

COUNCIL MEMBERS:

SHAWN	DON	SUZANNE	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	HALL	HAWKINS	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON

Vice Mayor**Mayor****AGENDA****Meeting of the Twin Falls City Council****Monday, December 16, 2013****City Council Chambers****305 3rd Avenue East -Twin Falls. Idaho****5:00 P.M.****PLEDGE OF ALLEGIANCE TO THE FLAG****CONFIRMATION OF QUORUM****INTRODUCTION OF STAFF****CONSIDERATION OF THE AMENDMENTS TO THE AGENDA****PROCLAMATIONS: None**

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>		
1. Consideration of a request to approve the accounts payable for December 10 – 16, 2013, total: \$399,744.36.	Action	Sharon Bryan
2. Consideration of a request to approve the November 18, 2014, City Council Minutes.	Action	Leila A. Sanchez
3. Consideration of a request to approve the Final Plat of Cedarpark #10 Subdivision.	Action	Mitchel Humble
4. Consideration of a request to pay fees in lieu of park land dedication for the Laurelwood Subdivision #3.	Action	Dennis J. Bowyer
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Swearing in ceremony for the Twin Falls Police Department's newest Police Officer, Nate Egan. It is requested that Mayor Greg Lanting administer the Oath of Office.	Presentation/ Action	Chief Brian Pike Mayor Greg Lanting
Captain Anthony Barnhart will be presenting Officer Dusty Solomon with her POST Advanced Certification.	Presentation	Capt. Anthony Barnhart
2. Consideration of a request to approve the purchase of three Honda ST1300P Police Motorcycles.	Action	Sgt. Ryan Howe
3. Consideration of a request to authorize the Mayor to sign a Cooperative Agreement with ITD for Americans with Disabilities Act (ADA) Curb Ramp Program; Key No. 13990, and to adopt a Resolution confirming this commitment.	Action	Josh Baird
4. Presentations from Municipal Powers Outsource Grants (MPOG) Recipients on use of funds received last fiscal year.	Presentation	Pat Lehmann
5. Consideration of a request to adopt a Resolution of the City Council of the City of Twin Falls creating the Economic Development Ready Team.	Action	Travis Rothweiler
Consideration of a request to adopt a Resolution of the City Council of the City of Twin Falls creating the Zoning Ordinance Amendment Committee (ZOAC).		
6. Discussion on the annual impact fee report from the Development Impact Fee Advisory Committee.	Discussion	Mitchel Humble
7. Discussion on City issued permits for mobile food concessions and a possible amendment to City Code Title 3, Chapter 18.	Discussion	Mitchel Humble
8. Discussion on Canyon Jump process.	Discussion	City Council
9. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> None.		
V. <u>ADJOURNMENT:</u>		

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
 3. 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.

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.
 4. A City Staff Report shall summarize the application and history of the request.
 - The City Council may ask questions of staff or the applicant pertaining to the request.
 5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select 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. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
 7. The Mayor shall close the Public Hearing. The City Council 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.

COUNCIL MEMBERS:

SHAWN	DON	SUZANNE	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	HALL	HAWKINS	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON

Vice Mayor**Mayor****MINUTES**

Meeting of the Twin Falls City Council

Monday, November 18, 2013

City Council Chambers

305 3rd Avenue East -Twin Falls, Idaho**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
 PROCLAMATIONS: Small Business Saturday

AGENDA ITEMS		Purpose	By:
I. <u>CONSENT CALENDAR:</u>			
1. Consideration of a request to approve the accounts payable for November 13 – 18, 2013.	Action	Sharon Bryan	
2. Consideration of a request to approve the November 4, 2013, City Council Minutes.	Action	Leila A. Sanchez	
II. <u>ITEMS FOR CONSIDERATION:</u>			
1. Consideration of a request to approve an Airport Grant Offer from ITD, Division of Aeronautics, in the amount of \$25,000.	Action	Bill Carberry	
2. Consideration of the request from the Twin Falls Golf Advisory Commission to raise fees at the Twin Falls Golf Club.	Action	Steve Meyerhoeffer Dennis J. Bowyer	
3. Consideration of a request from Twin Falls Urban Renewal Agency to accept the proposed pocket park to be built on 4th Avenue South upon completion of construction.	Action	Cindy Bond Dennis Bowyer	
4. Consideration of adoption of an ordinance for the annexation of property consisting of 412.49 (+/-) acres, with a zoning designation of Open Space, located approximately 10,900' along the boundary of the Snake River Canyon between Hankins Road North (3200 East) extended and the eastern boundary of Dierkes Lake, including the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake.	Action	Mitchel Humble	
5. General outline of the upcoming Special Meeting to be held on Thursday, November 21, 2013, on the possible canyon jumping.	Presentation	Mike Williams	
6. Public input and/or items from the City Manager and City Council.			
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>			
IV. <u>PUBLIC HEARINGS:</u> None			
V. <u>ADJOURNMENT :</u> Executive Session 67-2345(b) <u>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.</u> Executive Session 67-2345(c) To conduct deliberations concerning labor negotiations <u>or to acquire an interest in real property which is not owned by a public agency.</u> <u>(The bold face type is the "purpose" for the Executive Session.)</u>			

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

Present: Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington
 Absent: None

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Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitchel Humble, Airport Manager Bill Carberry, Parks & Recreation Director Dennis Bowyer, Assistant to the City Manager Mike Williams, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. A quorum was present. Mayor Lanting introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested the following amendments to the agenda:

Items for Consideration:

To consider initiating a hearing at a future Council meeting to revoke the alcohol permit for the Pioneer Club, located at 1519 Kimberly Road East.

Consent Calendar:

Amended City Council Minutes of the November 4, 2013, Council Meeting.

MOTION:

Councilperson Talkington made the motion to approve the amendments to the agenda as presented. The motion was seconded by Vice Mayor Hall.

Council discussion followed.

Councilperson Mills Sojka asked if the owner of the Pioneer Club will be present at tonight's meeting. She did not want to add the item if the owner had not received a 24 hour notice.

City Manager Rothweiler and Building Inspector Duane Thompson stated that Marv Pierce, owner of the Pioneer Club, has been contacted and will present at tonight's meeting.

Roll call vote showed Councilpersons Barigar, Hall, Hawkins, Lanting, Munn, and Talkington voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 6 to 1.

PROCLAMATIONS: Small Business Saturday

Councilperson Barigar read the proclamation and encouraged the citizens of Twin Falls to shop locally.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for November 12 – 18, 2013, total: \$544,624.62.
2. Consideration of a request to approve the November 4, 2013, City Council Amended_Minutes.

MOTION:

Vice Mayor Hall made the motion to approve the Consent Calendar as amended. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to approve an Airport Grant Offer from ITD, Division of Aeronautics, in the amount of \$25,000.

Airport Manager Carberry explained the request.

The ITD Division of Aeronautics has offered the \$25,000 grant to assist with a portion of the cost of the airport capital improvements. The Grant Offer will be subject to the standard assurances associated with State Division of Aeronautics grant agreements. The airport confirms its grant eligibility by providing the State with documentation that the City has invested at least \$50,000 toward FAA AIP projects. This will be done through the local 6.25% match money associated with recent FAA Projects.

Staff recommends approval of the request.

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Council discussion followed.

Deputy City Clerk Sanchez read the following from the proposed resolution:

Resolution number 1910 of City of Twin Falls, Idaho accepting the Grant Offer of the State of Idaho through the Idaho Transportation Department, Division of Aeronautics in the maximum amount of \$25,000 to be used under the Idaho Airport Aid Program, Program number: LNS8TWF, Project number: TWF-2013 AIP-033 in the development of the Joslin Field Magic Valley Regional Airport.

MOTION:

Councilperson Munn made the motion to adopt Resolution 1910 as presented. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

MOTION:

Councilperson Hawkins made the motion to accept Idaho Transportation's Division of Aeronautics grant offer in the amount of \$25,000, to be used at the airport. Vice Mayor Hall seconded the motion and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request from the Twin Falls Golf Advisory Commission to raise fees at the Twin Falls Golf Club.

Steve Meyerhoeffer, Twin Falls Golf Club Manager, explained the request.

At the October Golf Advisory Commission meeting, the Commission unanimously approved the proposed rates setting the prices for the 2014 season at the Twin Falls Golf Club.

Council discussion followed.

-Fees charged at private golf clubs.

Parks and Recreation Director Bowyer stated that staff concurs with the Commission's recommendation.

MOTION:

Councilperson Talkington made the motion to adopt Resolution 1911, calling for the passes and player fees not to exceed 5% as described in the golf pro's schedule. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Steve Meyerhoeffer stated that the "Friends of Muni" raised \$9,000.

3. Consideration of a request from Twin Falls Urban Renewal Agency to accept the proposed pocket park to be built on 4th Avenue South upon completion of construction.

Cindy Bond, URA Chair, stated the City Council requested information on the maintenance of the park at their September 23, 2013, meeting and Parks and Recreation Director Bowyer will present the information.

Parks & Recreation Director Bowyer gave a detailed estimate on the maintenance of the park. If the Parks & Recreation Department maintains the pocket park the cost is estimated at \$6,075 per year.

Council discussion followed.

-Taxable income estimated to be received in 2023

-Engineering and Parks & Recreation will provide oversight of construction process.

-Adequate lighting

Melinda Anderson, URA Director, stated that the URA collects approximately \$2,000,000 per year on Revenue Allocation area 4-1. The City is estimated to receive one-half of whatever the taxable income is in 2023.

Vice Mayor Hall stated that crime prevention was an element of the design of the park and adequate lighting was considered.

MOTION:

Vice Mayor Hall made the motion to accept the request of the Twin Falls Urban Renewal Agency to accept the proposed pocket park to be built on 4th Avenue South upon the completion of construction in Revenue Allocation 4-1. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of adoption of an ordinance for the annexation of property consisting of 412.49 (+/-) acres, with a zoning designation of Open Space, located approximately 10,900' along the boundary of the Snake River Canyon between Hankins Road North (3200 East)

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extended and the eastern boundary of Dierkes Lake, including the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake.

Community Development Director Humble explained the request. The Council's adoption of the proposed ordinance will allow the property to be annexed into the City limits.

MOTION:

Councilperson Talkington made the motion to suspend the rules and place Ordinance 3058 on third and final reading by title only. The motion was seconded by Councilperson Hawkins.

