



Twin Falls City Council Agenda

Monday, September 19, 2022, 5:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

Members: Ruth Pierce, Christopher Reid, Craig Hawkins, Nikki Boyd, Jason Brown, Spencer Cutler, Alexandra Caval

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS
 - a) **PRESENTATION:** National Clean Energy Week
- 4) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve 2022 September 12, Minutes.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve Accounts Payable for September 8 thru 14, 2022.
By: Amy Luna, Administrative Assistant
- 5) ITEMS OF CONSIDERATION
 - a) **ACTION ITEM:** Request to Award the Madrona Street Sidewalk Contract to REG Contracting for a total amount of \$488,178.77 including a 10% contingency, as presented.
By: Troy Vitek, City Engineer
 - b) **ACTION ITEM:** Motion to declare city equipment #5116 Tender 3 surplus and authorize its sale by online auction.
By: Norm Hatke, Fleet Maintenance Supervisor
 - c) **ACTION ITEM:** Motion to approve Resolution No. 2022-013 declaring city equipment #5117 Fire Engine 7 surplus and authorizing its donation to Salmon Tract Rural Fire Protection District.
By: Eric Schmitz, Battalion Chief
 - d) **ACTION ITEM:** A request to adopt ordinance number 2022-018 amending City Code Title 7, Chapters 3 and 8 regarding residential property owners being responsible for City utility rental accounts after December 31, 2022 (second reading).
By: Brent Hyatt, Assistant Finance Director
 - e) **INFORMATIONAL:** Information on State Statute 67-4614, Historic Property.
By: Jonathan Spendlove, Planning & Zoning Director

- f) **ACTION ITEM:** A request to provide direction regarding potential improvement and funding options for Floral Avenue.

By: Mitch Humble, Deputy City Manager

6) GENERAL PUBLIC INPUT

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Public Hearing to amend the FY 2021-2022 budget.

By: Mathew Farnes, Budget Coordinator

- b) **ACTION ITEM:** Request for an annexation with a zoning district of R2 for property located at 1288 Eastland Drive North c/o TD&H Engineering on behalf of Mark Ellis. (PZ22-0109)

By: Ian Zollinger, City Planner

9) ADJOURNMENT

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Josh Palmer (208) 735-7312 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
 - Wait to be recognized by the Mayor or Chairman
 - Approach the microphone/podium
 - State their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
3. A City Staff Report shall summarize the application and history of the request.
4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.
5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Individuals are not permitted to give their time to other speakers.
 - However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.
8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.
10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.

* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.

*Offices of the Mayor
The City of Twin Falls, Idaho*

Proclamation

*National Clean Energy Week
Week of September 26-30, 2022*

WHEREAS, Twin Falls, Idaho is proud to support a clean energy future by utilizing readily abundant forms of diverse energy resources that are powering homes, businesses, and schools across our community; and

WHEREAS, across Idaho, clean and readily abundant forms of energy are powering more homes and businesses across Idaho than ever before; and

WHEREAS, across Idaho, clean and readily abundant forms of energy are powering more homes and businesses across Idaho than ever before; and

WHEREAS, Idaho is rich in renewable energy sources, with its volcanic formations providing one of the best geothermal potentials in the nation, and Idaho is one of seven states with geothermal power capacity; and

WHEREAS, the clean energy sector is a growing part of the economy and has been a key driver of economic growth in Idaho in recent years, supplying nearly 13,000 jobs to Idahoans.

NOW, THEREFORE, I, Ruth Pierce, Mayor of the City of Twin Falls, do hereby proclaim the week of September 26th – September 30th, 2022, as National Clean Energy Week and encourage all citizens of Twin Falls to recognize this observance.

*In witness whereof we have hereunto
set our hand and caused this seal to be
affixed this 19th day of September.*

Ruth Pierce, Mayor
City of Twin Falls

Attest:

Amy Luna
Date: September 19, 2022



Twin Falls City Council Minutes

Monday, September 12, 2022, 4:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

****SPECIAL MEETING starting at 4:00pm****
for dedication of the Veterans Recognition Plaque

Regular Meeting starting at 5:00PM

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Ruth Pierce, Vice Mayor Christopher Reid, Council Member Craig Hawkins, Jason Brown, Spencer Cutler & Nikki Boyd.

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, Assistant City Attorney Sam Bues, CFO Breanna Howard, Fire Chief Les Kenworthy, Police Chief Craig Kingsbury, Human Resources Director Ida Clark, P&Z Director Jonathan Spendlove, Environmental Manager Nathan Erickson, Assistant Finance Director Brent Hyatt, Parks & Recreation Director Wendy Davis, Network Administrator Dee Davidson, Finance Administrative Assistant Amy Luna.

Mayor Pierce called the meeting to order at 5:00 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

Mayor Pierce invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) PROCLAMATIONS

a) Class of 1966 Proclamation.

Mayor Pierce read the "Class of 1966" Proclamation.

4) CONSENT CALENDAR

MOTION: Council Member Hawkins moved to approve the Consent Calendar as presented.

Council Member Brown seconded the motion. The roll call vote showed all members present voted in favor of the motion, 6 to 0

a) City Council August 29, 2022 Minutes.

b) City Council Special Meeting Sept 7, 2022 Minutes.

c) Request to approve Accounts Payable for Aug 25 thru Sept 7, 2022.

d) Request to approve Travel Request for WE 9/7/22.

e) Consideration of a request to approve an amended airport lease agreement with SkyWest Airlines allowing for the placement of two self-service Delta ticket kiosks.

f) Request to approve an Alcohol License Transfer for T. F. Brickhouse LLC, dba Big Papa's Live Music & Grill.

g) Request to approve a new Alcohol License for David Woodhead, dba The Lamphouse Theatre.

5) ITEMS OF CONSIDERATION

- a) A request to confirm the Mayor's appointment of Alexandra Caval to fill the vacancy for City Council Seat #3. Once the appointment has been confirmed, the oath of office will be administered.

MOTION: Mayor Pierce formally nominated Alexandra Caval to fill the vacancy for City Council Seat #3. The roll call vote showed all members present voted. Motion passed, 5 to 1.

Breanna Howard administered the Oath of Office.

- b) Request to adopt Ordinance #2022-016 for a Zoning District Change and Zoning Map Amendment for the Prosperity Hills ZDA.

Presented by P&Z Director Spendlove.

Discussion ensued on the following: None

MOTION: Council Member Reid made a motion to suspend the rules and place the Ordinance on third and final reading by title only under suspension of the rules. **Council Member Hawkins** seconded the motion. The roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

Mayor Pierce read Ordinance #O-2022-016 by title only.

MOTION: Council Member Brown moved to adopt Ordinance #O-2022-016 for a Zoning District Change and Zoning Map Amendment for the Prosperity Hills ZDA. **Council Member Hawkins** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- c) Request to adopt Ordinance #2022-017 for a Zoning Title Amendment repealing and replacing Twin Falls City Code 10-4-19.

Presented by P&Z Director Spendlove.

Discussion ensued on the following:

Council Member Cutler: Commented on the re-write

Council Member Brown: Asked about how this came about.

MOTION: Council Member Reid made a motion to suspend the rules and place the Ordinance on third and final reading by title only under suspension of the rules. **Council Member Hawkins** seconded the motion. The roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

Mayor Pierce read *Ordinance #O-2022-017* by title only.

MOTION: Council Member Hawkins moved to adopt *Ordinance #O-2022-017* for a Zoning Title Amendment repealing and replacing Twin Falls City Code 10-4-19. **Council Member Brown** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- d) Consideration to approve the purchase of Heat Exchangers from Alfa Laval Inc. (\$100,146), SCADA Integration/Associated Equipment from Banyan Technologies (\$44,500), Gas valves from ATSCO Sales and Service (\$17,154), and Wiper Cylinders from Trojan Technologies (\$32,580) in the total amount of \$194,380 for maintenance and equipment improvements at the Wastewater Treatment Plant.

Presented by Environmental Manager Erickson.

Discussion ensued on the following:

Mayor Pierce: What is the expected life of this purchase?

Council Member Hawkins: Asked about the walls.

Council Member Boyd: Asked about the time frame of the findings.

MOTION: Council Member Brown moved to approve \$194,380 for maintenance and equipment improvements at the Wastewater Treatment Plant as presented. **Council Member Hawkins** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

City Manager Rothweiler gave additional information.

- e) Staff is seeking approval of an ordinance that would amend Title 7, Chapters 3 and 8 of the City Code. The amendment would hold residential property owners responsible for City utility accounts after December 31, 2022.

Presented by Assistant Finance Director Hyatt.

Discussion ensued on the following:

Council Member Reid: Thanked Staff. How would the grandfather process work?

Council Member Boyd: Comment that this will affect a small number of properties.

Commented on the number of delinquents that are sent out per week. Why are we not fining the repeat offenders?

Council Member Cutler: Do new accounts have to make a deposit? What is the amount of past due accounts? Have we tried any other tactics to collect?

Council Member Hawkins: Talked about risks and that the city is providing a service and not trying to make a profit.

Mayor Pierce: Talked about renting in the past.

Council Member Reid: Spoke in favor of this request.

Mayor Pierce: Commented on the other communities that are doing this.

Council Member Caval: Spoke in favor of this request. Talked about the renter applying some of the deposits to cover the delinquent utility bills.

Council Member Cutler: Are we using the point system still?

Public Input:

Citizen Patty Cameron spoke against this request.

MOTION: Council Member Reid made a motion to suspend the rules and place the Ordinance 2022-018 on third and final reading by title only under suspension of the rules. **Council Member Hawkins** seconded the motion. The roll call vote showed all members present voted in favor of the motion. Failed 4 to 3.

Mayor Pierce read Ordinance #O-2022-018 by title only.

This ordinance will be placed on the September 19, 2022, meeting for second reading by title only.

- f) Request to reallocate \$196,000 of Parks Capital Improvement Funds for alternative parks projects and equipment purchase to include Thomsen Park Trail rebuild, splashpad resurfacing, Riverbend Trail extension and a Chipper purchase.

Presented by Parks & Recreation Director Davis.

Discussion ensued on the following:

Council Member Cutler: Can we approve up to a dollar amount for Thomsen Park?

Council Member Reid: Thanked staff for using these funds

MOTION: Council Member Reid moved to approve the request to reallocate \$96,000 of Parks Capital Improvement Funds for alternative parks projects and equipment purchase to include splashpad resurfacing, Riverbend Trail extension and a Chipper purchase. **Council Member Boyd** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

6) GENERAL PUBLIC INPUT

Citizen David Leavitt read a message about ethics and morals.

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Mayor Pierce spoke about the 911 Ceremony held at the Visitor Center on September 11, 2022.

8) PUBLIC HEARINGS - None.

9) ADJOURNMENT

The meeting adjourned at 06:28 PM

Amy Luna, Administrative Assistant



Date: Monday, September 19, 2022
To: Honorable Mayor and City Council
From: Troy Vitek, City Engineer , City Engineer

ACTION ITEM

Request:

Request to Award the Madrona Street Sidewalk Contract to REG Contracting for a total amount of \$488,178.77 including a 10% contingency, as presented.

Time Estimate:

Staff Estimates 15 minutes to present the item to council

Background:

The City Council included \$390,000 in the 2021-2022 budget for the Madrona Street Sidewalk extension from Falls Avenue to just north of Dora Drive North where it ties into an existing sidewalk. Engineering has worked with JUB Engineers who have developed a design that fits into the limited right of way but provides the sidewalk connectivity on the West side of Madrona connecting the two sidewalks. Idaho State Code section 67-2805(2) requires projects above 200,000 to be formally bid. Engineering went through that exercise and on August 30, 2022 we received one bid from REG Contracting. The bidder was found to be in compliance with all the bid documents and I'm recommending Council authorize the City Engineer to sign a contract with REG Contracting to complete the work.

Approval Process:

A majority vote by City Council will allow the City Engineer to sign the contract.

Budget Impact:

Council approved a total of \$390,000 in the 2021-22 budget.

Total costs for the project include

Design Costs with JUB Engineers \$103,220

Construction \$443,799

10% possible contingency \$44,380

Construction Oversight \$40,000

Total project costs \$631,399

The City applied for and received a Grant from LHTAC child pedestrian safety in the amount of \$250,000 of which we have received the Funds and deposited them. The requirement of the Grant requires any money not utilized for this project be returned to LHTAC so it is the intent to utilize these funds first. The \$250,000 Grant in combination with the Council approved \$390,000 gives a total project fund of \$640,000 covering the total project cost of \$631,399.

Regulatory Impact:

Compliance with Idaho Code 67-2805(2) for bidding

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends Council approve the City Engineer to sign a contract with REG Contracting in the amount of \$443,798.88 and hold a 10% contingency amount (\$44,379.89) for unforeseen circumstances that may arise during construction for a total construction cost of \$488,178.77. There will also be construction oversight necessary for the project that JUB estimates to be \$40,000. The city engineer is also requesting to sign a contract with JUB to provide the oversight during construction with a not to exceed amount of \$40,000.

