



CITY OF DONNELLY  
P.O. Box 725  
169 Halferty Street  
Donnelly, ID 83615  
Telephone (208) 325-8859

# AGENDA SPECIAL CITY COUNCIL MEETING

Monday, June 22<sup>nd</sup>, 2026, at 5:30pm  
Donnelly Community Center

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIENCE

## AGENDA APPROVAL (Action Item)

### NEW BUSINESS (Action Items)

AB 26-35 Council consideration and action to hire a mediator, and further discuss, and possibly set or modify mediation procedures, in accordance with the Order for Mediation for application file numbers 2026-AN-2, 2026-RZ-2 & 2026-CUP-2, more commonly known as the Boulder Creek Planned Unit Development.

AB 26-36 Approval of Contract Extension for UDC Administrator, Mark L. Butler

AB 26-37 EXECUTIVE SESSION: In accordance with Idaho Statute Section 74-206 (1) Subsection (f) *to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated*; and in accordance with Idaho Statute Section 74-206 (1) Subsection (b) *to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.*

- A. ACTION ITEM: Potential action regarding pending/threatened litigation and the request by Julia Thrower for mediation of application file numbers 2026-AN-1, 2026-RZ-1 & 2026-CUP-1, more commonly known as the first development plan for the Boulder Creek Planned Unit Development.
- B. ACTION ITEM: Potential action regarding the evaluation, dismissal or discipline of a public officer, employee, staff member or individual agent.

### ADJOURNMENT:

Any person needing special accommodation to participate in the above noticed meeting should contact the City Clerk's Office at Donnelly 208-325-8859, at least 24 hours in advance of the meeting date.

**DONNELLY CITY COUNCIL  
AGENDA BILL**

169 Halferty Street  
Donnelly, Idaho 83615

**Number AB 26-35**

**Meeting Date 06/22/2026**

*Action Item*

**AGENDA ITEM INFORMATION**

<b>SUBJECT:</b>  <i>Consideration to Hire a Mediator</i>	<i>Department Approvals</i>	<i>Initials</i>	<i>Originator or Supporter</i>
	Mayor / Council		
	Clerk/Treasurer		
	Public Works		
<b>COST IMPACT:</b>			
<b>FUNDING SOURCE:</b>	General		
<b>TIMELINE:</b>			

**SUMMARY STATEMENT:**

Consideration to hire a mediator, further discussion, and possibly set or modify procedures, in accordance with the Order for Mediation for application 2026-AN-2, 2026-FZ-2, and 2026-CUP-2, more commonly known as Boulder Creek Planned Unit Development

**RECOMMENDED ACTION:**

**RECORD OF COUNCIL ACTION**

<b>MEETING DATE</b>	<b>ACTION</b>



## City of Donnelly

169 Halferty Street  
P.O. Box 725  
Donnelly, ID 83615  
Telephone (208) 325-8859

June 17, 2026

To: Donnelly City Council Members

From: Mark L. Butler, UDC Administrator

RE: Mediator selection for application file numbers 2026-AN-2, 2026-RZ-2 & 2026-CUP-2,  
*more commonly known as the Boulder Creek Planned Unit Development*

Donnelly City Council members,

For your review, attached are CVs for three potential mediators with their rates as follows

- Deborah A. Ferguson - *"I charge \$350 an hour, but I can reduce my rate for local government to \$325. Travel time is \$100 an hour. I am available the week of July 6 to mediate in McCall or Donnelly. I estimate preparation and one mediation session would be approximately 10-14 hours."*
- Mark Hilty - *"I bill my time for municipalities at the rate of \$300 per hour. I understand Donnelly may not be paying the bill, but I will honor that rate for this engagement. For preparation and one mediation session in Donnelly, I suspect fees will not exceed 12-15 hours, \$3600-4500."*
- David R. Lombardi - *"My mediation rate is \$325.00/hour. For planning purposes, I will not be available July 6-14."*

I will be at the meeting to discuss my conversations with the potential mediators and answer any questions you may have.