Deputy City Clerk Sanchez read the title: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ANNEXING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFOR, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

MOTION:

Vice Mayor Hall made the motion to adopt Ordinance 3058. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. General outline of the upcoming Special Meeting to be held on Thursday, November 21, 2013, on the possible canyon jumping.

Assistant to the City Manager Mike Williams presented the following outline of the Special Meeting:

- I. 4:00 PM – Meeting Commences
- II. 15 minute presentation from each applicant
- III. Break
- IV. Public Comment – 2 minute time limit for anyone wishing to speak
- V. Q & A from the City Council
- VI. Council discussion on next steps. Set up date for subsequent meeting to rank proposals

Council discussion followed.

- Broadcasting of meeting/media streaming
- Surety Bond

Public Information Officer Palmer stated that KMVT is planning to broadcast the meeting and KTVB has expressed interest in doing a live 3 to 5 minute shoot.

Councilperson Talkington asked if the meeting is a regular Council meeting and if decisions can be made by the Council. In addition he asked if the City chooses not to limit the event to one applicant, May the Council set a surety bond level.

City Attorney Wonderlich stated that the meeting is an open meeting and the agenda will be posted. The Council may set the amount of a surety bond.

City Manager Rothweiler stated that he would ask the Council not to set a floor for a bond until discussion has made with ICRIMP to discuss the risk analysis.

Mike Williams stated that proposals are on the City website at www.tfid.org. A camera crew from ABC news stated they will be present.

Council discussion followed.

- Meeting commencing at 4:00 p.m.
- Format of Public Comment and Q & A from the City Council
- Experience of applicants

City Manager Rothweiler stated that Council may direct staff to move the commencement time of the meeting.

The Council would ask the applicant on citizens' behalf questions that were received from email or at the meeting. The format is similar to a Land Use Public Hearing.

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Assistant to the City Manager Mike Williams stated that the applicants' written presentations are on the City's website (www.tfid.org) and actual presentations submitted by the applicants will be posted on the City's website. Public comment can be sent to jump@tfid.org.

PIO Palmer stated that KMVT is planning to live stream a portion of the meeting. The entire meeting can be viewed on FOX Channel at 9:00 p.m. The City is audio recording the meeting.

-Discussion followed on the ranking of proposals

After Council discussion, the November 21, 2013, meeting will begin at 4:00 p.m.

Councilperson Hawkins asked staff if they had a schematic, chart, or points that the Council should be looking for as far as positives and negatives.

Assistant to the City Manager Williams suggested that the City may want to begin with the applicants' responses to the series of questions in the Request for Qualifications.

City Manager Rothweiler stated that the City does not have a tabulation sheet by design. This is a Council process and the purpose of the Canyon Jump RFQ Review Team was to gather information to present to Council.

The lineup for presenters was chosen randomly by the Council and is as follows:

1. REO Development Group
2. ABC, Inc.
3. Ping Pong Productions, Inc.
4. Adrenaline Nation
5. Beckley Media, LLC
6. Omega Point Productions, Inc.

Councilperson Hawkins stated that she had a conflict of interest with Marv Pierce and recused herself from discussion on the Pioneer Club.

7. Consideration of a request to consider initiating a hearing at a future Council meeting to revoke the alcohol permit for the Pioneer Club, located at 1519 Kimberly Road East.

Community Development Director Humble explained the request. The applicant applied for a building permit for a storage area and on November 1, 2013, Fire Captain Tim Lauda inspected the building and found that a wall had been removed and the storage area had been converted to a bar. The work was being done without a review and permit and the City does not know the full extent of the problems that have been created by the expansion of the bar. Staff has safety concerns for the employees and patrons of the business. Earlier today, the Building Department issued a work stop order at the Pioneer Club and the Building Official plans to place a "do not occupy" placard on the building.

City Code 3-9-12 gives the City the authority to revoke an alcohol license when a licensee fails to conform to the regulations and laws of the State of Idaho. The Pioneer Club is operating in a building that is not safe to occupy, and in conversations with the applicant it appears that he has no intent to bring the building into compliance. An assembly use, such as a bar, should not be operating in that building without safety improvements.

Staff recommends that the Council initiate a revocation hearing to consider revoking the alcohol license for the Pioneer Club, located at 1519 Kimberly Road, and set a hearing date of December 2, 2013.

Council discussion followed.

- Alcohol license inspection process
- Closing a building due to safety reason process
- Hearing to revoke an alcohol license process

Community Development Director Humble explained that the applicant has been contacted on what is being discussed at tonight's meeting.

Vice Mayor Hall stated for clarification that the request is for a public hearing and the Council will be acting in a quasi-judicial manner and should not be taking any information from the public until the public hearing date.

City Attorney Wonderlich stated that the Council may allow the applicant to speak at this time.

MOTION:

Councilperson Munn made a motion to set a hearing for the purpose of revoking the alcohol permit for the Pioneer Club, located at 1519 Kimberly Road East, at a City Council meeting scheduled for 5:00 p.m. on November 25, 2013. The motion was seconded by Councilperson Talkington.

Mayor Lanting invited owner Marv Pierce to speak at this time.

Marv Pierce gave a history of the improvements he has made to the Pioneer Club. In regards to the storage unit Marv Pierce stated that he changed his mind three-fourths of the way through the job. The cost overrun on the job was from \$41,000 and \$63,000 and changes were made to the original plan.

Council discussion followed.

Mayor Lanting asked Marv Pierce if he was aware that by changing the storage area to a bar area different codes would come into play.

Marv Pierce stated no and that everything from the ground up was "primo." He stated that the storage area did not require a sprinkler system, so therefore a sprinkler system should not be required in the bar area.

Vice Mayor Hall asked Dwaine Thomson why is he waiting to close the bar if it is not safe to occupy as stated in his report.

Dwaine Thomson, Building Official, responded that there is a matter of going through the right process.

Discussion ensued between Dwaine Thomson and Marv Pierce.

City Manager Rothweiler stated that prior to the City taking any action staff wanted the Council to have the opportunity to hear the issue and ask questions. A sprinkler system in an A-3 assembly is required to pass building and fire code inspection.

Marv Pierce explained that he has a 175 seat occupancy in a 4,800 sq. ft. building and there is no need for a sprinkler system.

Mayor Lanting asked if the Pioneer Club is grandfathered in regards to his occupancy permit.

City Attorney Wonderlich stated that he would defer the occupancy issue to Dwaine Thomson. The building is no longer grandfathered in because of the expansion. As of November 1, 2013, Marv Pierce tore down a bearing wall and turned it into occupied space without a permit.

Council discussion followed.

Marv Pierce stated that a sprinkler system will not happen in the Pioneer Club because it does not make sense to him and if things are not worked out he expects to be in court.

Mayor Lanting stated that since Marv Pierce invoked the possibility to sue the City, he suggested that his attorney contact the City Attorney first thing November 19, 2013.

Marv Pierce stated that he is willing to work with Dwaine Thomson and discuss the fire system.

Councilperson Munn stated that his motion is on the floor but he would like to amend the motion to set a hearing for the purpose of revoking the alcohol permit for the Pioneer Club located at 1519 Kimberly Road East at a City Council meeting scheduled for 5:00 p.m. on November 25, 2013, or a later date if progress is being made between staff and the business owner. Councilperson Talkington concurred with the amendment to the main motion and roll call vote showed that all present voted in favor of the motion. Councilperson Hawkins recused herself from discussion and abstained from voting. Approved 6 to 0.

City Manager Rothweiler stated that according to the Fire Marshall and Fire Chief the place that is unsafe is the A-1 assembly area and not the entire structure.

6. Public input and/or items from the City Manager and City Council.

Max Newlin asked what type of criteria will be used to judge or evaluate the six qualified applicants at the Special Meeting to be held on Thursday, November 21, 2013, on the possible canyon jumping.

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City Manager Rothweiler explained that the Council is in the information gathering phase and there may be subsequent interviews or processes the Council may choose to do before making a decision.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Vice Mayor Hall stated that he visited with Max Newlin regarding public noticing and encouraged all citizens to contact elected officials and the City Council to receive clarification.

Councilperson Talkington stated that he received a report from City Manager Rothweiler and it stated that, "The City of Twin Falls remains incredibly financially healthy." Provided were highlights for the period of October 2012 and September 2013.

Councilperson Talkington stated that the General Fund has almost \$7 million in unrestricted surplus, Street Fund has \$1.3 million in unrestricted surplus, Capital Fund, Water Fund has \$ 5.9 million in unrestricted surplus and the Sewer Fund has \$1 million in unrestricted surplus. The total of unrestricted monies totals an excess of \$15 million. The property tax and enterprise fund budgets for this year is over \$50 million for the first time and represents nearly a third of the total operating budget in the way of surpluses. Several of the Council attempted to have a reduction in expense lines which would result in a lower city budget but they were unsuccessful. The majority of the Council felt that the City had a healthy and operating necessary budget. He stated that he is frankly uncomfortable with the numbers. Apparently this is historically high and he is not sure how reasonably unrestricted the monies are. He asked City Manager Rothweiler if the City has or should the Council have room to provide crediting back to various enterprise funds when there are unrestricted surpluses of this magnitude in some of the funds.

City Manager Rothweiler stated, for example, that in the Water Fund, the report illustrated \$5.96 million; and as part of the Clif Bar deal there will be a reduction of \$3.5 million. The \$3.5 million had not been dedicated at the issuance of the report. The October report will show the City's portion of the Clif Bar's water tank will then be a restricted account moving forward. The action was made October 17, when the Clif Bar deal was made. The \$3.5 million will be placed in the restricted account. The acquisition of the land will further reduce it by \$100,000. The City budgeted \$350,000 for the land and the site and the price came in at \$450,000. In terms of unrestricted cash reserves they are about where they have been historically. They are not significantly larger than where they have been in the past especially when you look at the General Fund. In the past, proceeds have been used from the Street Fund and the General Fund to make improvements on Eastland Drive. The monies are invested into one-time projects that couldn't normally be absorbed in any operating budget. When going through the budget process, the City wants to assure that the anticipated revenues are covering the anticipated expenditures.

Councilperson Talkington stated that the taxpayers are asking if the monies are reasonable. The main enterprise fund, the Water Fund, is down \$2.5 million.

City Manager Rothweiler stated that if a real live report was done it would show about \$3.6 million away from the fund, \$100,000 for the actual tank and \$3.5 M for the acquisition of the tank. As part of the process, a commitment was made to take that \$3.5 million and apply it to the tank.

Councilperson Talkington stated that the City has \$3.5 million of unrestricted cash in streets and asked the City Manager if he is envisioning using more out of the General Fund and transferring to the district fund to use for capital projects.