Attachments:

1. Bid Opening Checklist - 2022 TF Madrona Street Sidewalk
2. Bid Tab - 2022 TF Madrona Street Sidewalk
3. TransLtr_City_Bid_Results 2022-09-12
4. Project Location

City of Twin Falls 2022 Madrona Street Sidewalk

Bid Opening Checklist

August 30, 2022



Contractor:	Addendum #1	Bid Form Completed and Signed	Bid Bond	Listing of Subcontractors	Listing of Suppliers	Evidence of Authority to Sign	Evidence of Authority to do Business in Idaho	Public Works Contractor License	Base Bid	Public Works License - General	Comments
1 REG Contracting		x	x	x	x	x	x	x	\$443,798.88	8555-B-1-4	- No Addendum were issued for the bid - Signed as An Individual
A highlighted denotes that the bid item was incomplete, not included, or as otherwise noted in the Comments.											
1 REG Contracting	Electrical Contractor N/A HVAC Contractor N/A Plumbing Contractor N/A										

PROJECT: City of Twin Falls
Madrona Street Sidewalk

BID DATE: August 30, 2022



ENGINEERS: J-U-B Engineers, Inc.
2114 Village Park Avenue, Suite
Twin Falls, Idaho 83301

BASE BID SCHEDULE

PAY ITEM	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	Engineers Estimate		REG Contracting Twin Falls, ID	
1	Clearing and Grubbing	0.28	AC	\$7,000.00	\$1,960.00	\$15,000.00	\$4,200.00
2	Removal of Bituminous Surface	1,391	SY	\$9.50	\$13,214.50	\$30.00	\$41,730.00
3	Removal of Concrete Pavement	157	SY	\$16.50	\$2,590.50	\$16.00	\$2,512.00
4	Removal of Sidewalk	41	SY	\$47.50	\$1,947.50	\$12.00	\$492.00
5	Removal of Fence	105	FT	\$33.00	\$3,465.00	\$12.00	\$1,260.00
6	Removal of Curb and Gutter	130	FT	\$23.00	\$2,990.00	\$12.00	\$1,560.00
7	Removal of Existing Pipe	13	FT	\$33.00	\$429.00	\$100.00	\$1,300.00
8	Removal of Irrigation Box	1	EA	\$2,150.00	\$2,150.00	\$1,200.00	\$1,200.00
9	Removal of Post	1	EA	\$100.00	\$100.00	\$180.00	\$180.00
10	Excavation	1372	CY	\$26.00	\$35,672.00	\$24.00	\$32,928.00
11	Borrow	121	CY	\$37.00	\$4,477.00	\$28.00	\$3,388.00
12	12" Irrigation Pipe, CMP	15	LF	\$100.00	\$1,500.00	\$100.00	\$1,500.00
13	Concrete Irrigation Box - Size 2' X 2'	1	EA	\$3,000.00	\$3,000.00	\$2,850.00	\$2,850.00
14	Portland Cement Concrete Pavement - 6" Thick	125	SY	\$125.00	\$15,625.00	\$83.00	\$10,375.00
15	Standard 6" Vertical Curb and Gutter	730	FT	\$40.00	\$29,200.00	\$32.00	\$23,360.00
16	Concrete Sidewalks, 4" Thick	304	SY	\$62.00	\$18,848.00	\$62.00	\$18,848.00
17	Concrete Drive Approach	149	SY	\$81.00	\$12,069.00	\$83.00	\$12,367.00
18	Pedestrian Ramp W/Detectable Warning Domes	4	EA	\$2,000.00	\$8,000.00	\$4,250.00	\$17,000.00
19	Crushed Aggregate for Base - 3/4" Type I	2140	TON	\$64.00	\$136,960.00	\$48.00	\$102,720.00
20	1/2" Superpave HMA SP-3	259	TON	\$130.00	\$33,670.00	\$200.00	\$51,800.00
21	Sediment Control	1	LS	\$5,000.00	\$5,000.00	\$8,000.00	\$8,000.00
22	Topsoiling	659	SY	\$15.00	\$9,885.00	\$24.00	\$15,816.00
23	Sodding	659	SY	\$25.00	\$16,475.00	\$18.00	\$11,862.00
24	Traffic Control Signs	445	SF	\$8.25	\$3,671.25	\$40.00	\$17,800.00
25	Traffic Control Barricades, Type III	9	EA	\$135.00	\$1,215.00	\$37.00	\$333.00
26	Portable Tubular Markers	75	EA	\$16.50	\$1,237.50	\$30.00	\$2,250.00

PROJECT: City of Twin Falls
Madrona Street Sidewalk

BID DATE: August 30, 2022



ENGINEERS: J-U-B Engineers, Inc.
2114 Village Park Aveune, Suit
Twin Falls, Idaho 83301

BASE BID SCHEDULE							
PAY ITEM	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	Engineers Estimate		REG Contracting Twin Falls, ID	
27	Temporary Striping Tape	1764	LF	\$2.00	\$3,528.00	\$5.15	\$9,084.60
28	Mobilization (5%)	1	LS	\$19,000.00	\$19,000.00	\$21,133.28	\$21,133.28
29	Reference and Reset Monument	1	EA	\$700.00	\$700.00	\$1,250.00	\$1,250.00
30	Storm Water Structure, Type Irrigation Box, Adjust to Grade	2	EA	\$940.00	\$1,880.00	\$3,200.00	\$6,400.00
31	Valve Box, Adjusted to Grade	4	EA	\$775.00	\$3,100.00	\$975.00	\$3,900.00
32	Contractor Furnished Construction Survey and Staking	1	LS	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00
33	Remove and Reset Mailbox	6	EA	\$390.00	\$2,340.00	\$500.00	\$3,000.00
34	Remove and Reset Roadside Sign	7	EA	\$245.00	\$1,715.00	\$200.00	\$1,400.00
Total Bid - Base Bid Schedule:				\$405,614.25		\$443,798.88	

Notes:

- 1. This table is a tabulation of the unit prices and total prices received from Bidders during the bidding process. It does not indicate nor convey the responsiveness of the Bid.*
- 2. The highlighted cells denote that there was a mathematical error or omission in the written bid tab received from the Bidder.*



September 12, 2022

Troy Vitek
City Engineer, City of Twin Falls
119 South Park Avenue West
Twin Falls, ID 83301

RE: Bid Review – City of Twin Falls Madrona Street Sidewalk Project

Dear Troy,

Bids for the City of Twin Falls Madrona Street Sidewalk Project were received and opened from one bidder on August 30, 2022. Attached is a Bid Tabulation summarizing the unit prices and total bid amount for each bidder. Following is a summary of the bid results:

Contractor	Base Bid
REG Contracting	\$443,798.88

J-U-B has reviewed the bids for compliance with the administrative requirements in the Bid Documents. A summary review of each bid versus the bidding criteria is attached. We have listed the Public Works Contractor Licenses for each bidder, as registered with the State of Idaho Division of Building Safety.

Per the Bid Form (Document 00300), the basis of award for the project will be on the Base Bid Schedule that is the lowest responsive bid in total price, conforms with all the conditions of the Bid Documents, is in the best interest of the project, and is within the City's available budget. From our review, it is our opinion that REG Contracting appears to have submitted the lowest responsive bid in total price. If you have any questions, please don't hesitate to contact me.

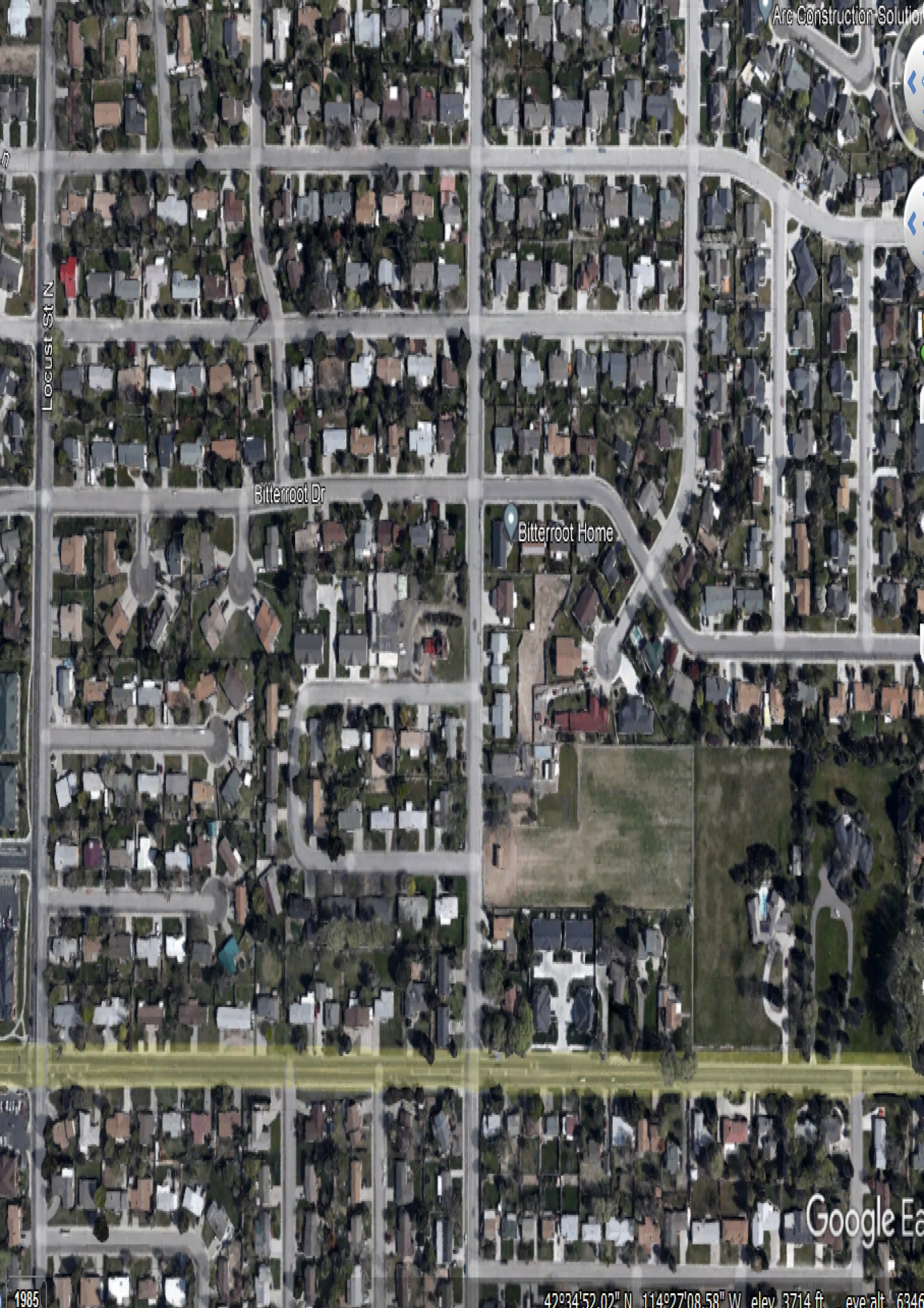
Sincerely,



Chelsea James, PE
J-U-B ENGINEERS, Inc.

Enclosures:

- Bid Tabulation
- Bid Review



Locust St N

Bitterroot Dr

Bitterroot Home

Google Earth



Date: Monday, September 19, 2022
To: Honorable Mayor and City Council
From: Norm Hatke, Fleet Maintenance Supervisor

ACTION ITEM

Request:

Motion to declare city equipment #5116 Tender 3 surplus and authorize its sale by online auction.

Time Estimate:

10 minutes

Background:

The TFFD fleet management plan is based on historical data, current and expected growth, and current and expected emergency responses. The objective of this plan is to identify and replace mobile equipment that has met or exceeded serviceable life and replace with emergency response apparatus, which meets the following criteria:

- Maintains or improves the current level of service
- It is cost-effective to the citizens of the City of Twin Falls and Twin Falls Fire Protection District.
- Incorporates modern fire service technologies
- It is safe to operate

The TFFD Fleet plan integrates the rotation of select apparatus over the life of the plan to maximize serviceable life. It is the Fleet Maintenance and Fire Department's determination that the Tender apparatus city equipment #5116 Tender 3 (1992 Ford L 9000) should be declared surplus and approved for sale by online auction.

Approval Process:

A majority vote of the Council present is needed to approve this request.

Budget Impact:

The proceeds from the online auction will go back into the General Fund.

Regulatory Impact:

There is no regulatory impact of this request.

History:

Analysis:

Conclusion:

It is the Fleet Maintenance and Fire Departments' determination that the Tender apparatus should be declared surplus and approved for sale by online auction.

Attachments:

None



Date: Monday, September 19, 2022
To: Honorable Mayor and City Council
From: Eric Schmitz, Battalion Chief

ACTION ITEM

Request:

Motion to approve Resolution No. 2022-013 declaring city equipment #5117 Fire Engine 7 surplus and authorizing its donation to Salmon Tract Rural Fire Protection District.

Time Estimate:

Approximately 15 minutes.

Background:

The Fire Department purchased a 1992 Emergency One 1500 GPM Pumper on October 1st, 1992. The purchase price was \$232,830.00. The TFFD fleet management plan is based on historical data, current and expected growth, and current and expected emergency responses. The objective of this plan is to identify and replace mobile equipment that has met or exceeded serviceable life and replace it with emergency response apparatus, which meets the following criteria:

- Maintains or improves the current level of service
- It is cost-effective for the citizens of the City of Twin Falls and the Twin Falls Fire Protection District.
- Incorporates modern fire service technologies
- It is safe to operate

The TFFD Fleet plan integrates the rotation of select apparatus over the life of the plan to maximize serviceable life. It is the Fleet Maintenance and Fire Department's determination that city equipment #5117 Engine 7 should be declared surplus and approved for donation to Salmon Tract Rural Fire Protection District.

Salmon Tract Rural Fire Protection District (Fire Chief Rod Davis) reached out and asked if Engine 7 would be available for their use. We have a history of partnering with smaller departments and donating serviceable equipment when it is feasible.

We are asking the Council to adopt a Resolution declaring city equipment #5117 Engine 7 surplus and authorizing the donation of the 1992 E-1 1500 Engine Pumper to the Salmon Tract Rural Fire Protection District at no cost. The Salmon Tract Rural Fire Protection District has agreed to sign a hold harmless agreement and other documents as recommended by the city attorney.

Approval Process:

A motion to approve the resolution, seconded and approved by a majority of the council.

Budget Impact:

There is no financial impact for this item.

Regulatory Impact:

There is no regulatory impact of this request.

History:

Analysis:

Conclusion:**Attachments:**

1. Hold Harmless Agreement - City of Twin Falls & Salmon Tract - September 19, 2022
2. Donation Resolution - City of Twin Falls & Salmon Tract Rural Fire - September 19, 2022

City of Twin Falls
Disposition of Surplus Property
Ownership and Hold Harmless Agreement

Property Description: 1992 Emergency One 1500 GPM Pumper–Fire Engine (Property)

I, Rod Davis, as an authorized agent of the Salmon Tract Rural Fire Protection District, in consideration of the City of Twin Falls having declared the Property surplus and having also resolved to donate the Property to the District via Twin Falls City Resolution Number: *R-2021-007*, and the district having expressed a willingness to assume ownership of the Property, and intending to be now legally bound, does hereby agree that:

1. Acceptance of ownership of the Property is done voluntarily.
2. Acceptance of ownership of the Property carries risks, some of which are unknown, and with that knowledge assumes all known and unknown risks and hazards of said ownership.
3. Acceptance of ownership of the Property is "as is" without warranty or representation from the City of Twin Falls of what that condition is or may become.
4. Acceptance of ownership of the Property includes the assumption of full responsibility and liability for the Property from this date henceforth.
5. The district does hereby release and forever hold the City of Twin Falls, or any of its agents, harmless from any and all real or possible losses, claims, actions, judgements for damages, expenses, harm or injury to any person or property incurred in relation to the ownership of the Property, regardless of the manner by which such claim may be brought from this date henceforth.