Sincerely,

*Mark L. Butler*

Mark L. Butler  
Donnelly Unified Development Code Administrator

# DEBORAH A. FERGUSON

**Ferguson Durham, PLLC**  
223 North 6th Street, Suite 325  
Boise, Idaho 83702

(208)484-2253  
daf@fergusondurham.com  
fergusondurham.com

## EXPERIENCE

**Partner, Ferguson Durham, PLLC, Boise, Idaho** 2012-Present  
Advocating in a wide array of civil rights impact litigation as highlighted in the attached synopsis of recent civil rights cases, including serving as lead counsel in a successful constitutional challenge to Idaho's same sex marriage ban in the Idaho District Court and the Ninth Circuit Court of Appeals. Serving as a private mediator in hundreds of litigated disputes and as Special Master for federal and state courts.

**Assistant United States Attorney, United States Attorney's Office for the District of Idaho, Civil Division, Boise, Idaho** 1995-2012  
Served as lead trial counsel in over 200 federal civil cases, including landmark environmental challenges, complex torts and constitutional litigation, as well as numerous appeals before the Ninth Circuit Court of Appeals. Selected to serve on the Department of Justice's Evaluation and Review Team, to evaluate the performance of various United States Attorney's Offices throughout the nation.

**Assistant United States Attorney, United States Attorney's Office for the Northern District of Illinois, Civil Division, Chicago, Illinois** 1991-1994  
Served as lead trial counsel in federal civil litigation, including medical malpractice, employment discrimination, asset forfeitures, and appeals before the Seventh Circuit Court of Appeals.

**Associate, Katten Muchin & Zavis, Litigation Department, Chicago, Illinois** 1987-1991  
Litigated civil commercial cases in federal and state court.

## BAR ADMISSIONS AND EDUCATION

United States Supreme Court

United States Court of Appeals for the Ninth and Seventh Circuits

United States District Courts for the District of Idaho and Illinois

Idaho State Bar

Loyola University Chicago School of Law, Juris Doctor, Law Review 1986

U.S. Department of Justice National Advocacy Center 1995- 2011

Straus Institute for Dispute Resolution, Pepperdine University School of Law 2012

## PROFESSIONAL SERVICE AND AFFILIATIONS

Idaho State Bar President	2011
Idaho State Bar, Academy of Leadership for Lawyers, Founder and Steering Chair	2011- 2015
Idaho State Bar Commissioner	2008- 2011
American Bar Association, Idaho State Delegate and State Bar Delegate	2013- 2021
American Bar Foundation, Life Fellow, State Chair	2010- 2022
Federal Bar Association, Idaho Chapter, Member	2006- 2021
American Inns of Court, Inn No. 130, Bencher	2005- 2022
Idaho Women Lawyers, Board of Directors	2000- 2012
Idaho Supreme Court Judicial Recruitment Committee	2010
Idaho State Bar Trial Skills Academy, Instructor	2017, 2019
Advocates For the West, Board of Directors, Chair	2017- 2022

## AWARDS AND HONORS

Recognized in the Trailblazing Women of Idaho Exhibit, Idaho State Museum	2022
Professionalism Award, Idaho State Bar	2018
Outstanding Service Award, Idaho State Bar	2016
Idaho Community Catalyst Award, Fund for Idaho	2015
Kate Feltham Award, Idaho Women Lawyers' highest recognition	2015
Tribute to Women Award, Women's & Children's Alliance	2015
ACLU of Idaho's Dave Judy Civil Rights Service Award	2015
Exemplary Lawyer Service Award, Idaho Federal Bar Association	2013

## SELECTED PUBLICATIONS AND PRESENTATIONS

<i>The Marriage Decision, Latta v. Otter</i> , Idaho State Museum	2021
<i>The Fourteenth Amendment and Transgender Issues</i> , Idaho District Bar Conference	2018
<i>Litigation Against the Government</i> , Idaho State Bar	2016
<i>Women under Title VII and the Civil Rights Act of 1964</i> , Idaho State Bar	2015
Idaho Women Lawyers Gala, Keynote Speaker	2015
<i>Science in Litigation: Working with Experts</i> , Idaho State Bar	2015
<i>Same Sex Marriage and the Constitution</i> , University of Idaho College of Law	2014
<i>Marriage and the Fourteenth Amendment</i> , Federal Bar Tri-State Conference	2014
<i>Participating in a Mediation- A Guide for Attorneys</i> , The Advocate	2013
<i>Preparing Your Client for Mediation</i> , The Advocate	2012
The University of Idaho College of Law, Professionalism Speaker Series	2012
Idaho State Bar, Investiture of New Attorneys, Guest Speaker	2011
Monthly State Bar President's Column, The Advocate	2011
<i>Last Place is No Place to Be – Women in the Idaho Judiciary</i> , The Advocate	2011
<i>The Long and Winding Road- Restoration of Sherlock Creek</i> , The Advocate	2008