City Manager Rothweiler stated that is not the plan at this time. The Council can do this at any time, which they have done in the past, when work was done on the Eastland Street project. Cash was taken from the General Fund because the General Fund had the capacity to absorb those improvements and the City made a commitment of General Fund dollars to offset the improvements to Eastland.

Councilperson Talkington stated that \$4.28 million is in the capital improvement fund, and asked if these are unobligated funds.

City Manager Rothweiler stated that he would have to look at the report. He believes this is the total balance.

Councilperson Talkington stated that he would like to understand this because he feels uncomfortable that these are within the historic bounds and some of them seem excessive.

City Manager Rothweiler stated that staff will be available to work with him.

IV. PUBLIC HEARINGS: None

V. ADJOURNMENT :

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Executive Session 67-2345(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.

Executive Session 67-2345(c) To conduct deliberations concerning labor negotiations **or to acquire an interest in real property which is not owned by a public agency.**

(The bold face type is the "purpose" for the Executive Session.)

MOTION:

Vice Mayor Hall made the motion to move to Executive Session 67-2345 (b) and 67-2345(c) as presented. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion Approved 7 to 0.

The meeting adjourned at 7:33 P.M.

Leila A. Sanchez

Deputy City Clerk/Recording Secretary



Date: MONDAY, December 16, 2013
To: Honorable Mayor & City Council
From: Mitch Humble , Community Development Department

ITEM I-

Request: Request for consent of the Final Plat of Cedarpark #10 Subdivision, A PUD, consisting of 3.96 (+/-) acres with seven (7) commercial lots on property located at the southwest corner of Carriage Lane North and Chuck Wagon Place. c/o EHM Engineers, Inc. on behalf of Gary N Nelson & Co.

Time Estimate:

There is no presentation unless the City Council has questions.

Background:

Applicant:	Status: Property Owner	Size: 3.96(+/-) acres
Gary N Nelson & Co ATTN: Gary N Nelson P.O. Box 6004 Twin Falls, ID 83303 736-8400	Current Zoning: Cedar Park PUD	Requested Zoning: Approval of a final plat
	Comprehensive Plan: Commercial/Retail	Lot Count: 7 lots for commercial development
	Existing Land Use: undeveloped	Proposed Land Use: Commercial/Retail, Storage Units
Representative:	Zoning Designations & Surrounding Land Use(s)	
EHM Engineers Inc. c/o Tim Vawser 621 N. College Rd, Ste 100 Twin Falls, Idaho 83301 208-734-4888 tvawser@ehminc.com	North: R-4 PUD; Chuck Wagon Place, Carriage Lane North Apartments	East: C-1 PUD; Carriage Lane North, site is undeveloped commercial land being farmed
	South: C-1 PUD; site is undeveloped commercial land being farmed	West: C-1 PUD; undeveloped commercial land
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-12-2.4, Cedar Park PUD, SUP #1305	

Approval Process:

As per Twin Falls City Code 10-12-2.4 Action on Final Plat:

The Council may approve, conditionally approve, deny or table for additional information when acting on the final plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Council. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The Final plat shall be filed with the county recorder within two (2) years after written approval by the council; otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the council. Only one extension may be granted by the council for a term of two (2) years.

Budget Impact:

Approval of the final plat will allow the developer to record and develop the site as approved. Commercial development could bring an increase in property tax dollars to the city budget.

Regulatory Impact:

After a public hearing and upon approval of the final plat from the Council will allow the applicant to proceed with construction plan and recordation of the plat, subject to conformance with the approved preliminary and final plat and any conditions that may have been placed on that approval.

History:

On July 1, 1996, Ordinance #2531 was approved to rezone 132.5 acres from RR and R-2 to R-2, R-4, R-4 PRO and C-1 PUD. The Cedar Park PUD Agreement was signed by Developer & Mayor June 2, 1997.

Analysis:

This Final Plat for the Cedarpark #10 Subdivision, A PUD, includes 3.96 (+/-) acres and is zoned C-1 PUD (Commercial Highway District) PUD (Planned Unit Development) zone. The request is to plat seven (7) lots for commercial development. The site is located at the southwest corner of Carriage Lane North and Chuck Wagon Place (private roadway).

The property is currently undeveloped and being farmed. The parcel is being subdivided into seven (7) commercial lots. The lot area in the C-1 zone shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. The proposed development is planned for commercial subdivision and upon development shall be required to meet the minimum code standards and comply with the Cedar Park PUD Agreement.

The proposed subdivision is planned to be developed in two (2) phases. Lot one (1) will be the northern 2.11 acres of the parcel. Special Use Permit #1305 was granted on Sept. 10, 2013 to allow construction of a 250 unit mini-storage facility on this lot, subject to conditions. The Cedar Park PUD states there is to be a landscape buffer between commercial and residential development. The developer of the mini-storage facility has agreed to contact the residential property owner to the north to establish a maintenance agreement regarding bringing into compliance and maintaining the existing landscape buffer in exchange of having to construct an additional landscape buffer on the northern boundary of his property. The agreement shall be binding the existing and/or future property owner to this agreement. The Council may want to place a condition on the final plat that, upon approval by staff, the maintenance agreement shall be in place and the City has a copy for our files prior to recordation of the final plat.

The original route for sewer service to this subdivision has been found deficient via a completed sewer model. In order to adequately serve this subdivision, multiple alternative routes have been proposed. At this time an alternative route has not been agreed upon between the developer and the City Engineering Department. The Council may wish to place a condition on the plat for an adequate sewer service plan to be agreed upon between the developer and the City Engineering Department, prior to recordation of the plat.

A full review of required improvements will be made by the Building, Planning, Fire and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

This is the second step of the subdivision platting approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

The plat is consistent with other subdivision development in the area, city code criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail.

On December 10, 2013 the Commission approved the preliminary plat of the Cedarpark #10 Subdivision, A PUD, as presented and subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with the Cedar Park PUD Agreement.
3. Subject to Landscaping Buffer Maintenance Agreement between Cedarpark #10, Lot 1, Block 1 and Cedarpark #1, Lot 37, Block 4, being executed and a copy given to the City prior to recordation of the final plat.
4. Subject to an adequate sewer service plan agreement between the developer and the City Engineering Department prior to recordation of the final plat.

Conclusion:

Staff recommends the Council approve the final plat of the Cedarpark #10 Subdivision, A PUD, as presented, subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with the Cedar Park PUD Agreement.
3. Subject to Landscaping Buffer Maintenance Agreement between Cedarpark #10, Lot 1, Block 1 and Cedarpark #1, Lot 37, Block 4, being executed and a copy given to the City prior to recordation of the final plat.
4. Subject to an adequate sewer service plan agreement between the developer and the City Engineering Department prior to recordation of the final plat.

Attachments:

1. Zoning Vicinity Map
2. Aerial Map
3. Final Plat - Cedarpark Sub #10, a PUD
4. Preliminary Plat - Cedarpark Subdivision No. 10, a PUD
5. Cedarpark Subdivision #1, a PUD
6. Cedar Park PUD - Master Development Plan
7. Special Use Permit #1305, granted 09-10-2013
8. Pictures ()

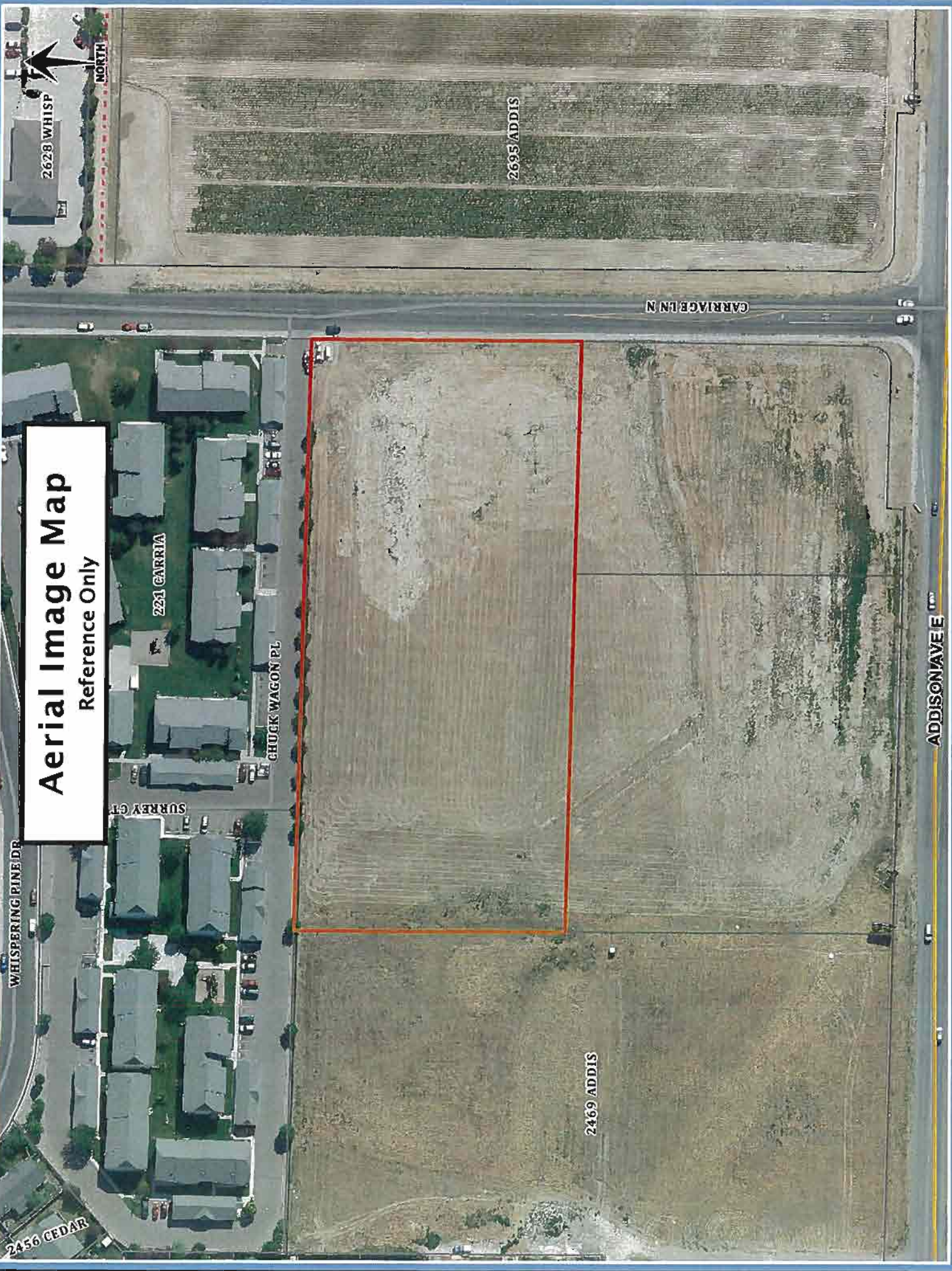
Zoning Vicinity Map

Reference Only



Zoning Vicinity Map Reference Only





Aerial Image Map

Reference Only

2628 WHISP
NORTH

2695 ADDIS

221 CARRIA

CHUCK WAGON PL

CARRIAGE LN

ADDISON AVE

2469 ADDIS

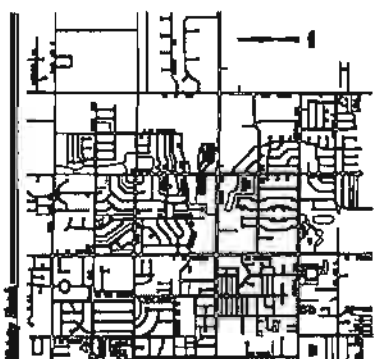
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ENGINEERS INC.
10000 RIVERCHURCH LANE
CHICAGO, ILL. 60648
(312) 734-4848