I have had time to read and understand all the above conditions and terms. My signature below signifies that I, and the district, consent to these terms.

DATE: _____

SIGNATURE: _____

PRINT NAME: Rod Davis

TITLE: Fire Chief

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING A 1992 E-1 FIRE ENGINE PUMPER TRUCK SURPLUS AND AUTHORIZING THE DONATION OF THE FIRE ENGINE PUMPER TO THE SALMON TRACT RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the City of Twin Falls' Asset Disposal Policy authorizes assets to be donated to "another unit of government" after the asset has been declared by the Council as surplus; and,

WHEREAS, the City owns a 1992 E-1 1500 GPM Engine Pumper that it no longer needs; and,

WHEREAS, the Engine Pumper has a \$0 book value, but could be of use to another government unit; and,

WHEREAS, the Salmon Tract Rural Fire Protection District has expressed interest in using the Engine Pumper; and,

WHEREAS, the City desires to donate the Engine Pumper to the Salmon Tract Rural Fire Protection District.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

Section 1: The Twin Falls City Council hereby declares the 1992 E-1 Engine Pumper as surplus.

Section 2: The 1992 E-1 Engine Pumper shall be donated to the Salmon Tract Rural Fire Protection District with the following terms:

The Salmon Tract Rural Fire Protection District agrees to sign a hold harmless agreement and other documents as recommended by the Twin Falls City Attorney.

PASSED BY THE CITY COUNCIL: _____, 2022.

SIGNED BY THE MAYOR: _____, 2022.

MAYOR ATTEST:

DEPUTY CITY CLERK



Date: Monday, September 19, 2022
To: Honorable Mayor and City Council
From: Brent Hyatt, Assistant Finance Director

ACTION ITEM

Request:

A request to adopt ordinance number 2022-018 amending City Code Title 7, Chapters 3 and 8 regarding residential property owners being responsible for City utility rental accounts after December 31, 2022 (second reading).

Time Estimate:

5 Minutes.

Background:

On May 9th, a request was made of City Council to hold two open houses on Thursday, June 9, 2022, for input and comments on a sample ordinance that would shift responsibility for utility accounts to property owners for rental property. Those meetings were held, one at 4:00 p.m. and one at 7:00 p.m. The meetings were announced on the City's website, emailed to the City's news subscribers, posted on the City's Facebook page, and publicized with a KMVT news broadcast.

Other than City staff, three members of the community and one City Council member came to meetings. Attached are their comments, as well as emails, voice messages, and Facebook postings that have been received. One landlord emailed a list of questions. Those questions and staff's response are also included. Staff's responses are boxed. Most comments confirm that the proposed change is overwhelming opposed by landlords because of the additional administrative burden and increased risk of loss.

Staff reexamined financial losses attributed to industrial, institutional, and commercial accounts, and the reduction in work attributed to them that is discussed below and is now recommending that the ordinance apply to residential properties only.

Previous discussions have focused on a reduction in bad debts for the City that should exceed \$100,000. That cost would not necessarily shift directly to property owners. Landlords have an advantage collecting rent over the City collecting utility accounts. Rent is usually due on the 1st of the month. Utility billings come after the services are used, the meters are read, and billings sent. The general practice by landlords would be to include utility costs in the rent. Landlords would know there is a payment issue several weeks before the City and could act sooner.

Along with the reduction in bad debts for the City, there would be a significant reduction in work for both the Utility Billing department and the Water department. Below is the recent work history for specific tasks:

Activity	Rental	Owner	Total	Time Period
Turn Offs for Non-payment	111	92	203	May through July, 2022
	55%	45%	100%	
Payment Arrangements	57	28	85	May through July, 2022
	67%	33%	100%	
New Accounts (On Only) *	3,326	1,874	5,200	01/01/22 to 8/10/22
	64%	36%	100%	

* Landlords and property managers will sometimes put a property in their name between tenants to keep utilities on. Especially during the summer for irrigation. Those temporary account changes have been included under the Rental category because the practice would disappear under the new policy.

Residential rental properties account for 16% of the City's utility accounts and about 64% of the labor associated with transferring accounts and dealing with new account holders. Tenants turn over more often in a specific rental property than the landlord turns the property over as an investment. In an extreme example, one rental property had seven different tenants in a year. Estimating the labor savings and hours freed up for other work under this proposal is very problematic, but it would be substantial. Existing accounts would be grandfathered in. So, the benefits of the new policy, both in labor and bad debt savings, would accrue incrementally. Staff estimates it would take three to five years before the full value would be realized.

Approval Process:

The first reading of this ordinance, by title, was completed at the September 12, 2022 Council meeting. Tonight's item is the second reading of the ordinance, which can also be by title only. Following tonight's reading, a third and final reading of the ordinance will be scheduled at an upcoming meeting, after which, the Council can adopt Ordinance #2022-018 by simple majority vote.

However, the Council can, if desired, adopt the ordinance tonight if a motion to suspend the rules and place Ordinance #2022-018 on third and final reading by title only is approved by a super majority vote.

Budget Impact:

There would be no immediate budget impact. After the effective date, as new tenants move into a residential property, the associated utility account would be in the property owner's name. That account would then not change until the property ownership changed. Any budget impact would be gradual as the process unfolded.

Regulatory Impact:

N/A

History:

N/A

Analysis:

Based on the experience of neighboring communities that have recently shifted, the City would save over \$100,000 a year in bad debt expense. There would also be a significant labor savings in both the Utility Billing and Water departments.

Conclusion:

Staff recommend approval by the Council of the proposed ordinance.

Attachments:

Proposed Ordinance #2022-018
Comments and Questions

EMAILS AND OPEN HOUSE

"The recent news story today about the plight of delinquent city utilities by tenants of rental properties seems like a easy street for the city to hold the property owners responsible. Would property owners be responsible for delinquent car payments because the tenant drives a car? Or for medical bills because the tenant resides? Or for any other debt the tenant incurs and is responsible for? Perhaps the city should look at credit analysis before allowing tenants to sign up for utilities and property owners could receive that information prior to signing any rental agreements with tenants.

I find it hard to understand why the property owner would be any way shape or form be responsible for someone else's debt. My hopes are you would too.

Thanks for listening!"

"I am just sending you an email to summarize my opposition to a citywide mandate of SFR rental accounts being put under owner names. I believe it would have a net detrimental effect for the following reasons:

- The only practical way for a landlord to cover the cost of water is to price it into the rent. It is difficult to evict for unpaid utility bills (with some judges it is hard to evict for unpaid rent) and charging separately for the bill each month creates unnecessary administrative overhead. Everybody knows how hard it is to collect on a small claims judgement if the landlord lets unpaid utilities go for a while. The net effect of this mandate will be an upward pressure on rental prices in a time when tenants are struggling to afford rent as it is.
- Water is increasingly a scarce resource and making landlords responsible for the bills means that tenants will have little incentive to limit personal water usage. This will not only cause an increase in wastewater that needs to be treated but will possibly put a strain on supply sources.
- The percentage of delinquent accounts is quite small and doesn't justify this measure.
- The landlord-tenant relationship is inherently adversarial and this will give tenants a way to retaliate against landlords for perceived slights. Even though I have great relationships with many of my tenants, I only say this because I had a tenant who was upset with me for asking them to move from another rental to a new building because I wanted to tear down their SFR and build something else. This tenant was very passive aggressive and ran the water I believe in the bathtub for what was most likely several days to a week, effectively doubling the water bill for the entire building.
- Finally, the irresponsibility of some tenants is an inefficiency in the system that produces negative effects that are either going to be absorbed by the landlord or by the city. It is currently being absorbed by essentially the taxpayers rather than individual citizens that also pay taxes on top of their business liabilities. In my view, widespread irresponsibility is a societal problem, especially when we are talking about delinquency on public utilities, something that many people in America at least would consider to be a right not a privilege or luxury.

Just my two cents,

Thanks for considering this,"

"I want to thank you first for allowing me to express my thoughts to you concerning the homeowner paying the tenants Utility Bill. There are so many different organizations that can help people who qualify pay their bill. The Salvation Army, South Central Community Action, LA Posada, Mustard Seed, St. Vincent de Paul, Community Council of Idaho, Intermountain Fair Housing Council, 211. Its not fair to put a bill on the homeowner just because someone doesn't want to reach out and get help or because they don't want to be wise on budging their money. If anything, we should have a budgeting class. But my guess would be that no one would come. Some people run up their bills so high.

I have seen bills over 3,000 dollars and this is not fair to put this on the homeowners. Its not fair to make the homeowner pay for peoples bills who are not being responsible citizens, regardless of how little or how much it is. They should be responsible for their own bills. They just move and will do it again and again. Here is a_ story one man had a plan arrangement. He took his money and paid for his x girlfriend to get out of jail and as soon as she got out of jail, she got into her boyfriend's car and drove away. Leaving him with no money to pay his Utility bill. Let's make people take accountability for themselves. I'm asking you to please vote for this not to pass. Thanks again for taking the time to hear me out."

Here are a couple of comments. No one remembers a payment to help with utility bills from the Salvation Army, St. Vincent de Paul, or the Intermountain Fair Housing Council for several years. It may be related to COVID and was not significant before. 211 is a resource referral phone number sponsored by the state but offers no direct funding. We don't track payment sources but estimates of monthly assistance from the others mentioned are South Central Community Action (SCCA) \$1,500, LA Posada \$300, the Mustard Seed \$75, and Community Council of Idaho \$500. These organizations offering help with utility bills, for qualifying individuals, also offer help with rent. Not assisting with utility bills may free up more funds for rental help.

SCCA's current funding comes from Federal funds related to the American Rescue Plan Act of 2021, also called the COVID-19 Stimulus Package. There is also a related CARES program for housing. When these federal funds are depleted, the program will go away, unless reauthorized with other federal legislation and SCCA will probably go back to previous funding sources.

The highest amount turned over for collection in the past three years was a commercial account for \$1,390.70. It was subsequently paid.

VOICE MESSAGES

"I was just watching the news a little bit earlier, how Twin Falls is having a lot of issues with people skipping out on paying utilities and that. You need to take a close look at what Kimberly did. I'm a landlord there and they had the utilities put in the landlord's name and then the landlord just adds them on the rent and that stopped probably 99.9% of people skipping out on City utilities and it's something that Twin needs to look at. There's no reason to have it in the renter's name and then the renter always skips on the rent and the utilities, and it's just a thought. But anyway, I'm old and grumpy and got a lot of time to watch TV, but that would solve your problem real fast. There's going to be a lot of high-end landlords not like this, but it's a practical way to do it. Thank you."

QUESTIONS

1) What percent of total water and sewer service charges are being written off by the City?

.50%

2) What is average write off percentage for cities and for private utilities?

Comparability is difficult. Most municipalities present their financial information in summary form. Specific bad debt charges are usually obscured in those summaries. A municipality's write off percentage is also heavily influenced by their policies, as evidenced by the illustration in the next question, where a change in policy resulted in a reduction of write off percentages of somewhere around 94%.

We reached out to one of the collection agencies we have a connection with, and they confirmed that "National data for this specific area is not available (at least publicly) Cities and towns have various versions of debt structure, typically dictated by charters and by-laws. So, an apple-to-apple comparison on debt recovery and a write-off % is difficult, at best."

3) And how does this compare to the average bad debt experienced by taxpayers in cities who make taxpayers are required to collect on behalf of the city?

In phone conversations, we were told by the City of Jerome they went from \$50,000 in bad debts to \$3,000 and the City of Kimberly went from \$30,000 in bad debts to \$2,000 after implementing policies that required property owners to be responsible for utilities. Using their web information on utility sales, that would measure their write off percentages at .461% then down to .028% and 1.027% down to .068%, respectively, or an average decrease of 94%.

4) Perhaps this data would prove that the staff is doing a tremendous job collecting, and no change holds the promise of better outcomes for taxpayers? If this is true a solution is being sought without a problem?

Staff are confident that over \$100,000 would be saved annually.

5) Has the City analyzed who is the source of bad debt?

Yes, 93% are from residential rentals, an insignificant amount (.003%) from commercial and the balance from residential property owners. There were no recent bad debts from multiple units, institutional users, schools, or industrial users.

6) What kinds of abusive or threatening statements or actions do City fee collections staff experience dealing with slow or no pay consumers of water and sewer services? Please be specific.

Those statements usually come when a customer's water is being shutoff for non-payment. People can get furious without access to water in their homes. We turn off around 25-30 accounts a week. Defining an abusive or threatening statement is a personal interpretation. Staff who regularly interact with customers say they receive about 3 to 5 a week. During the past year, there has been one restraining order for a citizen and police presence has been requested twice.

7) What percentage is residential?

We don't track abusive or threatening statements. But the percentage probably tracks with the write off percentages in question 5 above.

8) What percentage is commercial?

See the response to question 7.

9) What percentage is due to hardship such as illness, job loss?

We don't track or inquire what the motivation is for making abusive or threatening statements.

10) What percentage is by midnight moveout renters?

Evidence suggests that most of the uncollected accounts are renters that no longer need utility services because they have left.

11) Has the City identified who know who really is causing the problem and who the proposed change would adversely affect? If a specific property type produces a large portion of the bad debt, and a focused solution on that group could improve outcomes what justifies the total transfer of collection duty by the City to the taxpayer? Should any proposed solution target the problem before being suggested as a solution?

The problem is being caused by residential tenants. The original suggestion to the Council included all tenants. After reviewing specifically where the problem comes from, the suggestion is being changed in scope to limit it to just residential properties and to not include commercial or other properties.

12) Has the City analyzed if the City itself is using the tools it has, such as timely water shut off for nonpayment?

Yes, water shut off is the most effective tool the City has for delinquent accounts. Payments are generally received within 24 hours of being shut off. However, most uncollected accounts arise when services are no longer needed, and tenants have left the property, irrespective of where they are in the billing/payment cycle.

13) Does the City know how many days past due is average among accounts that have been written off?

The City has a structured payment timeline. Citizens are given 21 days after their billing cycle to make their payment. Any account that is not paid by the next month (30 days) receives a notice of delinquency and they are informed that payment is expected within the week. The notice informs them that during this week they can apply for a hardship payment arrangement, which can extend shutoff another month. If they don't pay within the week, set up a payment arrangement, or make scheduled payments in any arrangement, water is shut off and full payment is required before it can be turned back on.

14) If written off accounts have become seriously past due, has the City not used its tools like service shut off affectively, and could it remedy its own concern using its own tools i.e. shut offs more quickly on past due accounts?