# Deborah Ferguson



:: [Click here to download full CV](#)  
(media/forms/CV.Deborah.Ferguson.2022 (1).pdf)

Deborah Ferguson is a very accomplished mediator, having effectively resolved hundreds of litigated disputes. She carefully prepares for each mediation, and approaches every case with focus, creativity, and empathy. She has extensive mediation training including the Straus Institute for Dispute Resolution at Pepperdine University School of Law, and through the National Academy of Distinguished Neutrals. Deborah has also been appointed by federal and state courts to serve as a Special Master.

Deborah brings her experience as a seasoned litigator with over thirty-seven years of experience representing plaintiffs and defendants to each mediation. She has handled diverse civil cases, involving complex torts, property rights, civil rights, and environmental challenges in Idaho's federal and state courts, and the Ninth Circuit Court of Appeals.

Deborah was elected to the Idaho State Bar Commission and has served as Idaho State Bar President. She was also the founding Chair of the Idaho Academy of Leadership for Lawyers and has served as the ABA Idaho State Bar Delegate.

Before establishing Ferguson Durham PLLC, Deborah was an Assistant U.S. Attorney for twenty years in the District of Idaho and the Northern District of Illinois (Chicago) where she served in the civil division as a trial attorney.

Deborah was honored with the Kate Feltham Award, the highest tribute of the Idaho Women Lawyers, awarded to individuals who have made extraordinary efforts to promote equal rights and opportunities within the legal profession and justice system. She is also the recipient of numerous other awards, including the Idaho State Bar's professionalism Award and Federal Bar Association Idaho Chapter's Exemplary Service Award.

[<< Back to Panel Bios Index \(panel-bios.php\)](#)

# MARK HILTY

1303 12th Avenue Road, Nampa, Idaho 83686 • (208) 989-6415

## **Admissions:**

Idaho State Bar and U.S. District Courts for the District of Idaho.

September 28, 1995

## **Education:**

*Willamette University College of Law*  
Doctor of Jurisprudence

Salem, Oregon  
May 1995

*Northwest Nazarene University*  
Bachelor of Arts – Philosophy  
Bachelor of Arts – History

Nampa, Idaho  
June 1992

## **Legal Experience:**

**HILTY, BOWER, HAWS & SEABLE, PLLC**  
*(Previously Hamilton, Michaelson & Hilty, LLP)*  
**Attorney, Partner**

Nampa, Idaho

Associate: May 1995 – December 1997; January 1998 to Present

Law practice focusing on comprehensive municipal representation in the governing affairs of several Idaho cities. Matters typically handled include local governance, land use, public works operations, bidding and construction, contracts, real estate and related litigation, employment law in the government sector, presentation of land use, development and zoning matters before local governing agencies, preparation and review of real estate transactions, financing arrangements, construction, and intergovernmental contracts; Representation of a Canyon County urban renewal agency, economic development, and tax increment financing of redevelopment projects; Other areas of emphasis include eminent domain and takings litigation, municipal finance, and the formation, purchase, and sale of business entities and assets.

**NORTHWEST NAZARENE UNIVERSITY**  
**Adjunct Professor, School of Business**

Nampa, Idaho  
Summer 2005 and 2006; Fall 2012

Taught Business Law (BU-341X) and Management Law (BSNS-6021) in the Graduate Studies, Accelerated Degree Delivery (STEP) and Master of Business Administration programs. Instructed and examined students in general legal principles with an emphasis on issues arising in the context of modern business activities, transactions, and the way relationships between individuals and business entities shape legal duties and liabilities.

