or refuses to complete the Improvements or any portion thereof on or before one (1) year from the date of the Letter of Credit, Hailey shall have the right, but not the obligation, to draw the funds from the Letter of Credit and apply the proceeds thereof to construction of the improvements or any portion thereof. In case of default by Developer, if the total cost of construction of the Improvements is less than the amount of the

Letter of Credit, Hailey agrees to return to Developer the unused portion of the Letter of Credit funds. However, if the cost of installing or constructing the Improvements is greater than the amount of the Letter of Credit, Developer agrees to reimburse and hold harmless Hailey for any and all additional costs and expenses incurred by Hailey associated with installing and constructing the Improvements.

4. Release. In the event Developer completes construction of the Improvements on or before one (1) year from the date of the Letter of Credit, Hailey shall release the funds from the Letter of Credit, including any and all interest accrued, to Developer upon receiving written notice by the City Engineer that the Improvements have been installed according to applicable ordinances, regulations, plans and specifications, and that the same has been inspected and approved by the City Engineer. Developer can apply for a partial release of funds from Hailey and the Hailey City Council may so authorize release by the City Clerk of an appropriate proportion of the amount held as security upon completion of a substantial portion of the Improvements, and the inspection and approval thereof by the City Engineer. In such cases, Hailey shall retain sufficient security for completion of all the Improvements in compliance with this Agreement.

5. Inspection Fees. Developer is responsible for and shall pay any and all fees incurred by the City Engineer in providing services associated with the inspections necessary to confirm completion of any of all of the Improvements required.


6. Relationship of Parties. This Agreement is not a guarantee that any of the improvements will be constructed and does not obligate Hailey in any way to complete any of the Improvements. This Agreement is not intended nor shall it be construed as a third party beneficiary contract or creating any third party beneficiary rights.

IN WITNESS WHEREOF, the parties hereto have signed this document the day and year first written above.

DEVELOPER

By 
Bruce Allen

CITY OF HAILEY, IDAHO

By 
Susan McBryant, Mayor

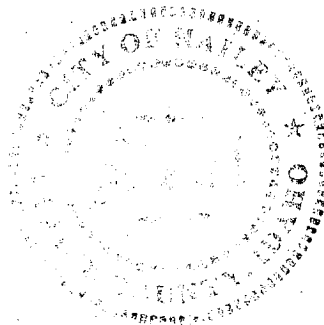


EXHIBIT "A"

Description	Amount	
Roadways		
Imported 2-inch Minus Sub-Base 6" depth for Parking Area	\$4,357.50	
Imported 3/4" Leveling Course, 4" Depth for Roadway	\$7,470.00	
Asphaltic Concrete Pavement 2.5" Depth for Roadway	\$22,320.00	
Seal Coat for Roadway	\$3,720.00	
Concrete curb & gutter	\$14,980.00	
Concrete sidewalk (6")	\$9,690.00	
PVC Storm Drain Pipe	\$3,740.00	
Pavement Sawcutting & Surfact Repair	\$40.00	
Street Signs	\$600.00	
Subtotal:	\$66,917.50	
Landscape & Minor Irrigation System		
Irrigation system (laterals, valves, clocks, etc.)	\$2,000.00	
Hydroseed (Right-of-way)	\$1,800.00	
Regrade, prepare, & clean up site	\$2,500.00	
Subtotal:	\$6,300.00	
Total:		\$73,217.50
Security Required (\$73,217.50 X 150%)		\$109,826.25

HAILEY ORDINANCE NO. 1011

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND THE OFFICIAL ZONING MAP INCORPORATED THEREIN, BY CHANGING THE ZONING DISTRICT DESIGNATION OF THE HAILEY ZONING MAP, LOTS 11 AND 12, BLOCK 126, AND THE NORTH HALF OF VACATED CEDAR STREET, HAILEY TOWNSITE, FROM GENERAL RESIDENTIAL (GR) TO LIMITED BUSINESS (LB); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Official Zoning Map will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the Hailey City Council has found that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

WHEREAS, the Hailey City Council has found that the proposed uses are compatible with the surrounding area; and

WHEREAS, the Hailey City Council has found that the amendment will promote the public health, safety and general welfare of the general public.