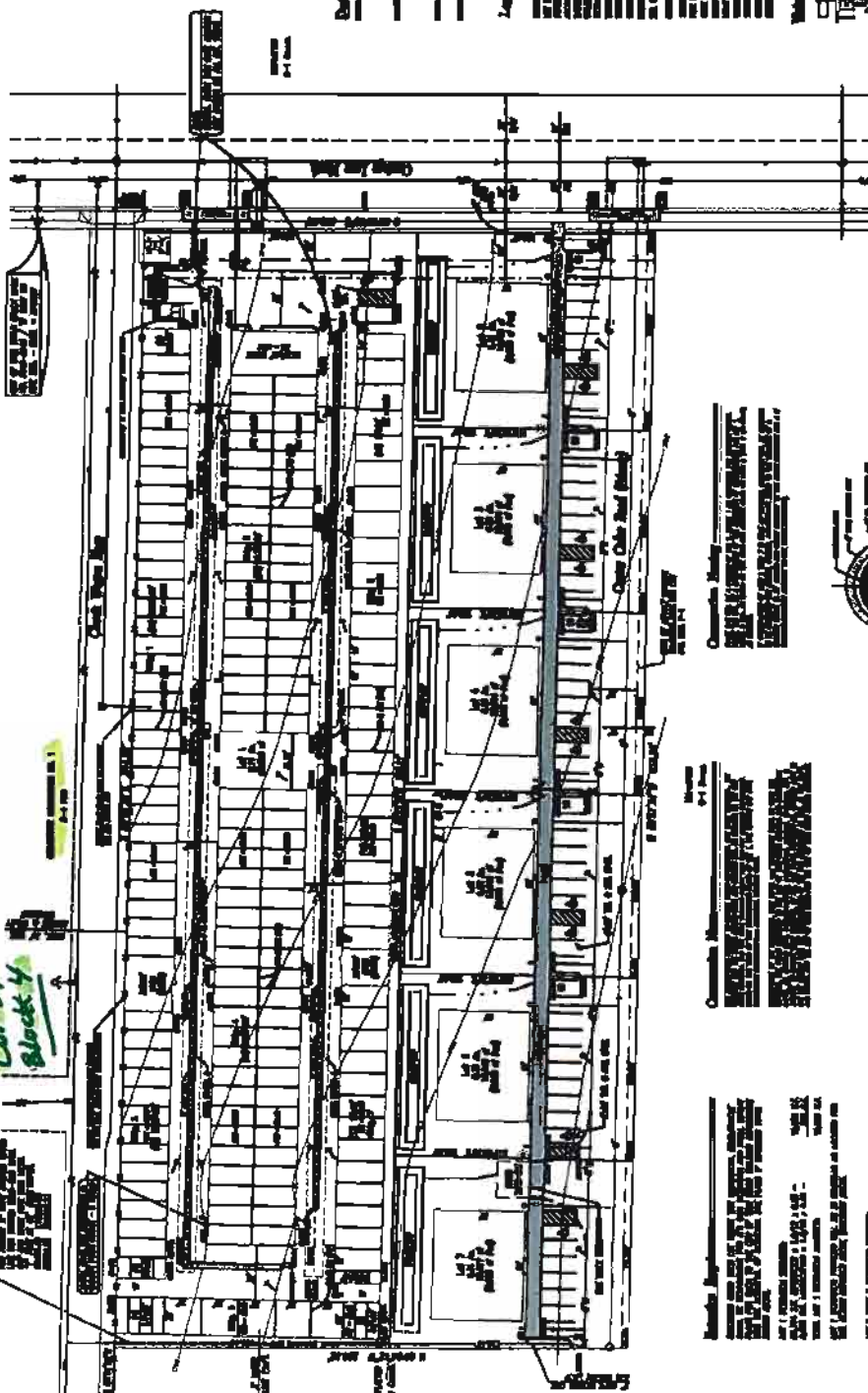
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CREATING A NEW WORLD
A Novel by Douglas
Found in
THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
100 N. 4TH ST. NEW YORK

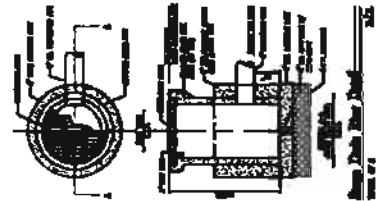
10-11-12



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LIBRARY
540 EAST 58TH STREET
CHICAGO, ILL. 60637

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
500 5TH AVENUE
NEW YORK 10017

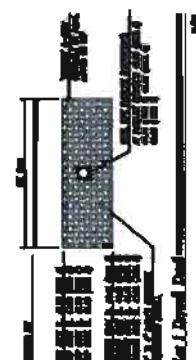
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Keynote Address

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2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030	2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030
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[illegible]

Abstract

三、对“三不”问题的认识

● 2010年10月1日起，凡在中华人民共和国境内销售货物或者提供加工、修理修配劳务以及进口货物的单位和个人，均应按照《中华人民共和国增值税暂行条例》及实施细则缴纳增值税。

— 100 —

1. **Introduction**

THE

THE UNIVERSITY OF CHICAGO

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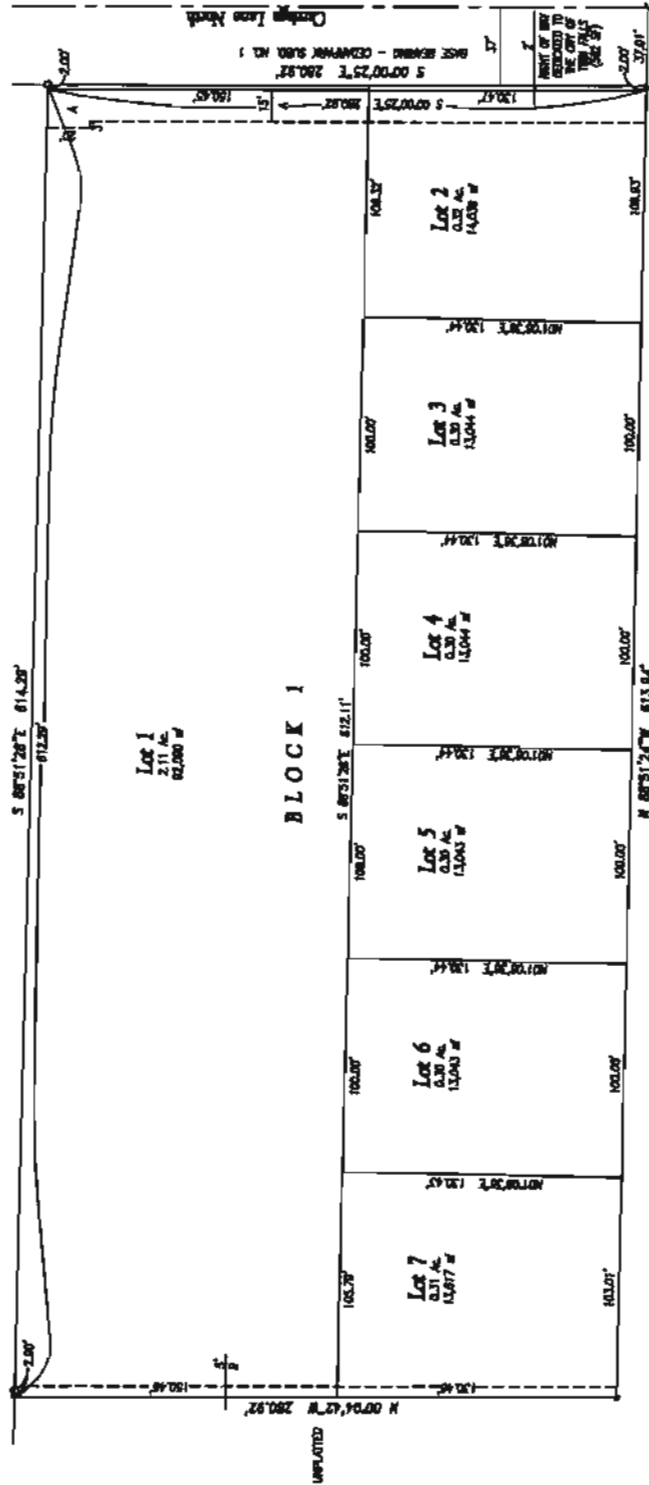
THE UNIVERSITY OF CHICAGO PRESS

Figure 1. The effect of the concentration of the inhibitor on the rate of polymerization of α -methylstyrene in the presence of SnCl_4 at 25°C .