## **Community Involvement:**

- Idaho Municipal Attorneys Association (Member, Former Board of Directors)
- Kiwanis Club of Nampa (Member, Board of Directors, Former President)
- Nampa Christian Schools (Board of Trustees)
- Boy Scouts of America, Troop #112 (Troop Committee Member)

## **Presentations:**

"Sustaining Irrigation in an Urbanizing Landscape" | Co-Presenter, Id. Water Users | Ketchum, Idaho | June 2017

"Fairness in Taxation" | Presenter, Treasure Valley Partnership | Boise, Idaho | December 15, 2017

"Real Property Update" | Presenter, 2017 Headline News – CLE | Nampa, Idaho | December 15, 2017

## **Awards:**

Idaho State Bar, Third Judicial District Professionalism Award, 2019

# HILTY, BOWER, HAWS & SEABLE, PLLC

Martindale Hubbell



## Mark Hilty



After completing his undergraduate work at Northwest Nazarene University in 1992, Mark Hilty received his *juris doctorate* from the law school at Willamette University in Salem, Oregon, in 1995.

Desiring to return to the area he came to know and love as a college student, Mr. Hilty began his legal career with

HMH following law school. His skills as an attorney quickly became apparent, and he was made a partner of the firm after only three years, in 1998. Since that time, Mr. Hilty has

distinguished himself in several areas of practice, including litigation, real estate law, employment law, and in representing local governmental entities. He was a founding member of Hilty, Bower, Haws & Seable PLLC, when it was established in 2024.

Mr. Hilty is admitted to practice before all courts in the State of Idaho. His primary areas of practice include municipal law, real estate transactions, real estate development, land use, planning and zoning, real estate litigation, all aspects of employment law and litigation, commercial litigation and adoption. Mr. Hilty has been recognized for his professionalism, ethics, communication skills, and legal ability, earning an **AV® Preeminent™ Peer Review rating by Martindale-Hubbell®**, the highest recognition in the legal industry.\*

In 2019, Mr. Hilty received the prestigious Professionalism Award from the Idaho State Bar. The Professionalism Award represents an expression of respect and commendation from the recipient's peers, and is one of the highest honors any Idaho lawyer might receive during his or her career. The award is given to attorneys who, by their professional and personal conduct, have exemplified for the members of the profession the epitome of what it means to be a lawyer, and who, by so doing, have brought honor and distinction upon themselves and the profession as a whole. Mr. Hilty is the third partner with the firm to have received this award.

When not practicing law, Mr. Hilty enjoys hunting, fishing, golfing and spending time with his family. He and his wife, Melanie, are the proud parents of four children.

Mr. Hilty's community involvement includes the following, among others:

- Third District Bar Association (Member);
- 2019 Professionalism Award Recipient (Idaho State Bar);
- Kiwanis Club of Nampa (Past President);
- Canyon County Lawyers Club (Member, Secretary/Treasurer);
- Lifeline Pregnancy Care Center (Board of Directors);
- Treasure Valley Chapter, Rocky Mountain Elk Foundation (Past Committee Member);
- International Municipal Lawyers Association (Member);
- Idaho Municipal Attorney Association (Member).

## **David R. Lombardi, Esq.**

**Lombardi Mediation**

**P. O. Box 6381**

**Boise, Idaho 83707**

**(208) 997-9809, (208) 761-1066 (cell)**

[david@lombardimmediation.com](mailto:david@lombardimmediation.com)

*A broad range of individual and institutional clients has provided me with significant experience in civil trial and appellate litigation and the non-litigation resolution of problems and disputes. That experience provides the foundation for a practical, creative and seasoned approach to litigation and alternative dispute resolution.*

### **Lombardi Mediation, Boise, Idaho, March 2025 to present.**

### **Givens Pursley LLP, Boise, Idaho, September 1990 to February 2025. Partner.**

Prior to undertaking mediation and alternative dispute resolution as a practice area, the greater part of my practice at Givens Pursley was devoted to major and complex civil litigation. This practice included litigation overturning an unlawful award of \$60 million contracts for statewide broadband services, the dissolution and valuation of minority ownership interests in closely held businesses, the defense of claimed groundwater contamination in a case brought by the United States under the Safe Drinking Water Act, recovery of RCRA remediation costs by the City of Boise; recovery of greater than \$3.0 Million for a national bank in an insurance coverage dispute; the defense of multiple professional liability and negligence cases involving physicians, hospitals, attorneys and others; successful appeals resulting in the reversal of arbitrary administrative actions; and a variety of other litigated and arbitrated cases involving issues such as real estate and commercial transactions, construction, government contracting, physicians' rights, personal injury, property damage and environmental compliance.