The City sends around 300 delinquent notices a week and ends up turning off around 25-30. Giving customers 30 days to pay and then shutting them off after one more week is aggressive. That timeline could be moved up, and collections would improve. However, with 90% delinquent accounts paying before turning off now, we would create a lot more work, perhaps turning off and on 290 water meters needlessly to catch the few who plan on skipping. Shutting off services is very effective in collecting from

customers that need continued service. The bigger issue is that most bad accounts have left the area and don't need continued service, so shutting water off after they have skipped is not effective.

15) Is it reasonable to believe that taxpayers who know little if anything about water and sewer delivery, rates and costs, systems, system malfunctions, accounting and account errors etc. can achieve better results collecting from the worst service payors in the system than the professionals in the City offices who are highly informed about accounts, related service problems, metering problems etc. are able to accomplish?

Best practices call for grouping the water, sewer, and sanitation in with the rent. That is now done currently throughout the City for apartment buildings and often for duplexes and triplexes. Taxpayers that would be affected by the policy change, landlords, probably have skills and knowledge working with delinquent rents and, if needed, evictions.

There is one advantage that landlords have collecting rent over the City collecting utility accounts. Rent is usually due on the 1st of the month. Utility billings come after the services are used, the meters are read, and billings sent. Landlords know there is an issue with a rental payment at least six weeks before the City knows there is an issue with a utility account.

16) What evidence does the city have that taxpayers have greater capacity to actually collect these bad debts than informed city staff members?

See the response to question 15, above.

17) What evidence does the City have that taxpayers will be able to respond affectively to questions that water and sewer users have?

The City offers timely responses to account inquires of any utility account owner. That can happen at the utility billing department on the first floor of City Hall, through email at utilitysevice@tfid.org, or over the phone at (208)-735-7250. The City's web page offers general information. Requests for services or to discontinue services are made through the City's website.

18) Will taxpayers have the right to shut off or turn on water supplies for those who do not pay?

The Idaho Attorney General publishes a *Landlord and Tenant Manual*. Under the heading *Unlawful Evictions* it states "Landlords may not engage in any form of self-help to force a tenant out of a rental property. It is unlawful for a landlord to ... shut off the utilities."

Landlords and tenants should consult with a private attorney when they have questions about their legal rights and options.

19) If not, what process will taxpayers have to follow to get the City to take these actions? Will this be timely and affective in getting bad debt payors to comply and pay or simply result in debt transferring to taxpayers?

As stated previously, most landlords would combine a properties utility cost with the rent. It is expected that utility shut offs would be reduced substantially. This change in policy should not result in any impact on tenants as they would shift their payments from the City to the landlord as increased rent.

If there was a debt transfer involved, it would not be to taxpayers in general, but a targeted class of taxpayers. Landlords would be rewarded for their management efforts.

20) The City staff is considering a recommendation to the Council to transfer collection of water and sewer debts, will it recommend that the City pay to the taxpayers administrative fees to shoulder this burden and carry out this duty?

No.

21) Will the city reduce water and sewer fees charged to consumers as it transfers the collection duty to taxpayers since the City is doing this to reduce its costs?

Yes, any reduced costs to the City will be factored into future utility rates for all taxpayers.

22) A taxpayer will need to modify rent and lease contracts in order to collect water and sewer if saddled by the City with this task. Many lease contracts are long term and cannot be modified mid-term. Has the City studied to learn what percentage of rent or lease contracts will not be able to be transferred affectively (by contract between the parties) within the first, second or third year of the transfer of collection duty to taxpayers? Will a lengthy roll out process and difficult education process of taxpayers who must collect and users who have questions (being directed fellow taxpayers equally uninformed about water department issues undermine the entire effort if enacted?

As contemplated, existing accounts would be grandfathered in. Current landlord/tenant relationships would not be affected. Nothing would change, even if existing contracts were renewed or extended. It's only with a new tenant that the utility account with the City would be established with the property owner.

23) Has the City considered other solutions, such as contracting with a proven professional organization with expertise in water and sewer administration? If so, what did the City conclude about this?

No.

24) Best practices in all modern organizations call for beta testing on a small scale before rolling out any proposed initiative. Has the City beta tested on any level the idea of transferring collection to taxpayers?

A revision of the City Code is needed before any beta testing could be done. The City Council may yet require some testing. Staff believes the policy is not something new and many surrounding communities have successful adopted it without significant impact. Here is a listing of local communities and larger cities in Idaho and their status regarding the issue:

Larger Cities	Property Owner	Tenant
Meridian	X	
Caldwell	X	
Coeur d'Alene	X	
Post Falls	X	

Lewiston	X	
Boise		X
Nampa		X
Idaho Falls		X
Pocatello		X
Local Cities/Towns	Property Owner	Tenant
Kimberly	X	
Filer	X	
Jerome	X	
Hansen	X	
Wendell	X	
Hagerman	X	
Gooding	X	
Shoshone	X	
Bellevue	X	
Hailey	X	
Ketchum	X	
Sun Valley	X	
Burley		X
Heyburn		X
Rupert		X
Paul		X

25) What potential negative impacts did staff discover by interviewing taxpayers who would shoulder collection duty under proposal before staff's initial briefing of the City Council on the idea?

Staff did not reach out before securing Council's permission to do so. Comments are being solicited now.

FACEBOOK

"Suggest City take care of their own delinquent bills"

"Most place hold the landlords accountable. Nothing new. Strange they didn't do this sooner."

"O boy, that's going to make the landlords happy. So, they can raise rent even higher. Not a good idea."

"Oh wow. People think deposits are high now, just wait."

"Put a LEIN on the delinquent utility users"

"So, the town's landlords and slumlords are upset over something that's already done everywhere else. Hold yourselves accountable for your businesses. Surprised the town didn't do this sooner."

"The property owners can pay their utility bill with all the money from collecting application fees."

"They should notify the property owner and the law should permit eviction if a utility bill is 90 days past due."

"How about the city pay me the rent I loose when renters leave owing rent?"

"Government chasing it's tail. Utility companies used to chare a deposit, how about they reinstitute that for renters and pull a credit report instead of making landlords their collection agency."

"Bad Choice"

"I find it hard to understand why the property owner would be any way shape or form be responsible for someone else's debt. My hopes are you would too."

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TITLE 7, CHAPTERS 3 AND 8 OF TWIN FALLS CITY CODE, PROVIDING THAT OWNERS OF RESIDENTIAL REAL PROPERTY SHALL BE RESPONSIBLE FOR PAYMENT OF FEES RELATING TO PROVISION OF PUBLIC SERVICES, AND PROVIDING AN EFFECTIVE DATE THEREFOR.

WHEREAS, the City of Twin Falls has found it desirable that the owner(s) of residential real property within city limits should be responsible for the payment of fees derived from the provision of public water, sanitation, and sewer services, believing that such a modification will allow for the more efficient and reliable collection of fees relating to the provision of such services:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

Section 1: That Twin Falls City Code 7-3-2 be modified as follows:

“7-3-2: DEFINITIONS:

USER: With respect to residential real property, the word “user” in this Chapter means the owner of such property. With respect to non-residential real property, the word “user” in this Chapter means the owner or occupant of the property.”

Section 2: That Twin Falls City Code 7-3-12 be modified as follows:

“7-3-12: SERVICE CHARGES:

For the service of collecting and disposing of garbage and rubbish, the user ~~owner or occupant~~ of each premise from which garbage and rubbish is collected by the City shall be charged such rates as may be established from time to time by resolution of the City Council. Said charges shall be considered a debt owing to the City from the user ~~owner or occupant~~ of said premises, and other persons using the disposal area. Fees and rates paid to and collected by independent collectors shall be approved from time to time by resolution of the Council.

No user ~~owner or occupant~~ of a premise within the City shall be exempt from the collection and disposal service provided by the City or by individual collectors and licensees, except by special permission of the City Council. All users ~~owners or occupants~~ of premises within the City shall be subject to service charges prescribed by the Council, and an adjustment for such charges shall be made at the discretion of said Council.

Charges for sanitation service shall be billed as a separate item on the water service bill.”

Section 3: That Twin Falls City Code 7-8-1 be modified as follows:

“7-8-1: DEFINITIONS:

USER: ~~A person using the water system. This shall be synonymous with “owner.”~~ With respect to residential real property, “user” means the owner of the real property. With respect to non-residential property, “user” means the occupant or owner of the real property.”

Section 4: EFFECTIVE DATE AND SUNSET DATE

This Ordinance shall take effect December 31, 2022.

PASSED BY THE CITY COUNCIL, _____, 2022.

SIGNED BY THE MAYOR, _____, 2022.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Date: Monday, September 19, 2022
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning & Zoning Director

INFORMATIONAL

Request:

Information on State Statute 67-4614, Historic Property.

Time Estimate:

Staff Presentation will take 15 minutes, excluding questions from Council.

Background:

In Spring 2022, the City was approached by the Neighborhood Group Friends of the Avenues with a request to create a new "Avenues Historic District". Due to the specialized nature of the work, and ongoing City Staff shortages, we are unable to fulfill this request in-house. This type of project is best done by using a qualified consultant.

City Staff directed the FoA to present their petition to the Historic Preservation Commission, which in turn would forward a recommendation to the City Council. This process was used because the City Council has the sole authority to allocate spending tax dollars. The Council heard the request from FoA in April and staff reported on potential costs in May.

City Staff was further tasked with conducting a Public Information Meeting regarding this issue in June. We mailed letters to every owner and occupant within the desired area (~300 properties). During that meeting we conveyed information regarding Zoning Districts and Historic Districts, particularly the differences in their functions and their legal requirements found in the Idaho Statutes. Those in attendance were evenly distributed in-favor, opposed, and "general interest" in nature to the request of creating a new district. Much of the discussion, and the comments received by staff, centered around the opposition to apartment buildings being constructed in the area.

On August 15, 2022 – the city Council held a Public Input Meeting on the request for the City to fund and create a Local Residential Historic District.

All written comments received by staff were forwarded to City Council. Following a brief staff presentation, City Council opened the input session to all in attendance to present their concerns and ideas. After the conclusion of the public input session. The City Council had 2 motions to move the project forward, both motions failed to secure the majority votes. For further information please see the City Council Minutes that have been attached to this report.

Council Directed Staff to return on September 19th with additional information regarding State Code 67-4614: Historic Property.

Approval Process:

N/A

Budget Impact:

The process outlined in Statute 67-4614 thru 16 would have some costs associated with Public Notification, staff time for reports and meetings, and possible signage installation. These costs are not anticipated to be exceedingly high, and most notably the sign installation could be eligible for various grants that could help defray those costs. If an application fee is needed to recover public notification and staff time, we would follow the process to place that application fee on the Master Fee Schedule in the future.

Regulatory Impact:

The "Historic Property Statute" is the current State Code, and the Council has the authority to utilize its functions as outlined by that Statute.

History:

NA

Analysis:

NA

Conclusion:

No action is currently needed by the Council. If the Council wishes, they could provide general direction to staff on the types of situations where you would encourage this Historic Property designation process to be utilized.

Attachments:

1. Additional Info Presentation - Sept 19th
2. 20220815 CITY COUNCIL MINUTES

Additional Information:

67-4614 Historic Property

City Council – September 19th, 2022

Background on this request

March 7, 2022 – Historic Preservation Commission Meeting

Friends of the Avenues presented their request seeking HPC recommendation.

HPC voted in Favor of the recommendation.

April 4, 2022 – City Council Meeting

Friends of the Avenues presented their request and the recommendation from the Historic Preservation Commission.

City Council voted to direct City Staff to begin working on creating a preliminary budget for the project, and to report back to Council with the cost estimates.

May 2, 2022 – Meeting With Friends of Avenues

City Staff met with FoA representatives to discuss the project and what costs City Staff received from Consultants.

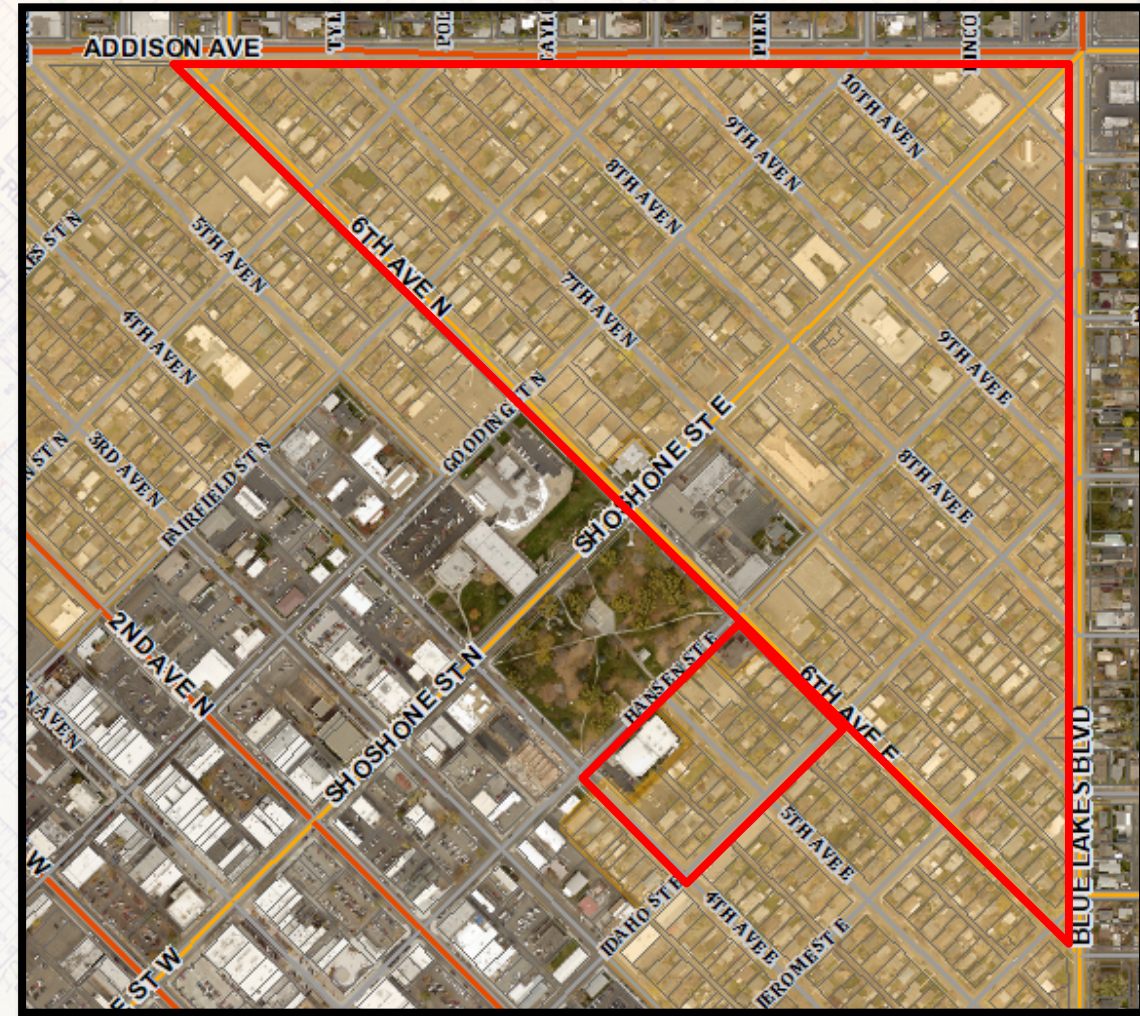
May 23, 2022 – City Council Meeting

City Staff presented cost estimates and gave a brief overview of State Statutes governing local historic districts.