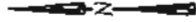
POST GRADUATE

CDMPARK SUBDIVISION NO. 1

S 88°51'28"E 814.20'



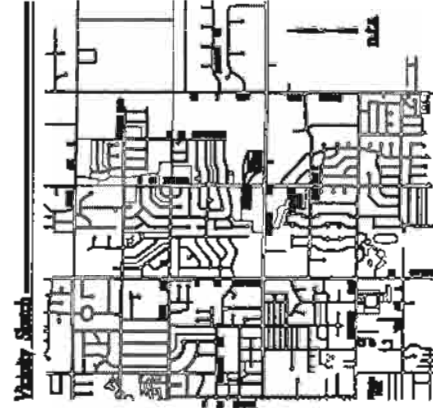
UNPLATTED
SCALE IN FEET
0 20 40 60



CDMPARK SUBDIVISION NO. 10
A Planned Unit Development
Located In

SH4 S24 SW4, Section 11
T. 10 S., R. 17 E., Range Meridian
Twin Falls County, Idaho
2013

- Legend**
- SECTION BOUNDARY
 - LOT LINE
 - SUBJECT CORNER LINE
 - EXHIBIT AS NOTED
 - SET 1/4" ± 24" REBAR & CAP (LS 1000)
 - SET 1/2" ± 24" REBAR & CAP (LS 1000)
 - FOUND 3/4" REBAR & CAP (LS 1000)



Vegetation Sketch

Health Certificate

Sanitary conditions as required by Idaho Code, Title 18, Chapter 13 are in force. The owner shall construct any building, structure or other which accumulation the supplying of water of average temperature for persons using such premises and sanitary conditions improvements are required.

REAR, South Corner Public Health District

Notes

THE LOTS WITHIN THIS SUBDIVISION SHALL BE REFERRED TO AS LOTS 1 THROUGH 7. THE LOTS WITHIN THIS SUBDIVISION SHALL BE REFERRED TO AS LOTS 1 THROUGH 7. THE LOTS WITHIN THIS SUBDIVISION SHALL BE REFERRED TO AS LOTS 1 THROUGH 7. THE LOTS WITHIN THIS SUBDIVISION SHALL BE REFERRED TO AS LOTS 1 THROUGH 7.

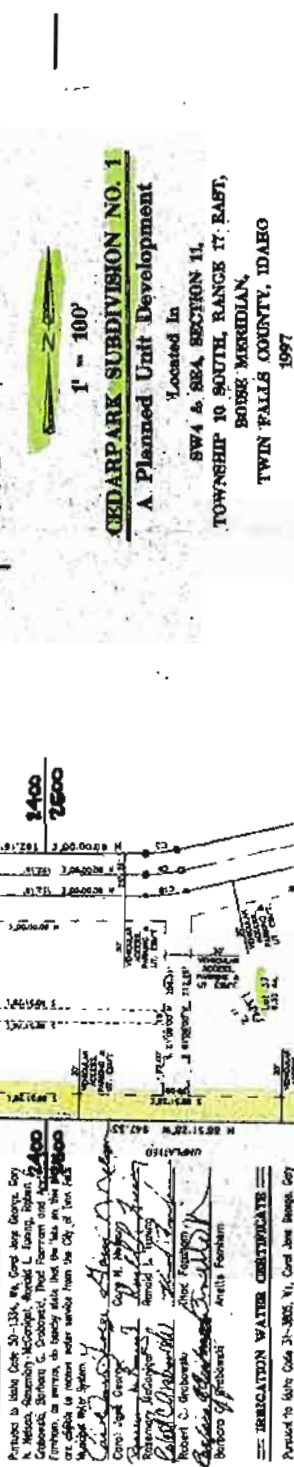
A CROSS-USE AND IMPROVEMENTS ENGINEER WILL BE REQUIRED FOR LOTS 1 THRU 7 IN THIS SUBDIVISION FOR ACCESS, STORM DRAINAGE, AND UTILITIES PRIOR TO DEVELOPMENT.

LOTS 1 THRU 7 SHALL HAVE APPROPRIATE DRAINAGE IN PLACE PRIOR TO THE EXERCISE OF A BUILDING PERMIT.

ALTERNATE LANDSCAPING (TREES, SHRUBS, ETC.) WILL BE REQUIRED FOR ALL LOTS WITHIN THIS DEVELOPMENT IN-LIEU OF INSTALLATION OF PRESSURE IRRIGATION.

Reference Key:

UTILITY EXERCISE
WATER LINE EXERCISE



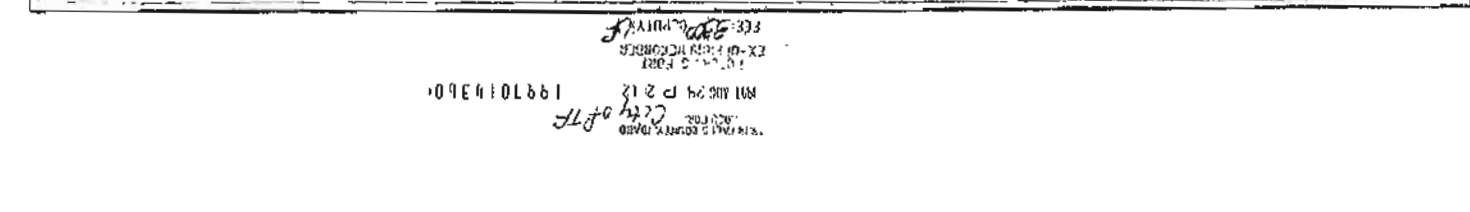
Located in
SW 4 & 32A, SECTION 11,
TOWNSHIP 10 SOUTH, RANGE 17 EAST,
50836 MERIDIAN,
TWIN FALLS COUNTY, IDAHO
1097

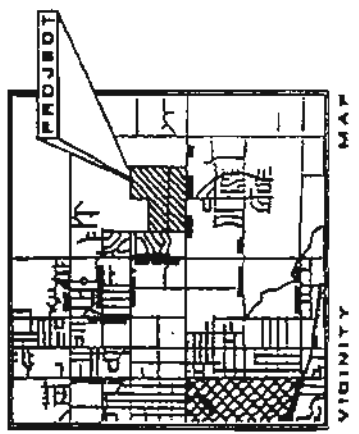
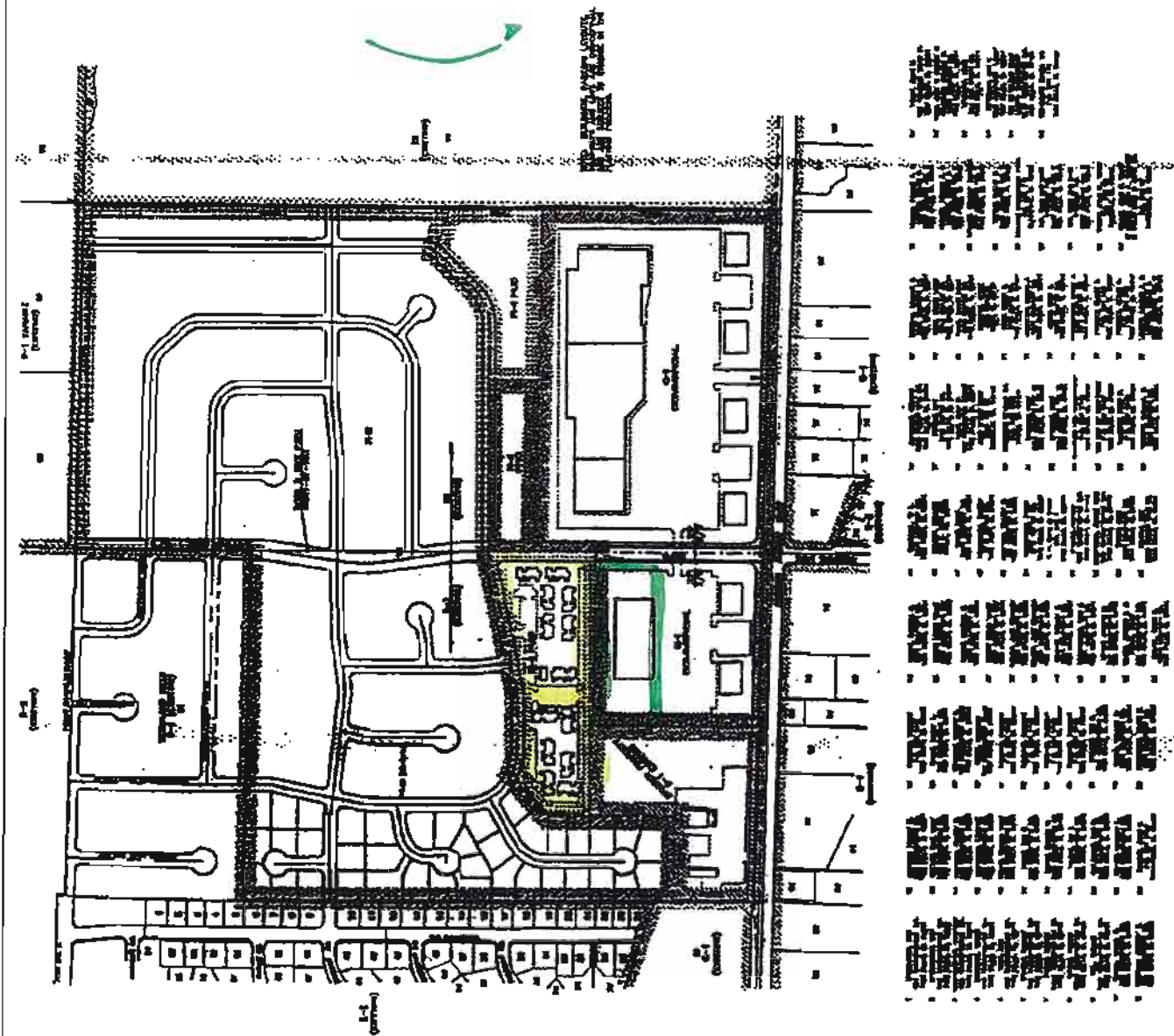
NOTE: A 5' WIDE UTILITY EASTWARD EXISTS ADJACENT TO ALL FRONT LOT CORNERS ON STREET FRONTAGE



David Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

CEORAP.





DATE: 11/11/11
BY: [Signature]
PROJECT: [Project Name]

- D-1 PUD (PROPOSED)
- R-4 PUD (PROPOSED)
- R-4 PRO PUD (PROPOSED)
- R-2 (PROPOSED)
- C-1 (Existing)
- R-2 (Existing)
- R-1 Var. (Existing)
- RA (Existing)

CEDAR PARK PUD
Located in
NE 1/4 NW 1/4, NE 1/4 NW 1/4, NE 1/4 NW 1/4,
TOWNSHIP 10 NORTH, RANGE 17 EAST,
SECTION 10, T10N R17E S10E
TWIN FALLS COUNTY, IDAHO





**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Permit No.1305

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 10, 2013 to Forrest LeBaron whose address is 246 9th Avenue North Twin Falls, ID 83301 for the purpose of building a mini storage unit facility on a 2 acre (+/-) portion of undeveloped land located south of 221 Carriage Lane North and legally described as Twin Falls Acres Inside Tax#1827, Exc Cedarpark Sub No. 7 in SW SE (11-10-17)

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Zoning Application No.2599

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to recordation of the Final Plat.
3. Subject to all requirements of the Cedar Park PUD being met.



CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.

cc: Building Inspection





South East Corner of Property

12/03/2013 10:36 AM



Monday December 16, 2013 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Consideration of a request to pay fees in lieu of park land dedication for the Laurelwood Subdivision #3.

Time Estimate:

None – Consent Calendar

Background:

The Laurelwood Subdivision #3 is a 13 lot subdivision on 19.16 acres. The subdivision is located on the north side of Falls Avenue East, between Hankins Road and 3300 East.

Code Section 10-12-3-11 requires a dedication of one acre of land per 100 units developed within a subdivision for the development of a neighborhood park. Therefore, this subdivision will require a dedication of 0.13 acre of park land. However, City Code Section 10-12-3-11(F) states that:

“The City Council may, at their discretion, approve and accept cash contributions in lieu of park land with improvements, which contributions shall be used for park land acquisition and/or park improvements within the boundaries of the arterial streets in which the development is located.”

Attached are the Parks in Lieu Contribution application and a map showing the location of the proposed subdivision. Using the 2013 Twin Falls County Assessor’s value of land, the price per acre is calculated at \$4,576.51, and using the in lieu of formula, the in lieu of payment is \$4,715.95.

The closet park within the boundaries of arterial streets which the development is located is Shoshone Falls. Since the park land dedication requirement from this subdivision is only .13 acres, staff supports the developer’s request for a Parks in lieu of contribution.

Laurelwood Subdivision #2 was approved for a Parks in Lieu of request in 2005.

Ordinance # 3034 allows developments meeting all five (5) criteria shall qualify for a 50% reduction on their cash contribution in lieu of dedication of park land. The five criteria are:

1. The number of household units must be 8 or less per acre, as identified on the preliminary plat.
2. Development shall be located within city limits.
3. Development shall not border an arterial street.
4. Development shall not border the city limits.
5. Development must not have been converted from agricultural land.

The Laurelwood Subdivision #3 does not meet the criteria for a 50% reduction on their cash contribution.

Approval Process:

City Code 10-12-3-11 provides for the Council to approve a request to pay fees in lieu of park land dedication. A public hearing is not required. The Code does not require a recommendation from the Parks & Recreation Commission. However, staff has made it a policy to bring these in-lieu requests to the Commission for a recommendation. At their December 10th meeting, the Commission unanimously recommended approval of the request.

Budget Impact:

The developer has submitted the 2013 Twin Falls County Assessor's value for this property; the land is valued at \$4,576.51 per acre. The value of the land is added to the cost of developing an acre of park land (\$31,700), then multiplied by 0.13 to arrive at an in lieu payment amount of \$4,715.95.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the development of this property without park land dedication.

Conclusion:

The Parks & Recreation Commission recommends that the City Council accept the developer's request to pay fees in lieu of park land dedication as part of the park ordinance. Staff concurs with the recommendation.

Attachments:

1. Area Map
2. Parks In Lieu Contribution Application
3. Preliminary Plat
4. City Parks & Recreation Facilities Map

↑ North



Laurelwood Subdivision # 3

PARKS IN LIEU CONTRIBUTION APPLICATION

Subdivision Name: LAURELWOOD SUBD. NO. 3
 Number of Dwelling Units/acres: 13 / 19.16
 Developer: MARTHA SOMMERKAMP c/o WOLVERTON HOMES
 Address/phone #: P.O. Box 5179, Twin Falls, ID 83303 736-9294
 Appraiser: _____
 Address/phone #: _____

The following items shall be included with the parks in lieu contribution submittal prior to acceptance by the City Administrator. It is the responsibility of the developer to see that all required information is submitted to the city at the time of the application. Please read the application and decide which process you are going to use. The City of Twin Falls allows three different requests. Please mark an X by the method used.

- ☒ Have you talked to the parks department about the requirements?
- ☐ Enclosed is a copy of the appraiser's value for the land.
- ☐ Enclosed copy of a bid/material costs to construct walking path/bike trail.
- ☐ I am requesting an in lieu of contribution in concept only. Will present final values at the time of the final plat application for approval.
- ☐ I am requesting an in lieu of contribution without walking/bicycle trails, using the following formula:
- Determine the per acre appraised value of the land in the development. (L.) (See 10-12-3-11(F)). Appraisal value: (L.) \$4,576.51
 - The current park development cost is \$31,700 per acre. (P)
 - Total the number of household units in the development. (H) 13

Note: Lots large enough for multi-family units will require a certification and supporting covenants addressing the developer's intent relative to the requirement for single family dwellings.

- d. Use the contribution (C) formula: $C = (L + P)(H)(.01)$
 $C = (L + 31,700)(H)(.01)$

Contribution Amount to be approved: \$4,715.95

- ☐ I am requesting an in Lieu of contribution with walking/bicycle trails, using the following formula;
- Determine the per acre appraised value of the land in the development. (L.) (See 10-12-3-11(F).)
 - The current park development cost is \$31,700 per acre. (P)
 - Total the number of household units in the development. (H) _____

Note: Lots large enough for multi-family units will require a certification and supporting covenants addressing the developer's intent relative to the requirement for single family dwellings.

- d. Use the following formula:
- Land contribution portion:
- Appraisal value: (L) _____
 - Development costs for the walking/bicycle trail.
 - Cost of land underneath the trail per square foot: (A) _____
 - Cost to develop the trail per square foot: (B) _____
 - Trail cost = (A + B) (total trail square footage):
Trail cost _____
 - Land portion = (L)(H)(0.01) - (Trail cost):
Land portion _____

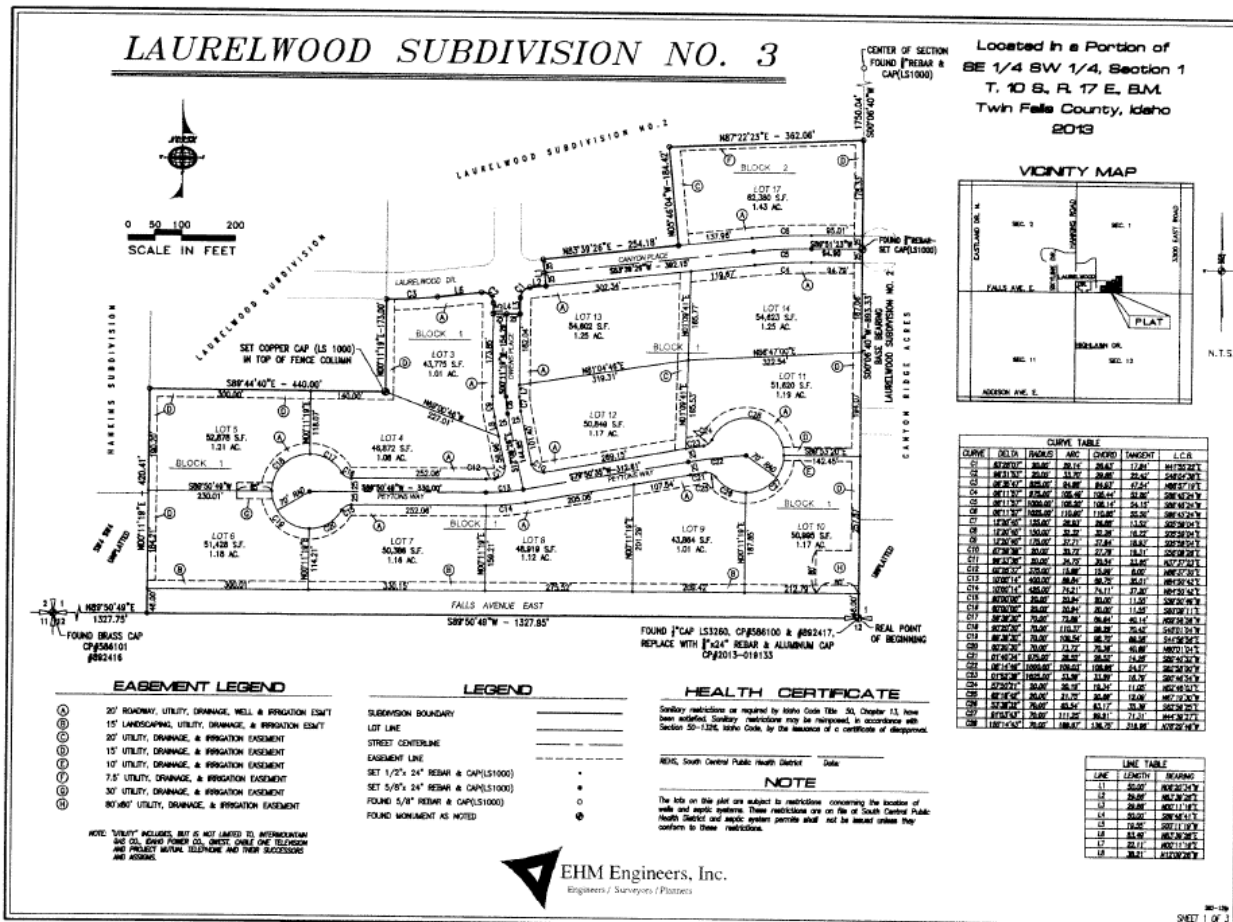
Note: Land portion cannot be less than 50% of (L)(H)(0.01).