### **Imhoff & Lynch, Boise, Idaho, 1985 to September 1990. Partner.**

While at Imhoff & Lynch, I successfully represented St. Luke's Regional Medical Center against medical malpractice and corporate negligence claims at the trial court and appellate levels in *Sparks v. St. Luke's Regional Medical Center, Ltd.*, 768 P.2d 768 (1989). I also represented the Bench Sewer District in the trial and appeal of a decision overturning a 50 year sewage service contract between the City of Boise and the Bench Sewer District on the grounds of public policy and commercial impracticability in *City of Boise v. Bench Sewer District*, 773 P.2d 642 (1989). In addition, I handled multiple claims involving negligence, hospital and physician liability, lender liability, trust administration, actuarial liability, ad valorem taxation and federal administrative law impacting wilderness mining claims subject to the jurisdiction of the United States Department of Agriculture and the Department of the Interior.

### **Langroise, Sullivan & Smylie, (Holland & Hart) Boise, Idaho, 1976-1985. Partner.**

I began practicing with Langroise, Sullivan & Smylie and became a partner in approximately 1980. While at Langroise, Sullivan & Smylie, I handled a wide variety of commercial transactions and litigation matters including negligence, trust administration, banking, collection and professional liability claims, general corporate representation and right-of-way negotiation and documentation with the Coeur d'Alene tribe in northern Idaho. Langroise, Sullivan & Smylie merged with Holland & Hart of Denver, Colorado in 1985 after which I joined Imhoff & Lynch.

#### **EDUCATION**

University of Santa Clara, J.D., Magna Cum Laude, 1976.  
Stanford University, B.A., 1971.

#### **CERTIFICATION**

Certified as a Civil Trial Specialist by the Idaho State Bar 1996-2021

#### **PROFESSIONAL MEMBERSHIPS**

Idaho State Bar - Admitted July 24, 1976  
U.S. District Court - Admitted September 24, 1976

9th Circuit Court of Appeals - Admitted March 29, 1985  
Federal Bar Association  
American Board of Trial Advocates (ABOTA)  
American Inns of Court No. 130, President 2002-2003  
National Academy of Distinguished Neutrals  
Idaho Mediation Association

Listed in *The Best Lawyers in America* since 2001  
and *Best Lawyers Medical Malpractice Lawyer of the Year* in 2016  
Listed as an *Idaho Superlawyer* since July 2007  
Listed in *Chambers USA* 2009 – 2019 (Band 1, Litigation: General Commercial, 2015-2019).

**APPOINTMENTS**

Appointed as FRCP 53 Discovery Master in *Dale L. Miesen v. Hawley Troxell Ennis & Hawley LLP et. al.*, 1:10-CV-00401-DCN-CWD October 24, 2018; issued 35 Discovery Master Orders through August 2020.

Appointed IRCP 53 Discovery Master in *Phillips v. Johnson, et. al.*, CV01-19-15160 In the District Court of the Fourth Judicial District of the State of Idaho, In and For the County of Ada

Appointed IRCP 53 Discovery Master in *Charles Chasney, IV, Plaintiff v. Colby Nipper, PLLC, et. al.*, CV001-22-6448 In the District Court of the Fourth Judicial District of the State of Idaho, In and For the County of Ada

**PRESENTATIONS**

*Professional Liability*, Idaho Law Foundation, June, 1986.

*Civil Trial Practice*, Idaho Trial Lawyers, 1988 (also contributed chapter entitled *Pleadings to Civil Trial Practice Manual*).

*Trial Advocacy in Idaho*, National Business Institute, July, 1990.

*Donated Wills, Non-Engagement and Other Ethical Potholes*, Idaho State Bar, July, 1991.

*Effective Motion Practice In Idaho*, Lorman Education Services, June, 1992.

*Taking Effective Depositions*, Lorman Education Services, September, 1994.

*Audio Teleconference EMTALA/COBRA*, Catholic Health Corporation, January 23, 1996.

*Taking and Defending Depositions*, Idaho Law Foundation, February, 1997.