City Council directed staff to advertise a public hearing where interested parties can share their thoughts on Historic Preservation for this area, as well as other areas near downtown.

June 2022 – City Council directed City Manager

Direction to City Staff was to hold a public information meeting prior to the public hearing.



Background on this request

July 13, 2022 – Public Information Meeting

Staff sent letters to owners and occupants of the ~300 properties.

The information presented by City Staff included the following:

- œ Information on Idaho Statutes pertaining to Zoning Codes.
- œ Current Zoning Districts & Development Standards (setbacks, heights, land uses) in the area.
- œ Brief history on the Old Clinic Property
- œ Information on Idaho Statutes pertaining to Historic Districts and Historic Properties.
- œ Background info on the Nationally Registered Original Townsite Residential District

August 15, 2022 – Public Input Meeting

- œ All public input received by staff was presented to City Council
- œ City Council opened the input session to all in attendance to present their concerns and ideas
- œ Council had 2 motions that evening to further the project of establishing a Residential Historic District, both motions failed to secure the majority votes.
- œ Council Directed Staff to return on September 19th with additional information regarding State Code 67-4614: Historic Properties

Legislative Regulations – Title 67 Chapter 46

67-4602. DEFINITIONS. As used in this act:

- a. "Historic property" shall mean any building, structure, area or site that is significant in the history, architecture, archeology or culture of this state, its communities or the nation.
- b. "Historic preservation" shall mean the research, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archeology or culture of this state, its communities or the nation.

Legislative Regulations – Preservation of Properties

67-4614: DESIGNATION AS HISTORIC PROPERTY.

The local governing body of any county or city may adopt an ordinance designating one (1) or more historic properties on the following criteria: historical, architectural, archeological and cultural significance; suitability for preservation or restoration; educational value; cost of acquisition, restoration, maintenance, operation or repair; possibilities for adaptive or alternative use of the property; appraised value; and the administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs. In order for any historic property to be designated in the ordinance, it must in addition meet the criteria established for inclusion of the property in the national register of historic places. For each designated historic property, the ordinance shall require that the waiting period set forth in section 67-4615, Idaho Code, be observed prior to its demolition, material alteration, remodeling or removal. The ordinance shall also provide for a suitable sign or marker on or near the property indicating that the property has been so designated; provided however, that nothing in this chapter shall authorize or be construed to allow the designation, regulation, conditioning or restriction by ordinance or other means of any property or facility owned by the state of Idaho.

Legislative Regulations – Preservation of Properties

67-4615: PROCEDURE FOR DESIGNATION.

No ordinance designating a historic property pursuant to section [67-4614](#), Idaho Code, may be adopted until the following procedural steps have been taken:

- a. The local historic preservation commission shall make an investigation and report on the historical, architectural, archeological or cultural significance of the property in question.
- b. The local governing body shall hold a public hearing on the proposed ordinance, after giving sufficient written notice to the owners and occupants of the property and posting public notice in its normal manner.
- c. Following such public hearing, the local governing body may act on the ordinance.
- d. Upon adoption of the ordinance, the owners and occupants of each designated historic property shall be given written notification of such designation by the local governing body. One (1) copy of the ordinance shall be filed by the local historic preservation commission in the office of the county recorder for the county in which the property is located.
- e. The local historic preservation commission shall give notice of such designation to the tax assessor of the county in which the property is located. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax assessor in appraising it for tax purposes.

Legislative Regulations – Preservation of Properties

67-4616: CHANGE IN USE OF HISTORIC PROPERTY.

(1) A historic property designated by ordinance as herein provided may be demolished, materially altered, remodeled, relocated or put to a different use only after one hundred eighty (180) days' written notice of the owner's proposed action has been given to the local historic preservation commission. During this period, the commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property. During this period, or at any time prior thereto following notice of designation to the owner as provided in section [67-4615](#) d., Idaho Code, and where such action is reasonably necessary or appropriate for the continued preservation of the property, the commission may enter into negotiations with the owner for the acquisition by gift, purchase, or exchange of the property or any interest therein. The commission may reduce the waiting period required by this section in any case where the owner would suffer extreme hardship, unless a reduction in the required period were allowed. The commission shall have the discretionary authority to waive all or any portion of the required waiting period, provided that the alteration, remodeling, relocation or change of use is undertaken subject to conditions agreed to by the commission insuring the continued maintenance of the historical, architectural, archeological or cultural integrity and character of the property.

(2) Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature in or on a historic property that does not involve a change in design, material, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the commission that such action is required for the public safety because of an unsafe or dangerous condition.

(3) Nothing in this act shall authorize or be construed to allow the designation, regulation, conditioning or restriction by ordinance or other means of any property or facility owned by the state of Idaho.

Possible Process for Historic Properties

1. Application submitted to the City to nominate an Historic Property.
 - a. Owner applicants preferred based on the public input we received.
 - b. A minimal fee may need to be collected to cover notification costs, staff time, document recording, etc.
(if needed this would come back to Council to be placed on master fee schedule).
2. HPC conducts the investigation on the property.
 - a. Confirming the property meets criteria to be placed on National Register, or
 - b. Confirms that it is currently on the register.
3. City Council conducts Public Hearing and acts on the Ordinance.
 - a. Council must follow all notice requirements.
 - b. City records ordinance on the property.
 - c. City forwards ordinance to County Assessor.
4. City works with Owners to place a suitable sign or marker on or near the property indicating that the property has been so designated.
 - a. The costs of the sign are unknown at this time.
 - b. However, these could be a prime candidate for Community Enhancement Grants, or could be made part of future City Budgets.



Twin Falls City Council Minutes

Monday, August 15, 2022, 4:30 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

SPECIAL MEETING starting at 4:30PM

Executive Session 74-206 (1)(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. The mere presence of legal counsel at an executive session does not satisfy this requirement.

Regular meeting will begin at 5:00PM.

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Ruth Pierce, Vice Mayor Reid, Council Members Jason Brown, Spencer Cutler, Craig Hawkins, Nikki Boyd.

Absent: None.

Staff Present: Travis Rothweiler, City Manager; Mitch Humble, Deputy City Manager; Gretchen Scott, Deputy City Manager; William Carberry, Airport Manager; Jonathan Spendlove, Planning and Zoning; Ian Zollinger, City Planner; Samantha Hammond, City Manager Intern; Erin Parrish, Executive Assistant; Dee Davidson, Network Administrator; Shayne Nope, City Attorney; Josh Palmer, Public Information Coordinator; Chief Craig Kingsbury, Twin Falls Police Department; Breanna Howard, Chief Financial Operator; Mathew Farnes, Budget Coordinator; Captain Brent Wright, Twin Falls Police Department; Tami Lauda, Communications Center Manager; Wendy Davis, Parks and Recreation Director; Kathy Marcus, ITC Manager; Josh Baird, Public Works Director; Chief Les Kenworthy, Twin Falls Fire Department; Ida Clark, Human Resource Director; Troy Vitek, City Engineer.

Mayor Pierce called the meeting to order at 4:30 PM.
A quorum was present.

2) EXECUTIVE SESSION

- a) Executive Session 74-206 (1)(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. The mere presence of legal counsel at an executive session does not satisfy this requirement.

MOTION: Vice Mayor Reid moved to convene into Executive Session 74-206(1)(f). **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 5 to 0.

Moved into the Executive Session at 4:32PM.
The Executive Session ended at 5:01PM.

3) PLEDGE OF ALLEGIANCE

Mayor Pierce invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

4) PROCLAMATIONS - None.

5) CONSENT CALENDAR

MOTION: Council Member Brown moved to approve the Consent Calendar as published. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

a) Request to approve Accounts Payable for August 4-10, 2022.

b) City Council August 08, 2022 Minutes.

6) ITEMS OF CONSIDERATION

a) Consideration of an agreement with J-U-B Engineers in the amount of \$268,713.00 for engineering services associated with FAA Airport Improvement Project (AIP) 54, construction of an aircraft parking ramp.

William Carberry, Airport Manager, presented the request.

MOTION: Council Member Cutler moved to approve the agreement with JUB Engineers for the amount of \$268,713.00 and authorize the Mayor to sign the agreement. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0.

b) Discussion of the Fiscal Year 2022-2023 Tentative Budget for the City of Twin Falls.

Travis Rothweiler, City Manager, presented the discussion.

Discussion ensued on the following:

Vice Mayor Reid thanked the staff for the time and energy put into the FY2022-2023 Budget.

7) GENERAL PUBLIC INPUT

None.

8) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Brown spoke about the Greater Twin Falls Transportation roundtable meeting, and an upcoming meeting on Wed, August 17 in Jerome, discussing the third bridge. **Council Member Brown** will be attending and report more on it.

Mayor Pierce reminded everyone of the State of the City Address in the Downtown Commons tomorrow at 7AM.

Travis Rothweiler, City Manager, informed everyone that next week's City Council will start at 5:30PM. Updated Council Members about the process and dates for filling the vacant seat on City Council.

Council motioned to move into Executive Session 74-206(1)(b) prior to the 6:00PM public hearing. See official minutes under 10a.

9) PUBLIC HEARINGS

- a) Public Hearing with City Council to receive input on creating a residential historic district. (PZ22-0039)

Jonathan Spendlove, Planning and Zoning Director, gave an overview of the history of the request for a residential historic district.

Mayor Pierce asked about the zoning for a historic district and what it does to the existing zoning.

Vice Mayor Reid asked about the businesses on Shoshone and how the historical district would impact them.

Mayor Pierce asked about the Opportunity Zone.

Mayor Pierce explained the rules for a public hearing and will permit 3 minutes per speaker.

Mayor Pierce opened the Public Hearing comment portion at 6:28PM.

Kathy Learn, a citizen, spoke against the creation of the creation of a Historic District.

Courtney Stock, a citizen, spoke in favor of the Historic District.

Tom Neiworth, a citizen, spoke about zoning and preserving the feel of the neighborhood.

Shannon Cream, a citizen, doesn't want a cookie cutter appearance in Twin Falls.

Dan Everhart, not a citizen, spoke about the Idaho State Historic Preservation Office (SHPO) and its relationship with Twin Falls in helping with grants.

Russ Tremene, speaking on behalf of Preservation Twin Falls, stated that the study by Elizabeth Shurow is not out of date and spoke about preserving our valuable history.

Jan Rogers, a citizen, had questions about the difference between the residential and non-residential, and spoke against the Historic District.

Alesha Cochran, a citizen, stated concerns about deferred maintenance and if people will be able to afford maintenance renovations.

Michael Alred, a citizen, spoke against the Historic District.

Patty Cameron, a citizen, spoke against the Historic District.

Phillya Valenta, a citizen, does not feel like creating a historical district is the appropriate way to go to keep apartment complexes out.

Kate Lopez, a citizen, spoke about creating the guidelines to help keep an area beautiful as it is now.

Mayor Pierce closed the public comment portion of the hearing at 7:00PM.

Vice Mayor Reid asked for clarification on why he feels the study is outdated and why it needs to be done.

Discussion ensued on the following:

Council Member Cutler offered a proposal for creating the guidelines, so people have a clear idea of what to expect when voting for the Historic District.

Council Member Hawkins stated this is a two-sided situation that's hard to decide on. Spoke on the letters received for and against the Historical District. Asked **Jonathan Spendlove, Planning and Zoning Director**, about historical properties.

Council Member Boyd stated that there seems to be two issues with what can be built verses what color they can paint their house.

Council Member Brown stated this is a tough topic and that his concern is if we were to pass a Historic District and what happens with the next group of people that come in and want to make things more stringent.

Mayor Pierce spoke on the option of directing staff to do something different.

Vice Mayor Reid thanked everyone for their input and the value it brings. Stated it seems like

a moving target for what is wanted. What is actually being asked for isn't specific and it is asking for taxpayers to pay for the study to be updated. The suggested next step would be to get a group together to update this.

Council Member Cutler suggested writing the guidelines before updating the study.

Jonathan Spendlove, Planning and Zoning Director, asked for very clear directions on what needs to go in guidelines or not and who writes that and who doesn't.

Mayor Pierce spoke of the time it would take for staff to write the guidelines already being short on staffing.

Council Member Boyd agreed on the concern of time for staff to undertake this.

Mayor Pierce questioned where the money would come from to fund things.

Council Member Cutler asked if there was a template from the State Historic Preservations Organization.

Mayor Pierce asked if SHPO has state funds or grants that would allow us to hire a consultant.

Russ Tremene, Preservation Twin Falls, is willing to sponsor the match to help complete the study.

MOTION: Council Member Cutler moved to have city staff to invest time in the creation of design guidelines and present that plan formally to City Council. None seconded the motion. Motion dies for lack of a second.

MOTION: Council Member Brown moved to have staff investigate the grant opportunity through the State Historic Preservation Organization (SHPO) and consider the match with Preservation Twin Falls. Council Member Hawkins seconded the motion. Roll call vote showed all members present voted. Declined 2 to 4.

Vice Mayor Reid stated that he will be voting no and that individuals that are in the group to continue with the target, but not including staff.

Council Member Hawkins asked about the grants that we apply for each year.

Mayor Pierce asked **Jonathan Spendlove, Planning and Zoning Director**, to clarify who grants would be granted to and managed by and how much time that would take for parties to manage.

Council Member Cutler stated that he would vote no if it is seconded.

Mayor Pierce stated we need to make some sort of decision.

Travis Rothweiler, City Manager, offered options that the City Council has for tonight.