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

Section 1. Hailey Ordinance No. 532 and Hailey Official Zoning Map incorporated therein are hereby amended by changing the zoning district designation of Lots 11 and 12, Block 126 and the north half of vacated Cedar Street, Hailey Townsite, from General Residential (GR) to Limited Business (LB), pursuant to Idaho Code Section 67-6511A, Hailey Zoning Ordinance Section 14.8.

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

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

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

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

AGENDA ITEM SUMMARY

DATE: 06-30-08

DEPARTMENT: Planning

DEPT. HEAD SIGNATURE: 

SUBJECT: 2nd reading of Ordinance No. 1012 – amending Hailey’s Zoning Ordinance, Ordinance No. 532, by amending Article 8A, Wireless Facilities.

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The amendments define and establish standards for public safety communication equipment.

The Planning and Zoning Commission held a hearing on the proposed amendments on May 19, 2008. The Commission recommended approval of the amendments. The Council held a public hearing on June 23, 2008 and moved to approve the amendments as proposed and conducted the first reading. The Council is requested to waive the second and third readings of the ordinance in order to allow the County to submit an application for a Conditional Use Permit and Wireless Permit in order to obtain the necessary approvals to construct the radio communication tower at the Public Safety Facility.

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

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

ACTION OF THE CITY COUNCIL:

Date _____

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: _____ *Additional/Exceptional Originals to: _____
Copies (all info.): _____ Copies (AIS only) _____
Instrument # _____

HAILEY ORDINANCE NO. 1012

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 8A, WIRELESS FACILITIES, SECTIONS 8.A.1, 8.A.2, 8.A.5 and 8.A.7, BY ADDING REQUIREMENTS FOR PUBLIC SAFETY COMMUNICATION EQUIPMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance will generally conform to the Hailey Comprehensive Plan;

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

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

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

Section 1. Section 8A.1(b) of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

8. Provide necessary public safety radio communication infrastructure to ensure the health, safety and general welfare of the public.

Section 2. Section 8A.2 of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

Applicant. A person or entity who submits an application under this Ordinance for a PWSF or WCF Master Plan and/or a Wireless Permit and shall include both the owner of the real property upon which the PWSF or WCF is proposed for location and the owner of the proposed PWSF or WCF, which shall be a Licensed Carrier or entity operating a Public Safety Communication Center.

Licensed carrier. A company authorized by the FCC to construct and operate a wireless service or entity operating a public safety communication center. In addition, any carrier operating under the Federal Communications Commission Regulations, Part 15 (Unlicensed Carriers) is, for purposes of this Article, a "licensed carrier." A licensed carrier must be either the applicant or the co-applicant for every PWSF or WCF application.

Public Safety Communication Equipment. Radio transmitters, antennas, mount and ancillary equipment used to receive and transmit essential public safety radio communications using VHF, UHF, 700 and 800 MHZ frequencies.

Public Safety Communication Center. A call taking and dispatch center whose primary

function is to receive and transmit public safety emergency radio and telephone communications.

Section 3. Section 8A.5.1(b) of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as a new subparagraph 2, as follows, and by renumbering the subsequent subparagraphs:

2. Public Safety Communication Center.

Section 4. Section 8A.5.2 of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

- h. In the case of Public Safety Communication Equipment, existing towers or structures do not satisfy requirements for public safety communication accreditation

Section 5. Section 8A.7.2 of the Hailey Zoning Ordinance No. 532, is hereby amended by the addition of the underlined language as follows:

PWSFs or WCFs shall not exceed forty (40) feet AGL or the maximum permissible height of the zoning district where it is sited, whichever is lower, with the exception of facade and roof-attached PWSFs or WCFs or Public Safety Communication Equipment as described below:

- a. Roof attached PWSFs or WCFs shall not exceed five (5) feet above the highest portion of the roof membrane, or continuous parapet wall. The antenna and support system for whip antennas shall not exceed ten (10) feet above the highest portion of that roof, including parapet walls.
- b. Facade attached PWSFs or WCFs shall not exceed five (5) feet above the facade to which it is attached.
- c. If the height of the building is in excess of the maximum height allowed within the zone and was legally established, then the combined height of the building and antenna shall not exceed the maximum height allowed by such approval, unless determined to be suitably camouflaged.
- d. Street pole attached PWSFs or WCFs may only extend six (6) feet above the existing street pole. A maximum extension of ten (10) feet from the top of the street pole, may be permitted pursuant to standards provided in Section 8A.7.9 of this Ordinance, if a utility disturbance can be clearly demonstrated.
- e. Public Safety Communication Equipment located on the same property as a Public Safety Communication Center the height of the support structure may be allowed a maximum of seventy five feet (75') AGL.