Panelist, *How to Respond to Unethical or Questionable Conduct*, November 1998.

Panelist, *Annual Conference*, Idaho Association of Medical Staff Services, 2000 and 2001.

*Risk Management Issues and Liability Arising from Medical Staff Operations*; Catholic Health Initiatives Risk Management Conference, Minneapolis, Minnesota, February, 2001.

*Risk Management and Liability Issues Arising From Operations*, Catholic Health Initiatives Conference of CEO's, Minneapolis, Minnesota, November, 2001.

*Voir Dire*, Idaho State Bar, February, 2002.

*Effective Voir Dire*, Idaho State Bar, June, 2003.

*The Emergency Medical Treatment and Active Labor Act*, Ada County Medical Education Consortium, January 7, 2004.

Panelist, *Legal/Ethical Issues Concerning Medical Decisions for Children*, Treasure Valley Continuing Nursing Education Network, Inc., January 12, 2004.

Panelist and presenter, *Successful Medical Malpractice Suits*, National Business Institute, October 31, 2007.

Speaker, *Motion Practice*, U.S. Courts District Conference 2011, *From Commencement to Appeal*, November 4, 2011.

Speaker, *Anatomy of an Environmental Crimes Trial: The Case of United States v. Cory King*, presentation to American Bar Association Section of Environment, Energy and Resources Environmental Enforcement and Crimes Committee, September 21, 2012.

Speaker, *Science and Litigation: Admission of Evidence and Working with Experts*, Idaho State Bar Environmental Resources and Natural Resources Law Section, January 15, 2015.

Panelist, *Arbitration Best Practices*, Idaho State Bar Litigation Section, May 18, 2018.

Panelist, *How to Settle Any Case Using Mediation: Insights from the Mediators' Perspective*, 2018 Idaho State Bar Annual Meeting.

Moderator and Panelist, *The Lawyer as Advocate and Problem Solver in Federal Court*, 2019 U.S. District Court Bench Bar Program.

Adjunct Faculty, *Deposition Practicum*, Concordia University School of Law, 2017.

**ACADEMIC  
APPOINTMENTS**

**COMMUNITY  
INVOLVEMENT**

I was one of the founders and served as President of Idaho2Fly, Inc., an Idaho based 501(c)(3) organization incorporated in 2013 that provides expense paid fly fishing retreats and support to Idaho men with cancer. I also served as a member and 2018 Chair of the Community Advisory Board of Boise State Public Radio, an NPR affiliate and serve as a volunteer mediator and arbitrator for the Idaho State Bar.



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## David Lombardi

DIPLOMATE MEMBER 

Lombardi Mediation  
P.O. Box 6381  
Boise, ID 83707

Tel: (208) 997-9809  
Cell: (208) 997-9809

Website: [www.lombardimmediation.com](http://www.lombardimmediation.com)

Member of the [Idaho Chapter](#) for Mediation  
Other ADR Services: Court-Appointed Neutral (Special Master)





### Biographical

The greater part of David Lombardi's practice has been devoted to major and complex civil litigation. Building on that experience, David now offers civil mediation services.

David is listed as a mediator by the Idaho Supreme Court and the Idaho Federal District Court. David also provides extensive counseling and representation to a variety of individual and institutional clients in matters involving professional and general liability, risk management, construction disputes, commercial transactions, and litigation planning.

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David's litigation practice has included the successful defense of claimed groundwater contamination in a case brought by the United States under the Safe Drinking Water Act, the recovery of RCRA remediation costs by the City of Boise, the successful prosecution of a claim that amendments to statewide telecommunications contracts violated Idaho competitive bidding statutes, the successful prosecution of a claim that the Payette National Forest Management Plan was issued in violation of the National Environmental Policy Act (NEPA), litigation concerning minority ownership interests in closely held businesses, litigation concerning the existence, scope and validity of decades old urban railway easements, recovery of greater than \$3 million for a national bank in an insurance coverage dispute, the defense of multiple professional liability and negligence cases involving physicians, hospitals, attorneys and others; successful appeals resulting in the reversal of arbitrary administrative actions; and a variety of other litigated cases involving real estate and commercial transactions, physicians' rights, personal injury, property damage and environmental compliance.