Council Member Boyd stated that they are struggling to help a group of citizens but doesn't feel there is anything specific to move forward to at this time.

Vice Mayor Reid used an example to show the need for specific requests.

Council Member Hawkins asked how to pursue the historical properties angle.

Mayor Pierce read statute 67-41614 and then clarified it.

Vice Mayor Reid would like to do more research on this topic.

Mayor Pierce is asking staff to look more specifically into legislative section 67-416 and report back the 19th of Sept.

Council Member Boyd asked residents who want this to continue to work together and become more educated.

10) EXECUTIVE SESSION

- a) Executive Session 74-206 (1)(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.

MOTION: Council Member Brown moved to convene into Executive Session 74-206(1)(b).

Council Member Boyd seconded the motion. Roll call vote showed all members present

voted. Approved 6 to 0.

The Executive Session convened at 5:29PM.

The Executive Session concluded at 6:01PM.

11) ADJOURNMENT

The meeting adjourned at 07:57 PM.

Erin Parrish, Executive Assistant

For a full account of this meeting please visit tfid.org for the recording of this meeting



Date: Monday, September 19, 2022
To: Honorable Mayor and City Council
From: Mitch Humble, Deputy City Manager

ACTION ITEM

Request:

A request to provide direction regarding potential improvement and funding options for Floral Avenue.

Time Estimate:

The presentation and discussion should take about 15 minutes.

Background:

Floral Avenue is an unpaved City road that serves several commercial/industrial businesses in the southeast area of town. Some of the business owners along Floral have reached out to the City over the last few years to request that the road be paved, most recently in January of this year. In response to this most recent request, staff provided information to the Council regarding possible improvements and funding options for their consideration at the March 28, 2002 City Council meeting. At that meeting, the following five possible improvement options were discussed.

1. Full Build Out: Complete reconstruction of Floral Avenue including curb, gutter, sidewalk, and storm water facilities. A full build out includes 8" of base/subbase and 2.5" of plant mix pavement, which matches current design standards for the City of Twin Falls. The cost was estimated at \$3,444,433.
2. Full Section with Curb and Gutter: This alternative adds new curb and gutter where it did not previously exist. The road surface will be improved to include 8" of base/subbase and have a 1 ¼" double chip sealed driving surface. The estimated cost of this alternative was \$2,615,098.
3. Borrow Ditches and Controlled Access: This alternative will build borrow ditches to contain storm water. The borrow ditches will be constructed between the existing edge of roadway and Right-of-Way. This alternative also includes the cost of constructing controlled accesses for the existing business. The cost of this alternative was \$480,470.
4. Borrow Ditches and Controlled Access with Chip Seal: This alternative is a modification of the previous one. In addition to everything in alternative number 3, this adds the price of a one-time chip seal. The estimated cost of this alternative was \$639,040.
5. No Change: This alternative does not change the existing system and will leave the roadway as is.

The Council has considered funding improvements to Floral Avenue in the past, but has elected not to each time the item has been discussed. The primary reason for this decision has been the high cost of construction compared to the low traffic counts on the road. You can see the cost estimates above. In 2019, the City performed traffic counts along Floral. Two counters were set up, one showing 232 average vehicle trips per day and the other showing 396. It is possible for one car trip to trigger both counters, but it is also possible for a car to travel on the road without tripping either counter. So, these counts are not perfect, but they do provide a reasonable idea as to the traffic loading. City staff updated those traffic counts this March. The new counts showed 299 trips and 514 trips for the same two counter locations. The counters also showed us that 90% of these trips are between 7:00 am and 5:00 pm, indicating that a large majority of the traffic is being generated by the businesses located there. For the

sake of comparison, the City Streets Department has several street construction projects that they are considering in the next few years. These potential street projects all show similar cost implications, but with a higher impact due to the number of vehicles using these streets daily. Some of those projects include:

- Hankins from Stadium to Filer – reconstruction estimated at \$1,400,000 – 4,200 average daily trips
- Orchard from Blue Lakes to Eastland – reconstruction estimated at \$2,700,000 – 5,600 average daily trips
- Addison from Juniper to Morningside – reconstruction estimated at \$2,600,000 – 15,825 average daily trips (in 2016)
- Washington intersection with Filer – reconstruction estimated at \$1,475,000 – 19,920 average daily trips (in 2016)
- Madrona from Stadium to Bridgeview – reconstruction estimated at \$1,800,000 – 2,600 average daily trips
- Elizabeth from Eastland to Madrona – reconstruction estimated at \$975,000 – 3,074 average daily trips

In the Floral Avenue improvement alternatives provided above, two of them include using a double chip seal on top of a base/subbase instead of asphalt. Our Streets Department does not believe that these two options should be considered. While a chip sealed surface is more affordable up front, the long-term maintenance of a chip sealed surface would be more costly and more difficult than the current un-paved surface. A chip sealed surface is not as durable as asphalt and will still need regular repairs. Repairing a chip sealed surface is not as simple as the current surface, and those repairs won't last long either.

The current un-paved surface of Floral does require regular maintenance by our Streets Department, but that maintenance is simple and straight forward. About five times a year, we will send two road graders to Floral and spend a day leveling the roadway. We also send a water truck over to spray dust guard on the road surface in the late spring each year. The Department estimates we spend about \$24,225 each year on average on materials and maintenance of Floral Avenue. The un-paved condition of the roadway is a reason for that high maintenance cost.

The City does collect property taxes from the properties along Floral Avenue, and a portion of those taxes goes to the Street Fund to help pay for this maintenance. However, the property valuation from the County Assessor is impacted by the lack of a paved roadway. The City received information from Brad Wills, the County Assessor, about the valuations. Brad said, "we use a lower per square foot value because of the lack of a paved roadway."

Based on the County's lower value of these properties, this fiscal year the City will collect about \$71,800 in property taxes from those properties with frontage on Floral Avenue. The amount of property tax revenue the City receives that is transferred to the Street Fund varies from year to year. Over the last five years, the Street Fund's revenue from property taxes has averaged 4.78% of total property tax collected. Using that five year average this fiscal year, the Street Fund would receive about \$3,433 in property taxes from the properties with frontage on Floral Avenue. So, in an average year, the Street Department spends significantly more money maintaining Floral Avenue than the Fund receives in property taxes from the properties along Floral Avenue.

Un-paved streets are not typical in the City. When property is developed in the City, we have infrastructure requirements that lead to paved roads being built by developers, then dedicated to the City for long-term maintenance. In the case of Floral Avenue, that property was subdivided beginning

back in 1908, long before the property was in the City limits. Floral Ave also became a roadway outside of the City's jurisdiction long before the current development codes were in place. If the property were to develop today, the property owners would be responsible for paving the roadway before the City would accept the long-term maintenance responsibility.

Finally, when this topic was raised at the Council meeting in January, one of the Council members asked about the use of a Local Improvement District (LID) as a possible path forward for improvements to Floral Avenue. The State Code does allow for the City Council to enact a LID for this purpose. A LID is a funding mechanism to pay for a local infrastructure improvement, like a roadway, using a special assessment made on the properties within the local district that directly benefits from the infrastructure improvement. The City Council could identify a specific infrastructure need (the construction of Floral Avenue) and a specific set of properties that will benefit from the project (those properties that have frontage on Floral Avenue). Then, through a series of notices and hearings, the Council could approve the use of a bond to pay for the project. That cost would then be paid back over time, up to 30 years, by way of special assessments made on the properties within the identified district. A lien would be placed on the properties until the bond is paid off. The properties included would have opportunities to protest the action. Approval by the Council would require 5 "yes" votes.

There are obviously many more details that come with the use of a LID. It is a very complicated, time-consuming, and difficult process to manage. It would likely take many months just to get through the process of setting up the LID, and then more time to set up the special assessment mechanism. However, while it may be a long and difficult process, a project like Floral Avenue is one that a LID might be worth using for, due to its very localized impact.

Following the presentation of this information at the March 28, 2022 Council meeting, the Council directed staff to meet with the property owners along Floral Avenue to discuss the possibility of funding the improvements with a LID. On Tuesday, July 19, 2022, we held an open house for property owners along Floral. We worked with a few selected representatives from the property owners on the day and time for the meeting, and then Streets Dept staff hand delivered invitations to every business with frontage on the street. We had only four of the businesses attend the meeting, which was disappointing. We hoped to have a better turnout. We shared the information above with the property owners and discussed the various improvement options.

A LID is essentially a debt funding option. We explained that the improvement options on the list that included a chip sealed surface would not last long enough to pay off the debt. So, if we were to use a LID to pay for one of those options, the property owners would be paying for the improvement long after the useful life of the improvement expired. We agreed that a LID funding option is really only viable for the full reconstruction improvement option.

We prepared a special assessment cost option for all the properties using the full reconstruction alternative cost and the actual valuations and frontage measurements for each property along Floral. We estimated what the annual impact would be on each property if a LID were used to construct that improvement. Because the cost of the improvement is as high as it is, and the relatively few properties to spread that cost across, the impact is significant. In some cases, the assessment value is several times more than the City's tax assessment for the properties. For example, the property with the lowest assessment amount had a FY 2022 City tax assessment of \$822.35. That same property had an estimated annual special assessment of \$1,102.23 (over 20 years). The property with the largest assessment impact had a FY 2022 City tax assessment of \$3,598.65 and an annual special assessment of \$21,192.66. The average impact across all properties is a \$1,828.41 FY 2022 City tax assessment with an annual special assessment of \$6,354.76. As you might expect, those in attendance at the open house were not excited

about the special assessment amounts.

Those few property owners in attendance at the open house did seem to think that a LID could possibly be an option if the City financially participated in the improvement so that the amount being financed through a LID would be reduced, thereby reducing the properties' special assessment amounts. However, we did not arrive at a participation amount that would be acceptable to them. The overall feeling was that there would need to be significant participation by the City to bring the special assessment amounts down enough to make the LID a viable option for many of the property owners. When we start talking about spending City tax dollars on this project, we go right back to the prioritization of Street Fund dollars and how this project does not compete well for those dollars.

This item is included as an action item so the Council can make a motion and provide direction to staff. The FY 2022 and the FY 2023 budgets do not include any funding for improvements to Floral Avenue. If the Council desires to proceed with one of the construction options, we will need to discuss funding for that option. However, the Council does not have to take any action tonight.

Approval Process:

A simple majority vote of the Council would be needed to approve an action the City Council would like to take.

Budget Impact:

The budget impact of a decision really depends on the decision being made. We can discuss the impact of possible actions during the discussion. The FY 2022 and FY 2023 budgets do not include funding for Floral Avenue improvements.

Regulatory Impact:

The regulatory impact of a decision really depends on the decision being made. We can discuss the impact of possible actions during the discussion.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council members provide any feedback or direction they feel is necessary following the presentation.

Attachments:

None



September 19, 2022 City Council Meeting

To: Honorable Mayor and City Council

From: Mathew D. Farnes, Finance Department

Request:

Public Hearing to amend the Fiscal Year 2021-2022 Budget.

Time Estimate:

City Staff will provide a brief presentation. The presentation will take approximately 5 minutes, plus any additional time needed to address questions presented by Council members.

Background:

Per Idaho Code 50-1006, a City cannot spend funds in excess of amounts appropriated by ordinance. Adopting an ordinance to amend the budget is the process we go through at year end to ensure compliance with this code. The majority of expenditures included in the budget amendment were reviewed and approved by Council during the year. The remainder are additions for items currently in the budget.

Approval Process:

A majority vote of Council is required to adopt the ordinance amending the budget.

Budget Impact:

The budget amendment will increase the net budget by \$9,638,670. The table below lists expenditures and revenue sources.

Description:	Expenditure:	Revenue Source:
Street Light Fund		
Street Lights for New Subdivisions	\$35,000	Unanticipated Revenue
Airport Fund		
Terminal Heat Pump Replacement	\$303,466	Reserves
Water & Sewer Extensions	\$70,435	Reserves
Volaire Aviation Inc. - Air Service Consulting	\$30,000	Reserves
Category B Truck from FY 20-21	\$26,678	Reserves
Skywest Subsidy	\$25,034	Reserves
Fuel/Propane	\$19,500	Reserves
Capital Improvement Fund		
Fire Stations 2 & 3	\$3,811,108	COP Financing, Reserves
Jim Bieri Training Facility	\$1,432,707	Fire District Grant
Radios - Police & and Fire	\$370,479	Reserves
Pickleball Courts	\$257,513	Reserves
CentralSquare - CAD, RMS	\$88,364	Reserves
Impact Fee Fund		
Filer & Hankins-ROW Acquisition, Road Construction Project	\$515,130	Reserves
Fence along Riverbend section of Canyon Rim Trail	\$54,901	Reserves
Design for Preserve Trailhead	\$10,895	Reserves

Preserve/Canyon Sidewalk	\$7,055	Reserves
Falls & Madrona Traffic Signal	\$5,652	Reserves
Airport Construction Fund		
AIP Construction Projects	\$250,000	Federal Grant Revenue
Water Fund		
Pond Liners - Settlers and Perrine	\$163,780	Reserves
Wastewater Fund		
Digester Cleaning, Inspection, Liner Replacement	\$1,843,927	Reserves
Common Area Maintenance Fund		
Contract Services	\$10,000	Reserves
Sanitation Fund		
PSI	\$76,000	Unanticipated Revenue
Pool Fund		
Part Time Salaries and Payroll Taxes	\$66,002	Unanticipated Revenue
Operating - Natural Gas, Chemicals, Janitorial, Certifications Uniforms	\$25,500	Unanticipated Revenue
Lockers	\$18,860	Unanticipated Revenue
Dierkes/Shoshone Falls Fund		
Shoshone Falls Grade Project	\$83,373	Reserves from CI Fund
Insurance Fund		
Insurance Claims	\$20,000	Reserves
Settlement, Legal Fees	\$11,311	Reserves
Fireworks Fund		
Fireworks Show	\$6,000	Unanticipated Revenue from General Fund

Conclusion:

Adopting Ordinance 2022-019 amends the Fiscal Year 2021-2022 Budget and Appropriations Ordinance (2021-015). This ensures expenditures do not exceed appropriated amounts, and the City of Twin Falls is in compliance with State code.