Section 6. Section 8A.7.3(d) of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

- d. Freestanding Tower. Setbacks shall be measured from the ~~base~~ centerline of the tower to the property line of the parcel on which it is located. Towers shall be set back from all property lines one hundred ~~twenty five (125)~~ percent (100%) of the height of the tower as measured from ~~ground level~~ the base of the tower to the highest point of the tower including antennas. ~~In addition, no buildings (other than those utilized~~

~~exclusively for the PWSF or WCF) shall be constructed within this setback to protect against damage to persons or property due to collapse of the structure and/or due to falling debris or ice from the structure;~~

Section 7. Section 8A.7.4(b) of the Hailey Zoning Ordinance No. 532, is hereby amended by the deletion of the stricken language and the addition of the underlined language as follows:

b. Landscaping or Screening Standards.

~~The following standards shall apply to all PWSFs or WCFs (if the antenna is facade or roof mounted, and other equipment is located inside the existing building, landscaping shall not be required):~~

1. Support structures and equipment enclosures shall be installed so as to maintain and blend with existing mature landscaping on-site, including trees, foliage and shrubs, whether or not utilized for screening;
2. Additional landscaping and screening shall be installed to visually screen the ~~support structures and~~ above ground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in one of the following designs:
 - (i) A screening wall or fence and a five (5) foot wide landscape planter located in front of the wall or fence;
 - (ii) A ten (10) foot wide landscape planter; or
 - (iii) Any combination of existing vegetation, topography, decorative walls/fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping described above.
3. No PWSF or WCF shall be at a height (~~see definition~~) greater than ten (10) feet above the average height of the existing, mature trees located on site within the landscape screening buffer described above.
4. Where mature trees or landscaping does not exist, the appropriateness of siting support structures and equipment enclosures shall be determined by considering the context of the surrounding topography, buildings or other vertical structures.
45. Upon completion, the permittee(s) of the facility shall be jointly and severally responsible for the continued maintenance and replacement of all required landscaping and screening materials.

Section 8. 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 9. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 10. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

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

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

SUMMARY OF HAILEY ORDINANCE NO. 1012

The following is a summary of the principal provisions of Ordinance No. 1012 of the City of Hailey, Idaho, duly passed and adopted June 30, 2008, by the City Council and Mayor of the City of Hailey:

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING ARTICLE 8A, WIRELESS FACILITIES, SECTIONS 8.A.1, 8.A.2, 8.A.5 AND 8.A.7, BY ADDING REQUIREMENTS FOR PUBLIC SAFETY COMMUNICATION EQUIPMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Hailey Ordinance No. 1012 amends Hailey Municipal Code, as follows:

Section 1 amends Section 8A.1(b) by adding a new subparagraph 8 to recognize public safety radio communication infrastructure ensures the health, safety and general welfare of the public.

Section 2 amends Section 8A.2 by amending definitions for Applicant and Licensed Carrier and by adding definitions for Public Safety Communication Equipment and Public Safety Communication Center.

Section 3 amends Section 8A.5.1(b) by adding Public Safety Communication Center as the second preferred siting criteria and by renumbering subparagraphs.

Section 4 amends Section 8A.5.2 by adding a provision for co-location of Public Safety Communication Equipment.

Section 5 amends Section 8A.7.2 by allowing Public Safety Communication Equipment to have a maximum height of seventy five feet above ground level.

Section 6 amends Section 8A.7.3 (d) by amending the setback provisions for freestanding towers to one hundred percent of the height of the tower.

Section 7 amends Section 8A.7.4(b) by amending landscape and screening standards to consider topography, buildings and other vertical structures when siting support structures and equipment enclosures.

Section 8 provides for a severability clause.

Section 9 provides for a repealer clause.

Section 10 provides for an effective date of the ordinance.

The full text of Ordinance No. 1012 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. 1012 of the City of Hailey, that I have compared it to the full text of Ordinance No. 1012, 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 30th day of June, 2008.

Ned Williamson, Hailey City Attorney

Publish: Wood River Journal, July ____, 2008