### Case Experience

- Agricultural
- Appellate
- Arts (Fine/Performing)
- Automotive
- Banking & Finance
- Business Dissolution
- Commercial/Business
- Construction
- Consumer Fraud
- Contract Disputes
- Debt Collections
- Discrimination
- Eminent Domain
- Employment
- Engineering
- Environmental
- Family Businesses
- Franchise
- Health Care
- Insurance
- Land Use/Planning
- Landlord/Tenant
- Legal Malpractice
- Lemon Law
- Medical Devices

- Medical Malpractice
- Mining
- Mortgage Foreclosure
- Non-profit Organizations
- Nursing Homes
- Partnerships
- Personal Injury
- Pharmaceuticals
- Premises Liability
- Probate
- Product Liability
- Professional Fees
- Professional Liability
- Professional Malpractice
- Professional Negligence
- Property Damage
- Public Policy
- Real Estate
- Sexual Harassment
- Shareholder Disputes
- Telecommunications
- Torts
- Trusts / Estates
- Unfair Competition
- Wrongful Death



### Education

- 📍 J.D. University of Santa Clara, 1976 (magna cum laude)
- 📍 B.A. Stanford University, 1971



## Memberships & Affiliations

- ☐ Certified Civil Trial Specialist, Chambers USA, America's Leading Lawyers for Business (Litigation: General Commercial)
- ☐ Martindale-Hubbell - Highest Ranking (AV)
- ☐ Best Lawyers, Lawyer of the Year 2016, Medical Malpractice Law - Defendants
- ☐ Boise Best Lawyers in America (Medical Malpractice Law and Personal Injury Litigation)
- ☐ Mountain States Super Lawyers (Business and General Litigation)



## Rates Information

Please call office for rates info.

This member's calendar is  
If you'd like a list of available  
Lombardi, please submit c



Contact Us



**DONNELLY CITY COUNCIL  
AGENDA BILL**

169 Halferty Street  
Donnelly, Idaho 83615

**Number AB 26-36**

**Meeting Date 06/22/2026**

*Action Item*

**AGENDA ITEM INFORMATION**

<b>SUBJECT:</b>  <i>Contract Extension for UDC Administrator, Mark L. Butler</i>	<i>Department Approvals</i>	<i>Initials</i>	<i>Originator or Supporter</i>
	Mayor / Council		
	Clerk/Treasurer		
	Public Works		
<b>COST IMPACT:</b>			
<b>FUNDING SOURCE:</b>			
<b>TIMELINE:</b>			

**SUMMARY STATEMENT:**  
  
Contract Extension for the UDC Administrator, Mark Butler

**RECOMMENDED ACTION:**  
*Approve or Deny the Planning Service Agreement with Land Consultants, Inc (LCI), for Unified Development Code Administration Services. Authorize Mayor to sign necessary documents.*

**RECORD OF COUNCIL ACTION**

<b>MEETING DATE</b>	<b>ACTION</b>

**AGREEMENT  
for  
PLANNING SERVICES**

Between

LAND CONSULTANTS, INC (LCI)  
and  
CITY OF DONNELLY, IDAHO

This Agreement is made and entered into between the City of Donnelly (“OWNER”) and LCI, through its President (“CONTRACTOR”) this \_\_\_\_ day of \_\_\_\_\_, 2026.

In consideration of the mutual promises herein contained, the OWNER and CONTRACTOR agree as follows:

1. SCOPE OF SERVICES

During the term of this Agreement, CONTRACTOR shall furnish to OWNER, Donnelly Unified Development Code Administration Services. Such services shall be performed by individuals as employees or independent contractors of the CONTRACTOR and not as employees of the OWNER. CONTRACTOR shall be specifically serve as the OWNER’S Unified Development Code Administrator.

2. TERM

The Agreement shall be effective from June 1, 2026, and shall end on September 30, 2027. This Agreement shall automatically renew for consecutive one-year terms, consistent with the OWNER’S fiscal year, unless terminated as provided herein. CONTRACTOR will perform services with due and responsible diligence consistent with sound professional practices. Any services identified by Task Order are expected to be completed by CONTRACTOR, even if after termination, unless otherwise agreed to by the parties.