Attachments:

1. Ordinance #2022-019

ORDINANCE NO. 2022-019

AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO, AMENDING ORDINANCE NO. 2021-015, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF TWIN FALLS, IDAHO, IN THE SUM OF \$9,638,670; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

SECTION 1. That Ordinance No. 2021-015, the appropriation ordinance for the City of Twin Falls, Idaho, for the fiscal year commencing October 1, 2021, and ending September 30, 2022, be and the same is hereby amended as follows:

That the additional sum of \$9,638,670 be appropriated out of the following revenues:

Street Light Fund - Unanticipated Revenue	\$35,000
Airport Fund - Reserves	\$475,113
Capital Improvement Fund - Certificate of Participation Financing	\$3,368,817
Capital Improvement Fund - Fire District Grant	\$1,432,707
Capital Improvement Fund - Reserves	\$1,158,647
Impact Fee Fund - Reserves	\$593,633
Airport Construction Fund - Federal Grant Revenue	\$250,000
Water Fund - Reserves	\$163,780
Wastewater Fund - Reserves	\$1,843,927
Common Area Maintenance Fund - Reserves	\$10,000
Sanitation Fund - Unanticipated Revenue	\$76,000
Pool Fund - Unanticipated Revenue	\$110,362
Dierkes/Shoshone Falls Fund - Reserves from Capital Improvement Fund	\$83,373
Insurance Fund - Reserves	\$31,311
Fireworks Fund - Unanticipated Revenue from General Fund	\$6,000
TOTAL Revenues	\$9,638,670

That the expenditures to be paid by these funds are as follows:

Street Light Fund - Street Lights for New Subdivisions	\$35,000
Airport Fund - Terminal Heat Pump Replacement	\$303,466
Airport Fund - Water & Sewer Extensions	70,435
Airport Fund - Volaire Aviation Inc. - Air Service Consulting	\$30,000
Airport Fund - Category B Truck from FY 20-21	\$26,678
Airport Fund - Skywest Subsidy	\$25,034
Airport Fund - Fuel/Propane	\$19,500
Capital Improvement Fund - Fire Stations 2 & 3	\$3,811,108
Capital Improvement Fund - Jim Bieri Training Facility	\$1,432,707
Capital Improvement Fund - Radios - Police & Fire	\$370,479
Capital Improvement Fund - Pickleball Courts	\$257,513
Capital Improvement Fund - CentralSquare - CAD, RMS	\$88,364
Impact Fee Fund - Filer & Hankins - ROW Acquisition, Road Construction Project	\$515,130
Impact Fee Fund - Fence along Riverbend section of Canyon Rim Trail	\$54,901
Impact Fee Fund - Design for Preserve Trailhead	\$10,895
Impact Fee Fund - Preserve/Canyon Sidewalk	\$7,055
Impact Fee Fund - Falls & Madrona Traffic Signal	\$5,652
Airport Construction Fund - AIP Construction Projects	\$250,000
Water Fund - Pond Liners - Settlers and Perrine	\$163,780
Wastewater Fund - Wastewater Treatment Plant - Boiler Replacement	\$1,086,524
Wastewater Fund - Digester Cleaning, Inspection, Liner Replacement	\$757,403
Common Area Maintenance Fund - Contract Services	\$10,000
Sanitation Fund - PSI	\$76,000
Pool Fund - Part Time Salaries and Payroll Taxes	\$66,002
Pool Fund - Operating - Natural Gas, Chemicals, Janitorial, Certifications, Uniforms	\$25,500
Pool Fund - Lockers	\$18,860
Dierkes/Shoshone Falls Fund - Shoshone Falls Grade Project	\$83,373

Insurance Fund - Insurance Claims	\$20,000
Insurance Fund - Legal Fees	\$11,311
Fireworks Fund - Fireworks Show	\$6,000
TOTAL Expenditures	<u>\$9,638,670</u>

SECTION 2. This ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL
SIGNED BY THE MAYOR

September 19, 2022
September 19, 2022

Mayor Ruth Pierce

ATTEST:

Deputy City Clerk
PUBLISH: Thursday, September 22, 2022



Date: Monday, September 19, 2022
To: Honorable Mayor and City Council
From: Ian Zollinger, City Planner

ACTION ITEM

Request:

Request for an annexation with a zoning district of R2 for property located at 1288 Eastland Drive North c/o TD&H Engineering on behalf of Mark Ellis. (PZ22-0109)

Time Estimate:

15 Minutes for presentation from staff and applicant

Background:

This application is for a request to annex approximately 1.12 (+/-) acres into city limits.
The subject property is located at 1288 Eastland Drive North.

Approval Process:

Per City Code 10-15-1 Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area.

Per City Code 10-15-2 The council, prior to adoption, amendment or repeal of the plan or zoning ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as the commission.

Budget Impact:

If annexed this property would be added to the City tax rolls. The amount collected on this property would be nominal.

Regulatory Impact:

City Code 10-15; Annexation Regulations. If annexed, this property would come under the governmental jurisdiction of the City of Twin Falls, and all City Code Sections would now apply to this property.

History:

Per City and County records the subject property has been historically used for as a single-family home.

Analysis:

The Future Land Use map shows this area as "Town Neighborhood" which identifies duplexes, and attached dwellings as appropriate land uses for this area. Staff believes the applicant's request for the subject property to be in compliance with the comprehensive plan

The applicant is requesting the subject property be annexed into the city for future development, which may consist of a subdivision of 4 lots to be subdivided in accordance with the R-2 zoning district property

development standards.

The applicant is requesting a zoning designation to remain R-2 with the annexation.

The Planning and Zoning Commission met on July 26, 2022 to give a recommendation on the appropriate zoning district for the property if it is annexed into the City. The Planning and Zoning Commission voted 3 in favor and 3 against the recommendation of R-2 to the City Council.

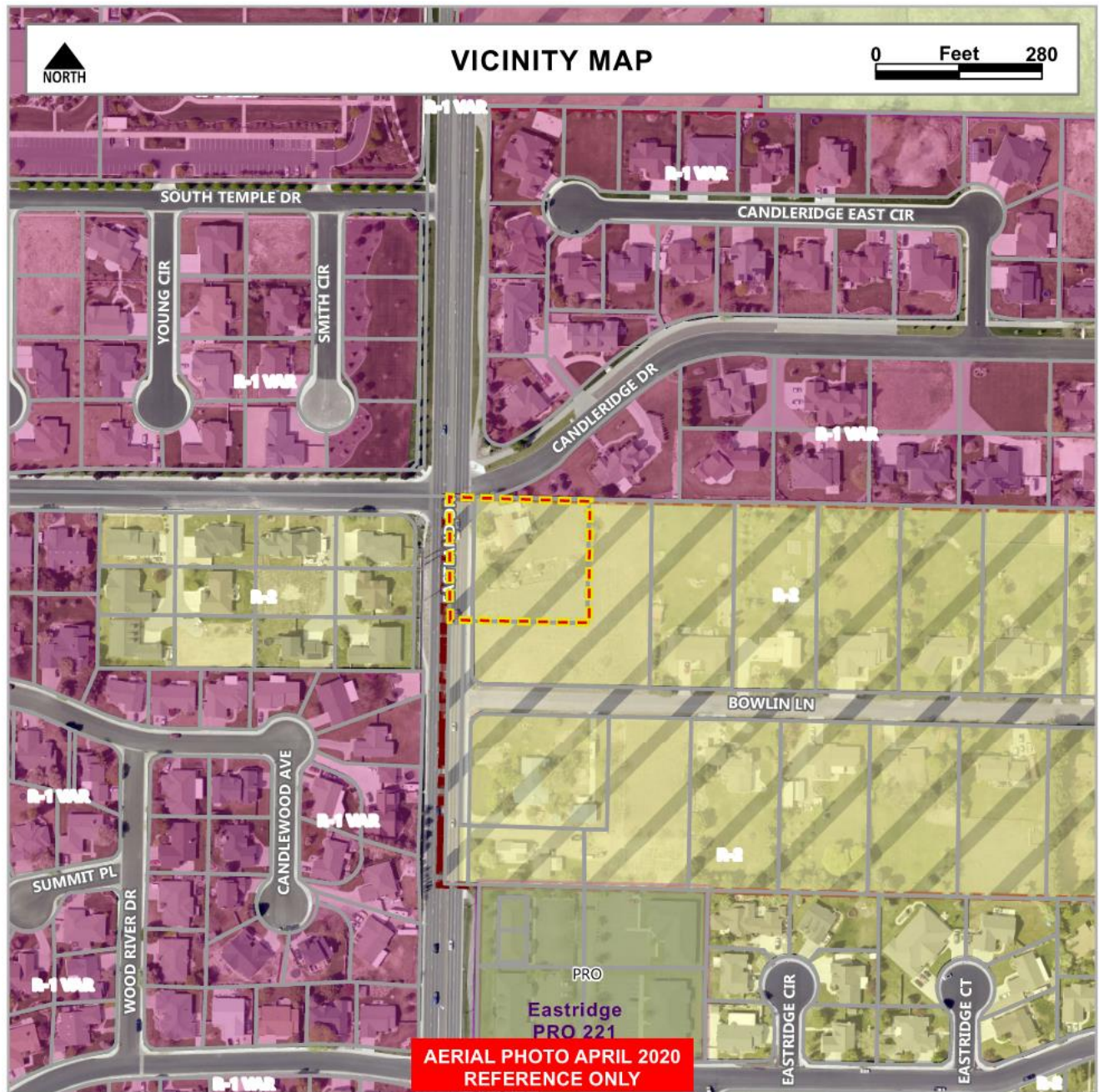
Conclusion:

This City Council is tasked to decide whether the subject property shall be annexed into the city or not, and which zoning designation shall be assigned to the property.

The Council may approve the request as presented, approve with conditions, deny the request, or table the item for additional information to be provided.

Attachments:

1. Vicinity Map
2. FLU Map
3. Annexation Legal Description - Final
4. Narrative
5. Site Plan
6. #1-Public Comment Wilbur 9-1-22
7. #2-Public Comment - Petition 9-15-22
8. 20220726 PZC minutes final



Current Zoning: R2

Existing Land Use: Residential / Undeveloped

Comprehensive Plan: Town Neighborhood

Proposed Land Use: Residential

Surrounding Zoning Designations & Land Use(s)

North: R-1 Variable, Residential

East: R-2, Residential

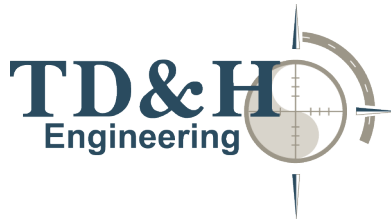
South: R-2, Residential

West: R-2, Residential

Applicable Regulations

10-1-4, 10-4-4, 10-15

526C Shoup Avenue West
Twin Falls, ID 83301



208.733.2446
tdhengineering.com

PARCEL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 2 BEING MARKED BY A 5/8 INCH REBAR, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 2 BEING MARKED BY A 5/8 INCH REBAR WITH ALUMINUM CAP STAMPED LS8077, BEARS $N00^{\circ}29'55''W$ A DISTANCE OF 2616.88 FEET;

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2, $N00^{\circ}29'55''W$ A DISTANCE OF 2408.20 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE CONTINUING ALONG SAID WEST LINE, $N00^{\circ}29'55''W$ A DISTANCE OF 208.70 FEET TO SAID WEST QUARTER CORNER, ALSO BEING THE SOUTHWEST CORNER OF CANDLERIDGE EAST SUBDIVISION AS SHOWN ON INSTRUMENT NUMBER 2005-016975 AS RECORDED IN TWIN FALLS COUNTY, IDAHO;

THENCE DEPARTING SAID WEST LINE AND ALONG THE SOUTHERLY BOUNDARY LINE OF SAID SUBDIVISION, $N89^{\circ}48'28''E$ A DISTANCE OF 233.70 FEET TO THE NORTHWEST CORNER OF LOT 16 OF BOWLIN ADDITION SUBDIVISION AS SHOWN ON INSTRUMENT NUMBER 000-743150 AS RECORDED IN TWIN FALLS COUNTY, IDAHO;

THENCE DEPARTING SAID SOUTHERLY BOUNDARY AND ALONG THE WESTERLY LINE OF SAID LOT 16, $S00^{\circ}29'55''E$ A DISTANCE OF 208.70 FEET TO AN ANGLE POINT OF SAID LOT 16;

THENCE CONTINUING ALONG THE BOUNDARY LINE OF SAID LOT 16, $S89^{\circ}48'28''W$ A DISTANCE OF 233.70 FEET TO THE POINT OF BEGINNING.

PARCEL DESCRIBED CONTAINING 1.12 ACRES



DETAILED WRITTEN STATEMENT

Eastland Drive Development-Mark Ellis

Reason for Request: Annexation of this property into the City will allow the property to be developed (subdivided) and City services provided to the new residential construction.

Compliance with Comprehensive Plan: The development is in the area designated as Town Neighborhood.

Compatibility with Surrounding Neighborhood: The property is surrounded by residential development. The property to the east and south is the Bowlin Addition Subdivision, to the north the Candleridge East Subdivision and west across Eastland Drive, the Candlevue Subdivision.

Intended use/development: Zone property as R-2 and develop a 4 lot subdivision. Lots to include a 6000 square foot minimum lot for the existing house and 3 lots with a minimum of 10,000 square feet for duplex construction. If existing house lot is required to be too large one additional lot may be less than 10,000 square feet and be utilized for a single family residence.

Kelli Ebersole

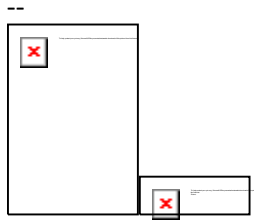
From: Brenda Wilbur <bwilbur926@gmail.com>
Sent: Monday, September 5, 2022 1:58 PM
To: Kelli Ebersole
Subject: zoning comments for 1288 Eastland Drive North

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL SENDER]

Sirs;
We feel that the annexation with a zoning District of R-2 for the property located at 1288 Eastland Drive North would reduce property values of existing and established single family dwellings in this neighborhood. An alternate solution would be to locate your project farther south where traffic and similar housing would not disrupt existing traffic patterns. As it stands now, Eastland already serves as a major thoroughfare during morning and evening rush hour making merging of local homeowners all but impossible to navigate. More housing in this area will only exacerbate traffic congestion. If you really want to put something there, consider a traffic light.