Park improvement portion = (31,700) (H) (.01): _____

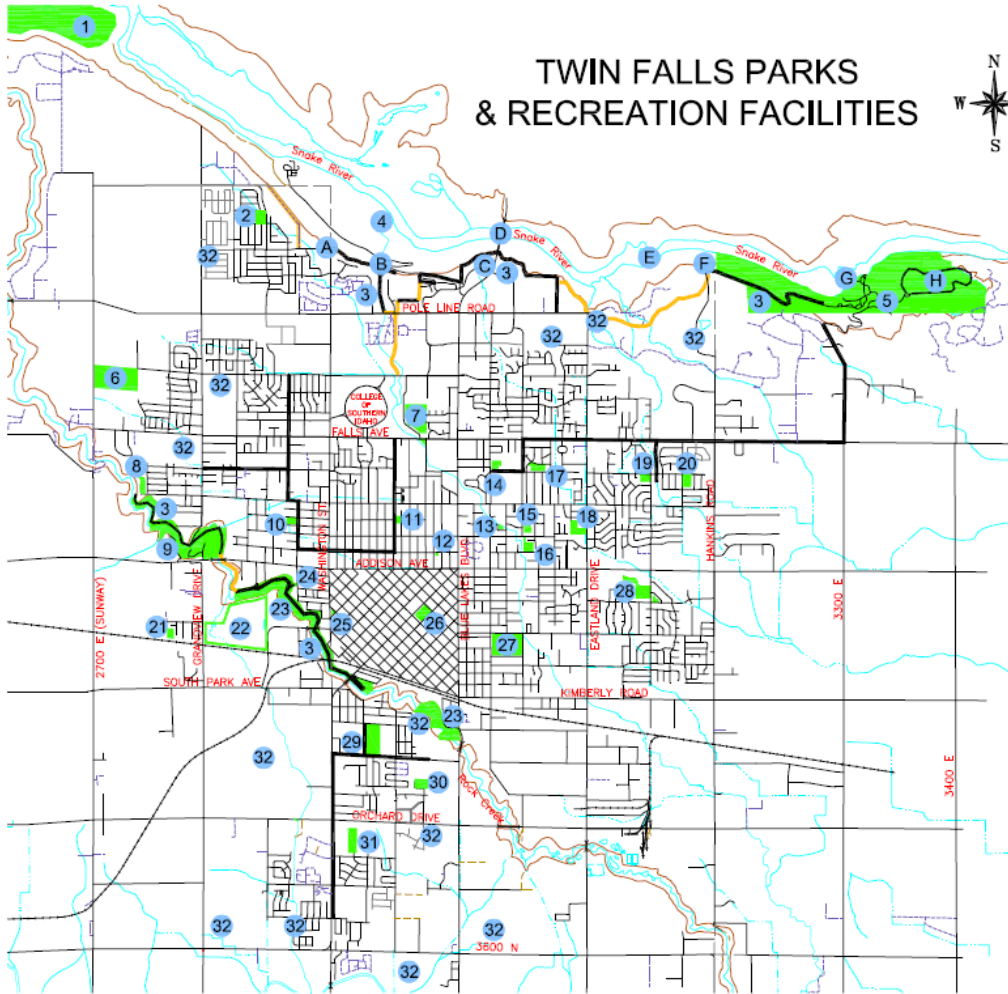
Land portion + park improvement portion = _____

Contribution amount to be approved: _____

In lieu of contribution must be made prior to final plat recordation.



TWIN FALLS PARKS & RECREATION FACILITIES



1. Auger Falls
2. Northern Ridge Park
3. Canyon Trails
4. Centennial Park (County owned)
5. Shoshone Falls & Dierkes Lake
6. Sunway Soccer Complex
7. Frontier Field
8. Rock Creek Trail Estates Park
9. Rock Creek Park (County owned)
10. Harry Barry Park
11. Harrison Park
12. Pierce St. Tennis Court
13. Willow Lane Park
14. Swimming Pool & Sawtooth Softball Fields
15. Sunrise Park
16. Teton Park
17. Cascade Park
18. Ascension Park
19. Jason's Woodland Hills Park
20. Morning Sun Park
21. Fairway Estates Park
22. Twin Falls Golf Club
23. Rock Creek Canyon Parkway (City owned)
24. Blake St. Trailhead
25. Drury Park
26. City Park
27. Harmon Park
28. Clyde Thomsen Park
29. Oregon Trail Youth Complex
30. South Estates Park
31. Vista Bonita Park
32. Future Parks

BIKE PATH/TRAIL SYSTEM

PROPOSED BIKE PATH
TRAIL SYSTEM



Date: Monday, December 16, 2013, Council Meeting
To: Honorable Mayor and City Council
From: Chief Brian Pike and Captain Anthony Barnhart,
Twin Falls Police Department

Request:

Swearing in ceremony for the Twin Falls Police Department's newest Police Officer, **Nate Egan**. It is requested that Mayor Greg Lanting administer the Oath of Office.

Captain Anthony Barnhart will be presenting **Officer Dusty Solomon** with her POST Advanced Certification.

Time Estimate:

The presentation will take approximately ten minutes.

Background on New Police Officer:

Officer Nate Egan was hired by the Twin Falls Police Department on August 26, 2013. Nate was born and raised in Rexburg, Idaho. He graduated from Madison High School in Rexburg and received his Eagle Scout. Nate served an LDS mission in Tokyo, Japan. He went on to further his education by attending BYU Idaho and Eastern Idaho Technical College.

Prior to his employment with the TFPD, Nate worked for Summit Investments in Rexburg, Idaho, as a truck driver in the oil fields in North Dakota.

Nate and his wife, Sara, have two small boys, Krew who is six years of age and Kendrix who is four years old. They moved to Twin Falls a year and a half ago and look forward to raising their children in our community.

Background on POST Certification:

On September 3, 2013, **Officer Dusty Solomon** was awarded her Advanced Certification by POST Academy. To receive this certification, Officer Solomon has received her POST Intermediate Certificate, has served over six years as a Police Officer in the State of Idaho, and has met the training requirements combined with obtaining college credits.

Her personal commitment to better herself through training has helped the Twin Falls Police Department in achieving its goal of being the best Police Department in the State of Idaho.

Approval Process:

N/A

Agenda Item for December 16, 2013
From Chief Brian Pike and Captain Anthony Barnhart
Page Two

Budget Impact:

This will not impact the budget.

Regulatory Impact:

N/A

Conclusion:

Chief Pike would like to have Officer Nate Egan sworn in before the City Council, with Mayor Greg Lanting administering the Oath of Office on December 16, 2013.

Captain Barnhart would like to recognize Officer Dusty Solomon before the City Council for her accomplishment in obtaining her POST Advanced Certification.

Attachments:

1. Copy of POST Advanced Certificate – Officer Dusty Solomon

aed

State of Idaho

*The Peace Officer Standards
& Training Council*

hereby awards the

Advanced Certificate

to

Dusty D. Solomon
Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 3rd day of September, 2013.*

B. R. R.
Chairman

[Signature]
Division Administrator



Date: Monday, December 16, 2013, Council Meeting
To: Honorable Mayor and City Council
From: Sergeant Ryan Howe, Twin Falls Police Department

Request:

To proceed with the purchase of three Honda ST1300P Police Motorcycles.

Time Estimate:

Staff requests approximately five minutes for the presentation and any additional time necessary to answer questions the Council may have.

Background:

In the 2013-2014 Fiscal Year Budget, the Police Department was authorized \$57,000 for the purchase of three new police motorcycles. These units will replace the 2002 used BMW models currently in use. On December 5, 2013, Sergeant Howe sent out solicitations for bids to three different dealers for 2014 Honda ST 1300P motorcycles with the Honda Accessory Black Panel Kit to be delivered to 152 6th Avenue West in Twin Falls, Idaho, by May 1, 2014. Three dealers submitted bids; they consisted of Adventure Motorsports of Twin Falls, Power Sports of Pocatello, and Let's Ride of Rupert. The bids received were:

Adventure Motorsports	\$49,479
Power Sports	\$51,993
Let's Ride	\$53,985

The Twin Falls Police Department would like to move forward with the purchase of the three motorcycles from the lowest bidder, Adventure Motorsports of Twin Falls, which is under the \$57,000 budgeted amount. The remaining funds will be used to purchase equipment to upfit the motorcycles.

Approval Process:

Consent of the Council

Budget Impact:

This purchase falls within the approved budgeted amount.

Regulatory Impact:

None

Conclusion:

Staff would like to proceed with the purchase of three 2014 Honda ST 1300P Police Motorcycles from the lowest bidder, Adventure Motorsports of Twin Falls, and to use the remainder of the approved budget amount to upfit the three motorcycles.

Attachments:

Bid announcement and bids received

AB:aed

Anthony Barnhart

From: Ryan Howe
Sent: Thursday, December 05, 2013 2:30 PM
Cc: Anthony Barnhart
Subject: Solicitation for bids

Solicitation for Bids

The Twin Falls Police Department is accepting bids for the purchase of three (3), 2014 Honda ST 1300P police motorcycles with the Honda Accessory Black Panel Kit. The total bid price is to include delivery of three (3) assembled motorcycles to the City of Twin Falls vehicle maintenance shop located at 152 6th Avenue West in Twin Falls, Idaho. The motorcycles must be delivered by May 1, 2014.

Submission of Bids

Written bids may be hand delivered, sent by U.S. Mail, or sent electronically. Bids must be received by 5:00 PM Mountain Standard Time, December 11, 2013. Written bids are to be sent to:

Sergeant Ryan Howe
356 3rd Avenue East
Twin Falls, Idaho 83301
rhowe@tfid.org

Objection to Specification or Bid Procedures

Written objection to specification or bid procedures must be received by Sergeant Ryan Howe at least one (1) business day before the date and time upon which bids are scheduled to be received. Objection may be delivered in the same manner and at the same addresses as the bids.

Anthony Barnhart

From: Ryan Howe
Sent: Thursday, December 12, 2013 8:38 AM
To: Anthony Barnhart
Subject: FW: Bid for motorcycles

From: wes@adventuretf.com [wes@adventuretf.com]
Sent: Friday, December 06, 2013 10:46 AM
To: Ryan Howe
Subject: Bid for motorcycles

Sergeant Ryan Howe

Submission for bid for (3) Honda ST1300P motorcycles Black/White.
Our bid would be \$16,493.00 per motorcycle for 2014 Honda ST1300P
setup and delivered by May 1st 2014 to address requested for a total
price of \$49,479.00.

Wes Wall
Adventure Motorsports
2469 Kimberly Rd.
Twin Falls Id 83301
208-733-5072
wes@adventuretf.com

Anthony Barnhart

From: Ryan Howe
Sent: Thursday, December 12, 2013 8:37 AM
To: Anthony Barnhart
Subject: FW: ST1300P Bids
Attachments: 12-13 Twinn falls police.pdf

From: Jess [jburry@rideidaho.net]
Sent: Wednesday, December 11, 2013 11:50 AM
To: Ryan Howe
Subject: ST1300P Bids

Ryan

Attached are 2 Bill of sales with the price breakdown per bike (one with sales tax and one without, I didn't think you would pay tax but wasn't sure).

\$51993.00 for the 3 bikes plus 3117.06 if you pay tax.

The May 1st delivery date will be very tight but possible depending on when you actually order the bikes.

Please give me a call when you receive this.