3. COSTS

3.1 Basic Services. As compensation for Basic Services to be performed by CONTRACTOR, the OWNER will pay CONTRACTOR for services as follows: \$280.00 for each hour with any work to be approved by the OWNER prior to commencement. See Basic Services list attached.

3.2 Additional Services. The CONTRACTOR shall not take any action hereunder which could cause the amount for which OWNER would be obligated to CONTRACTOR to exceed costs defined herein. However, that this sum may be increased or decreased from year to year by the OWNER if additional services are

required or the scope of work is adjusted for any reason, through an Addendum to this Agreement.

3.3 Reimbursable Expenses. The OWNER shall pay for items as Reimbursable Expenses if the items have had previous approval. At no time, shall the CONTRACTOR purchase any items without prior approval or the item shall be deemed as non-reimbursable and the CONTRACTOR shall be responsible for the payment. Prior approval shall be made through the Treasurer's Office.

3.4 Invoice and Payment. CONTRACTOR will submit invoices by the 25<sup>th</sup> of each month. OWNER will make payment within 30 calendar days of the invoice date. CONTRACTOR shall keep accurate records of services rendered and provide detailed invoices to OWNER.

#### 4. OWNERSHIP OF INFORMATION

All deliverables resulting from this Agreement, including hard and digital copies of information, data, mapping, graphics, exhibits and other documents, are the property of the OWNER. The CONTRACTOR shall not reuse or modify said deliverables without the OWNER'S written permission.

#### 5. TERMINATION

The OWNER or CONTRACTOR may terminate this Agreement by giving thirty (30) days written notice thereof. If terminated by OWNER, CONTRACTOR shall be paid by the OWNER for the portion of the work completed prior to termination. If terminated by CONTRACTOR, OWNER shall be reimbursed by the CONTRACTOR for any costs associated with finding a replacement CONTRACTOR.

#### 6. MODIFICATIONS

The OWNER may request to modify this Agreement at any time and OWNER and CONTRACTOR shall agree to an equitable adjustment in cost and schedule.

#### 7. DISPUTE RESOLUTION

Should a dispute arise, OWNER and CONTRACTOR agree to negotiate all disputes between them in good faith for a period of thirty (30) calendar days from the date the dispute is raised in writing by either the OWNER or CONTRACTOR. IF the parties fail to resolve the dispute through negotiation, then prior to litigation the dispute shall be decided through non-binding mediation or other mutually agreed alternate dispute resolution technique, the fees and expenses of which shall be split equally. This Agreement shall be governed by the laws of the State of Idaho.

8. SUSPENSION OF SERVICES

If the OWNER suspends services of the CONTRACTOR for any reason for more than thirty (30) days, the OWNER and the CONTRACTOR shall agree to an equitable adjustment in cost and schedule.

9. INSURANCE

CONTRACTOR shall procure and maintain insurance as set forth below. CONTRACTOR shall cause OWNER to be listed as an additional insured on any applicable general liability insurance policy carried by CONTRACTOR.

Workers' Compensation	Statutory
General Liability	
Each occurrence (Bodily Injury And Property Damage)	\$ 50,000
General Aggregate	\$ 50,000
Automobile Liability	
Combined Single Limit (Bodily Injury and Property Damage)	\$ 500,000
Professional Liability	\$1,000,000
Each Claim Made	\$1,000,000
Annual Aggregate	\$1,000,000
Errors and Omissions	\$1,000,000

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

OWNER: CITY OF DONNELLY

CONTRACTOR: Land Consultants Inc.

By: \_\_\_\_\_  
Susan Dorris, Mayor

By: \_\_\_\_\_  
Mark Butler, President LCI

Address: 169 Halferty Street  
Donnelly, Idaho 83615

Address: P.O. Box 314  
Eagle, Idaho 83616

PROFFESIONAL PLANNING SERVICES  
SCOPE OF WORK

TASK LIST

1. Assist in updating the Comprehensive Plan /Master Plan when requested by the city.
2. Assist with planning applications.
3. Attend meetings as required.
  - a. prepare information for meetings
  - b. prepare to discuss issues and ramifications of decisions
4. Interpret and apply Donnelly City Code and State law as interpreted for land use.
5. Other duties as assigned.
6. Communications to come through, or be approved by, the Mayor, City Clerk or City Attorney only.