Respectfully,
Gary and Brenda Wilbur



Petition to [Action]

See Below

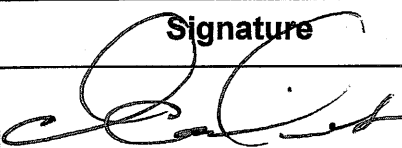
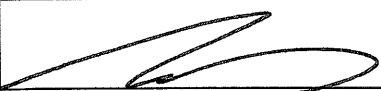
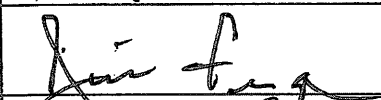
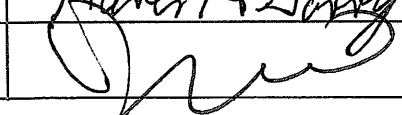


Petition Summary: This Petition is for those that oppose the request for an annexation of at 1288 Eastland Drive North to be annexed into the city for future development, which consists of a subdivision of 4 lots to subdivided in accordance w/ the R2 zoning district property development standards. The owner, Mark Ellis is wanting to build duplexes (rentals) at 1288 Eastland Drive North. We oppose this request as it is not compatible with the existing developments in our neighborhoods.

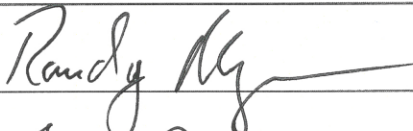
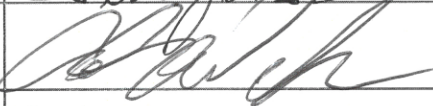
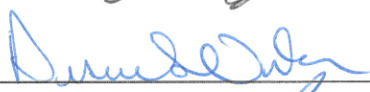
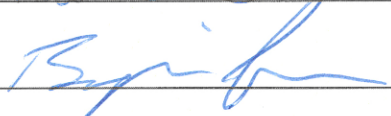
Action Petitioned For: We the undersigned are concerned citizens who urge our leaders to act now to ~~[Enter the action which you are petitioning for]~~. See Above!

Date	Signature	Printed Name	Address	Comment
7-25-22	K. Baker	Kersten Baker	2228 Candleridge Dr	
7-25-22	J. Jones	Janice A. Jones	2221 Candleridge Dr.	
7-25-22	M. Barreras	Mitch Barreras	2231 Candleridge Dr	
7-25-22	A. Coyle	Amey Coyle	2347 Candleridge Drive	
7/25/22	Lynda Damon	Lynda Damon	2318 Candleridge C. Cir	

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Date	Signature	Printed Name	Address	Comment
7/25/22		CHRISTOPHER CARDINET	2293 CANDLERIDGE EAST CIRCLE TWIN FALLS, ID.	
7-25-22		Lorin Thompson	2292 Candleridge East Circle Twin Falls Id 83301	
7-25-22	Vicki Brandell	Vicki Brandell	2272 Candleridge Cir East Twin Falls Id 83301	
7-25-22		Jim Firth	2252 Candleridge E Circle Twin -	
7/25/22	Marilyn Rasmussen	Marilyn Rasmussen	2232 Candleridge East Circ	
7/25/22	Gwenyth Jordan	Gwenyth Jordan	2212 Candleridge East Cir,	
7/25/22	Joan Bevan	JOAN Bevan	2212 Candleridge E Cir,	
7/25/22	Karl E. Nelson	KARL E. NELSON	2213 Candleridge East Circle	
7/25/22	Gwynn Martin	Gwynn Martin	2273 Candleridge E. Cir. TF ID	
7/25/22	Karen Gose	Karen Gose	2329 E Candleridge Ci	
7/25/22		Vicky Brandell	2360 Candleridge Cir	

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Date	Signature	Printed Name	Address	Comment
07-25-2022		RANDY MEGRADE	2330 CANDLEIDGE DRIVE TWIN FALLS	
7-25-22		Gina Jensen	2320 Candleidge Dr. Twin Falls, ID	
7/26/22		CAPE WEEKS	1249 DESERT VIEW	
7/26/22		Deserae Orton	2299 Bowlin Ln	
7/26/22		Benjamin Swensen	2407 Bowlin Lane	



Twin Falls Planning & Zoning Commission Minutes

Tuesday, July 26, 2022, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

COUNCIL CHAMBERS

Members -

City Limits: Craig Kelley, Chairperson; Carolyn Bolton, Vice-Chair; Todd Rambur; Cortney Campbell; Marilu Perez

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairman Kelley called the meeting to order at 06:00 PM

A quorum was present.

Members Present: Kelley, Perez, Detweiler, Campbell, McEuen, Rambur

Staff Present: Spendlove, Zollinger, Hammond, Schuerman, Ebersole

2) Consent Calendar

MOTION: Commissioner Detweiler moved to approve the Consent Calendar, as presented.

Commissioner McEuen seconded the motion.

Unanimously Approved by a vote of 6 to 0.

a) Approval of minutes from the following meeting: July 12, 2022

3) Items of Consideration - None

4) Public Hearings

a) Request for a recommendation to City Council of R-2 as the appropriate Zoning District for a proposed annexation of property located at 1288 Eastland Drive North c/o TD&H Engineering on behalf of Mark Ellis. (PZ22-0109)

Staff Presentation:

City Planner Zollinger presented the request for a recommendation to City Council of R-2 as the appropriate Zoning District for a proposed annexation of property located at 1288 Eastland Drive North c/o TD&H Engineering on behalf of Mark Ellis. (PZ22-0109)

§10-15-2: Annexation

The Commission shall conduct at least one public hearing, to send a recommendation to City Council for the proposed plan and zoning designation. Interested persons shall have an opportunity to be heard at the Commission and Council hearings. The Planning & Zoning Commission hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

Per City and County records the subject property has been historically used for as a single-family home. The Future Land Use map shows this area as "Town Neighborhood" which identifies duplexes, and

attached dwellings appropriate land uses for this area. Staff believes the applicant's request for the subject property to be in compliance with the comprehensive plan

The applicant is requesting the subject property be annexed into the city for future development, which may consist of a subdivision of 4 lots to be subdivided in accordance with the R2 zoning district property development standards.

The applicant is requesting a zoning designation to remain R2 with the annexation.

The Commission is tasked to make a recommendation to the City Council on the zoning designation being requested by the applicant. The Commission's recommendation may be to, approve the request as presented, request a different zoning designation, or table the request in order to acquire additional information.

Applicant Presentation:

Rex Harding, TD&H Engineering, applicant representative, presented the request for a recommendation to City Council of R-2 as the appropriate Zoning District for a proposed annexation of property located at 1288 Eastland Drive North. He stated the applicant is requesting R2 zoning for this annexation. He stated the applicant is asking for annexation to connect to city services and may be interested in subdividing through the platting process in the future. He stated if the applicant does not decide to subdivide, he would still need to annex to hook into city services.

PZ/Questions & Comments:

- Commissioner Detweiler asked for clarification of the vicinity map: city limits vs. Area of Impact.
- City Planner Zollinger clarified what is in city limits and Area of Impact and the zoning.
- Chairman Kelley asked the current zoning of the property.
- City Planner Zollinger stated the property is currently zoned R2.
- Commissioner Perez asked how county designates zoning of properties.
- City Planner Zollinger stated it would stay as is, R2 zoning.
- Planning and Zoning Director Spendlove stated the zoning happened when the County Commissioners adopted the Area of Impact agreement. The R2 zoning designation has been on the city books since 1981.
- Chairman Kelley asked the surrounding zoning.
- City Planner Zollinger clarified the surrounding zoning of the properties in city limits and in the Area of Impact.
- Commissioner Perez asked what variable indicates.
- Planning and Zoning Director Spendlove stated the variable indicates lot size, based on what is around the property.
- Commissioner Perez asked if R2 zoning designation is approved, but the property doesn't pass criteria to connect to city services, would the property need to be rezoned.
- City Planner Zollinger clarified no rezoning would be needed.
- Planning and Zoning Director Spendlove stated the R2 zone does require properties to be connected to city services and explained the process.

Public Hearing: Opened

- Brett Bingham, citizen representative, is in opposition to the zoning of R2. He stated the group opposes subdividing of property. He referenced the low density definition in the Comprehensive Plan. He stated duplexes adjacent to R1 is not compatible. He stated they believe it too dense to be compatible. He does not believe there is enough room for duplexes and too close to intersection. He stated his concern for forced annexation. He stated he would like the commission to recommend zoning of R-1 variable. He stated his concern for property values dropping if this is allowed. He stated his concern with renters living in the duplexes, if

built, and not having pride in the property, and stated he believes there would be increased theft and vandalism with renters in units.

- Mark Bulcher, citizen, opposes the request for annexation. He does not believe this is compatible and inconsistent to the surrounding neighborhood.
- James Anderson, citizen, opposes the request for R2 zoning and annexation. He stated issues with traffic jams and wants the property to be zoned R1 Variable. He shared his concern for not being able to fix well and septic if services are brought closer to his property. He does not want to be forced to be annexed. He does not believe this fits the neighborhood.
- Brandon Cory, citizen, is opposed to the request. He shared his concerns for traffic concerns.
- Ben Swensen, opposed the request. He believes this request is too dense and not appropriate for neighborhood or the city Master Plan.
- Mr. Harding gave his closing statement. He addressed the citizen concerns. He stated the comprehensive plan states low density at city's edge, but the city's edge is expanding. He stated that state code says someone has to agree to be annexed, dependent on the local health district requirements. He stated the parcel layout has not been determined yet, as the application is only asking for annexation at this time. If the plan is to subdivide the property, the applicant will come back to staff with the plan and come before Planning and Zoning Commission again for approval. He addressed potential water and sewer connection issues. He stated he is not proposing buildings at this time, only asking for the R2 zoning with annexation. He stated lot size, access, onsite parking, etc. all must be addressed later in the platting process. He stated there are many residential attached homes on collector/arterial roads, and Eastland Drive is an arterial road.
- Commissioner Perez asked R1 variable having attached multi-family residences.
- Planning and Zoning Director Spendlove 10-4-3.2 A3 stated permitted uses on arterial roads in the R1 Variable zone. The city does not dictate dwelling size. He explained the process to create a single family attached subdivision (two dwellings attached as one building) and is not row houses. It is permitted along Eastland Drive as arterial.
- Chairman Kelley clarified what the commission is voting on tonight.
- Planning & Zoning Director Spendlove agreed the vote is on the appropriate zone.
- Commissioner Perez asked if can address traffic considerations for R2.
- Planning and Zoning Director Spendlove stated the appropriate time to discuss that is at the preliminary plat process.
- Commissioner Campbell asked for clarification on the commission's vote and on the annexation of other properties.
- Planning and Zoning Director Spendlove clarified the vote and gave an explanation on the types of annexation. He stated this request is a willing annexation.
- Chairman Kelley reopened the hearing to the public who hasn't spoken yet.
- Annie Bingham, reiterated the concerns of the citizens and how it will affect the two surrounding neighborhoods and their property values. She stated she believes that R1 Variable is the appropriate zoning.
- Commissioner Perez asked about evidence of declining property values with building duplexes next to the single family homes.
- Planning and Zoning Director Spendlove stated, not speaking as an expert or an appraiser, but he has not found any properties who have lost value in the past five years. This opinion should not have bearing on the decision.

Public Hearing: Closed

Discussions Followed:

- Commissioner Campbell stated it is hard to separate the annexation from the zoning. She does not believe it is fair to change current zoning of R2.
- Commissioner McEuen stated she understands no one wants their neighborhood to change.

- Commissioner Perez stated the properties on the southeast are R2 and across the street is R2 and can be converted to duplexes. She stated she believes it is hard to not allow for R2 with surrounding properties are the same zone. She does not believe hostile annexations are an issue. The other concerns of the neighbors will be decided at the plat process.
- Commissioner Detweiler stated he appreciates the public input. He believes R2 zoning looks out of place, and the neighbors have valid concerns. He stated he would like R1 zone, if annexed.
- Commissioner Rambur stated property values are for a future discussion. He appreciates the concerns and understands R2 is across the street.
- Chairman Kelley stated the commission is given a set limit of parameters. They cannot take future development into consideration tonight with zoning. He would like the R1 possibility discussed.
- Commissioner Detweiler stated he likes the larger lots with R1 for this neighborhood. He addressed R2 across the street, but the lots around this property are larger and this would look out of place.
- Chairman Kelley asked Planning and Zoning Director Spendlove how the commission can vote tonight.
- Planning and Zoning Director Spendlove clarified how the commission can vote tonight.
- Commissioner Perez asked what the commission can condition.
- Planning and Zoning Director Spendlove stated the lot size is determined at the plat process. Tonight, the vote is for the recommended appropriate zone.
- Chairman Kelley asked if R2 is appropriate or is R1 more appropriate zoning.
- Commissioner Detweiler asked if stay R2 and not annexed, can duplexes be built.
- Planning and Zoning Director Spendlove stated only voting on appropriate zone only, not annexation.
- Commissioner Rambur asked we can recommend the appropriate zone of R1 Variable.
- Commissioner Campbell stated concern with city limits changing the residents current zoning.
- Chairman Kelley stated historically annexation is not hostile in the city.
- Commissioner Perez stated can't use property value as a reasoning as we have no data to substantiate the claim. She stated she is okay with density on Eastland Dr. She stated she believes Eastland Dr can handle the traffic. She stated the commission generally tries not to take rights away from people and changing the zoning to R1 would take away from property owner.
- Chairman Kelley stated the applicant needs city services, so whatever zone, the applicant will still have access to city services if annexed.
- Commissioner Perez stated she understands it as taking a right away from the property owner as the property is already zoned R2.
- Commissioner Rambur agreed.
- Chairman Kelley stated narrow definition of what the commission can decide tonight. Property value has no bearing on the commission's decision tonight.
- Commissioner Campbell clarified her concern for density on Eastland Dr.
- Commissioner Detweiler stated he would like R1, but can go either way. He understands the other commissioner's point about taking rights away from the applicant.
- Commissioner Campbell asked if the site plan was not addressed, what would the commission be thinking at this point.
- Chairman Kelley stated the potential of the property has no bearing on the decision tonight. There will be an opportunity to look at that in the future.
- Commissioner McEuen stated the commission can only consider zoning. She stated she sympathizes with the landscape changes daily and does believe there is no reason to change from R2.

MOTION: Commissioner Detweiler moved to approve the request for a recommendation to City Council

of R-2 as the appropriate Zoning District for a proposed annexation of property located at 1288 Eastland Drive North c/o TD&H Engineering on behalf of Mark Ellis (PZ22-0109), as presented, with staff recommendations.
Commissioner Perez seconded the motion.

The vote on the Motion to recommend R2 to City Council is 3 to 3.

5) Upcoming Meeting(s)

a) Tuesday, August 9, 2022

6) Adjournment

The meeting adjourned at 07:12 PM

Kelli Ebersole

Kelli Ebersole, Technician