Jess Burry
Pocatello Powersports
2523 Poleline Rd
Pocatello Id 83201
208-232-8100
877-932-8100

Bill of Sale



Pocatello Power Sports
2523 Pole Line Road
Pocatello, Idaho 83201
(208) 232-8100

Date 12/11/2013

Purchaser	Name of Owner #1 TWIN FALLS POLICE DEPT.				Home Phone		
	Name of Owner #2				Work Phone		
	Address 356 3RD AVENUE EAST				Salesman Jess Burry		
	City TWINN FALLS		State ID	Zip 83301			
Sold Unit	☒ New ☐ Used	Year 2014	Make HONDA	Model ST1300P	Unit Price	\$17,269.00	
	VIN Number				Accessories	+ \$0.00	
	Engine Number				Class M	Document Fee	+ \$48.00
	Odometer Reading		Odometer Status ☐ Actual ☐ Not Actual ☐ No Device		Sub-Total	\$17,317.00	
Trade Unit	Year	Make	Model		Trade-In Allowance	- \$0.00	
	VIN Number				Total Taxable	\$17,317.00	
	Lienholder			Lienholder Phone	Sales Tax	+ \$0.00	
	Odometer Reading		Odometer Status ☐ Actual ☐ Not Actual ☐ No Device		Freight and Setup	+ \$0.00	
Accessories					Title Fee	+ \$14.00	
					Labor	+ \$0.00	
					Trade-In Pay Off	+ \$0.00	
					ORV Sticker	+ \$0.00	
					Extended Warranty	+ \$0.00	
					Sub-Total	\$17,331.00	
Delivery	Delivered to				Less Prev. Down	- \$0.00	
	Delivered by				Financed Amount	- \$17331.00	
	Received by				Total Due		

X

Dealer

X

Purchaser

Bill of Sale



Pocatello Power Sports
2523 Pole Line Road
Pocatello, Idaho 83201
(208) 232-8100

Date 12/11/2013

Purchaser	Name of Owner #1 TWIN FALLS POLICE DEPT.				Home Phone	
	Name of Owner #2				Work Phone	
	Address 356 3RD AVENUE EAST				Salesman Jess Burry	
	City TWINN FALLS		State ID	Zip 83301		
Sold Unit	☒ New ☐ Used	Year 2014	Make HONDA	Model ST1300P	Unit Price	\$17,269.00
	VIN Number				Accessories	+ \$0.00
	Engine Number		Class M		Document Fee	+ \$48.00
	Odometer Reading		Odometer Status ☐ Actual ☐ Not Actual ☐ No Device		Sub-Total	\$17,317.00
Trade Unit	Year	Make	Model		Trade-In Allowance	- \$0.00
	VIN Number				Total Taxable	\$17,317.00
	Lienholder		Lienholder Phone		Sales Tax	+ \$1,039.02
	Odometer Reading		Odometer Status ☐ Actual ☐ Not Actual ☐ No Device		Freight and Setup	+ \$0.00
Accessories					Title Fee	+ \$14.00
					Labor	+ \$0.00
					Trade-In Pay Off	+ \$0.00
					ORV Sticker	+ \$0.00
					Extended Warranty	+ \$0.00
					Sub-Total	\$18,370.02
Delivery	Delivered to				Less Prev. Down	- \$0.00
	Delivered by				Financed Amount	- \$18370.02
	Received by				Total Due	

X

Dealer

X

Purchaser

Anthony Barnhart

From: Ryan Howe
Sent: Thursday, December 12, 2013 8:37 AM
To: Anthony Barnhart
Subject: FW: Let's Ride: ST1300 bid

From: Randy Ivie [randyivie@rocketmail.com]
Sent: Wednesday, December 11, 2013 12:48 PM
To: Ryan Howe
Subject: Let's Ride: ST1300 bid

2014 ST1300PAE BLACK/WHITE .17995.00 EACH 53985.00 TOTAL
ANY QUESTIONS CALL RANDY @208-678-3858 THANKS



Date: Monday, December 16, 2013
To: Honorable Mayor and City Council
From: Josh Baird, Staff Engineer

Request:

Consideration of a request to authorize the Mayor to sign a Cooperative Agreement with ITD for Americans with Disabilities Act (ADA) Curb Ramp Program; Key No. 13990, and approve the resolution confirming this commitment.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background:

The ADA Curb Ramp Program is a state-administered program that provides funding for projects to address pedestrian curb ramps on the state highway system. The goal of the program is to provide safe and easily accessible facilities for pedestrians with disabilities while allowing local jurisdictions flexibility in meeting the required standards.

City staff reviewed eligible curb ramps locations and chose locations based on curb ramp priorities already assigned by ITD, location to government offices and facilities and other places of public accommodation, and ability to considerably improve a local ADA accessible network.

The City of Twin Falls applied for funds in April 2013 to construct 11 ramps on the state highway system. Letters of support from adjacent property owners were obtained as part of the application.

The City was notified in July 2013 they had been awarded \$60,000, the maximum amount offered per jurisdiction, to construct the 11 ramps. As part of the funding requirements, several City staff attended mandatory construction training in late July 2013.

Funds are to only be used for construction purposes and will be available July 2014. Projects must be completed by June 2015.

Locations chosen and the corresponding local (300 feet radius) ADA accessible networks are shown in the attachments.

Approval Process:

ITD requires a cooperative agreement to delineate shared responsibilities on their projects. They also require a resolution to confirm the City's acceptance of the agreement.

The Council is asked to authorize the Mayor to sign the final agreement and is asked to adopt the resolution.

Budget Impact:

The construction of this project is anticipated to be paid for fully by ITD funds. However, should overages occur (above the allocated \$60,000), those will come out of the streets budget.

Regulatory Impact:

None.

Conclusion:

Staff recommends that the Council authorize the Mayor to sign the cooperative agreement and adopt the resolution.

Attachments:

1. Cooperative Agreement for Americans with Disabilities Act (ADA) Curb Ramp Program; Project No: A013(990); Key No: 13990
2. Resolution
3. Ramp Location Pictures & Maps

**COOPERATIVE AGREEMENT
PROJECT NO. A013(990)
FY 15 11 ADA RAMPS, TWIN FALLS
TWIN FALLS COUNTY
KEY NO. 13990**

PARTIES

This Agreement is made and entered into this _____ day of _____, _____, by and between the **IDAHO TRANSPORTATION BOARD** by and through the **IDAHO TRANSPORTATION DEPARTMENT**, hereafter called the State, and the **CITY OF TWIN FALLS**, hereafter called the City.

PURPOSE

The City of Twin Falls wishes to upgrade the following curb ramps along US30 and US93 within the City limits:

US 30	US 93
D4_02313	D4_03115
D4_02634	D4_03117
	D4_03118
	D4_03163
	D4_03164
	D4_03165
	D4_03175
	D4_03453
	D4_03454

The State has agreed to participate in the cost of this work. This Agreement will provide for the responsibilities of the parties in this project.

Authority for this Agreement is established by Section 40-317 of the Idaho Code.

It is mutually agreed and understood by the Parties that:

SECTION I That the State will:

1. Upon execution of this Agreement and receipt of a written request from the City, pay to the City the amount of Sixty Thousand Dollars (\$60,000) to be used for Americans with Disabilities Act (ADA) curb ramp improvements as identified above. The amount paid under this agreement is a lump sum payment. No additional funds will be paid for this work.

*Cooperative Agreement
City of Twin Falls
Key No. 13990*

2. At its discretion, perform an inspection of the work upon notification from the City of completion of the work.
3. At its discretion, audit the project records to ensure the funds paid to the City were utilized as intended by this Agreement.

SECTION II That the City will:

1. Provide for design and construction of the improvements as identified above.
2. Design and construct the project to State Standards as defined in the current version of the Idaho Transportation Department's Design Manual, or as subsequently revised. The current version of the Design Manual can be viewed at the following web site: <http://itd.idaho.gov/manuals/ManualsOnline.htm>.
3. Provide all funding necessary for the work over and above the funds paid by the State under Section I, Paragraph 1 above.
4. Upon completion of the work:
 - a. Notify the State and provide the opportunity for inspection of the completed project by the State; and
 - b. Complete and submit an ITD-0288 (ADA Ramp Inspection) form for each ramp constructed. The form(s) can be either mailed to the Division of Transportation Performance, PO Box 7129, Boise, ID 83707-1129, or sent to the following e-mail address: gateam@itd.idaho.gov.
5. Maintain all project records, including source documentation for all expenditures, for a period of three (3) years from the date of final acceptance. If any litigation, claim, negotiation, or audit has been started before expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues that arise from it.
6. Comply with all other applicable State and Federal regulations.
7. Refund to the State the amount paid under this Agreement if the project is terminated prior to completion or if the project is not completed by July 1, 2015.
8. Indemnify, save harmless and defend regardless of outcome the State from expenses of and against suits, actions, claims, or losses of every kind, nature and description, including costs, expenses and attorney fees that may be incurred by reason of any negligent act or omission of the City in the construction and maintenance of the work.

GENERAL:

1. This Agreement shall become effective on the date the parties entered into this Agreement, and shall remain in full force and effect until amended or replaced upon the mutual written consent of both parties.

EXECUTION

This Agreement is executed for the State by its Transportation Performance Division Administrator, and executed for the City by the Mayor, attested to by the City Clerk, with the imprinted corporate seal of the City of Twin Falls.

IDAHO TRANSPORTATION DEPARTMENT

APPROVED

Transportation Performance Division Administrator

RECOMMENDED

District Engineer

Approved as to form:



Deputy Attorney General

ATTEST:

CITY OF TWIN FALLS

City Clerk

Mayor

By regular/special meeting held
on _____

hm:13990 COOP.docx

*Cooperative Agreement
City of Twin Falls
Key No. 13990*

RESOLUTION

WHEREAS, the Idaho Transportation Department, hereafter called the **STATE**, has submitted an Agreement stating obligations of the **STATE** and the **CITY OF TWIN FALLS**, hereafter called the **CITY**, for ADA improvements on US30 AND US93; and

WHEREAS, the **STATE** is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System; and

WHEREAS, the **CITY** and the **STATE** are providing funds for this project; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement to construct ADA improvements on US30 and US93 within city limits is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY**.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a *regular, duly* called special (X-out non-applicable term) meeting of the City Council, City of Twin Falls, held on

_____, _____.

(Seal)

City Clerk

*Cooperative Agreement
City of Twin Falls
Key No. 13990*

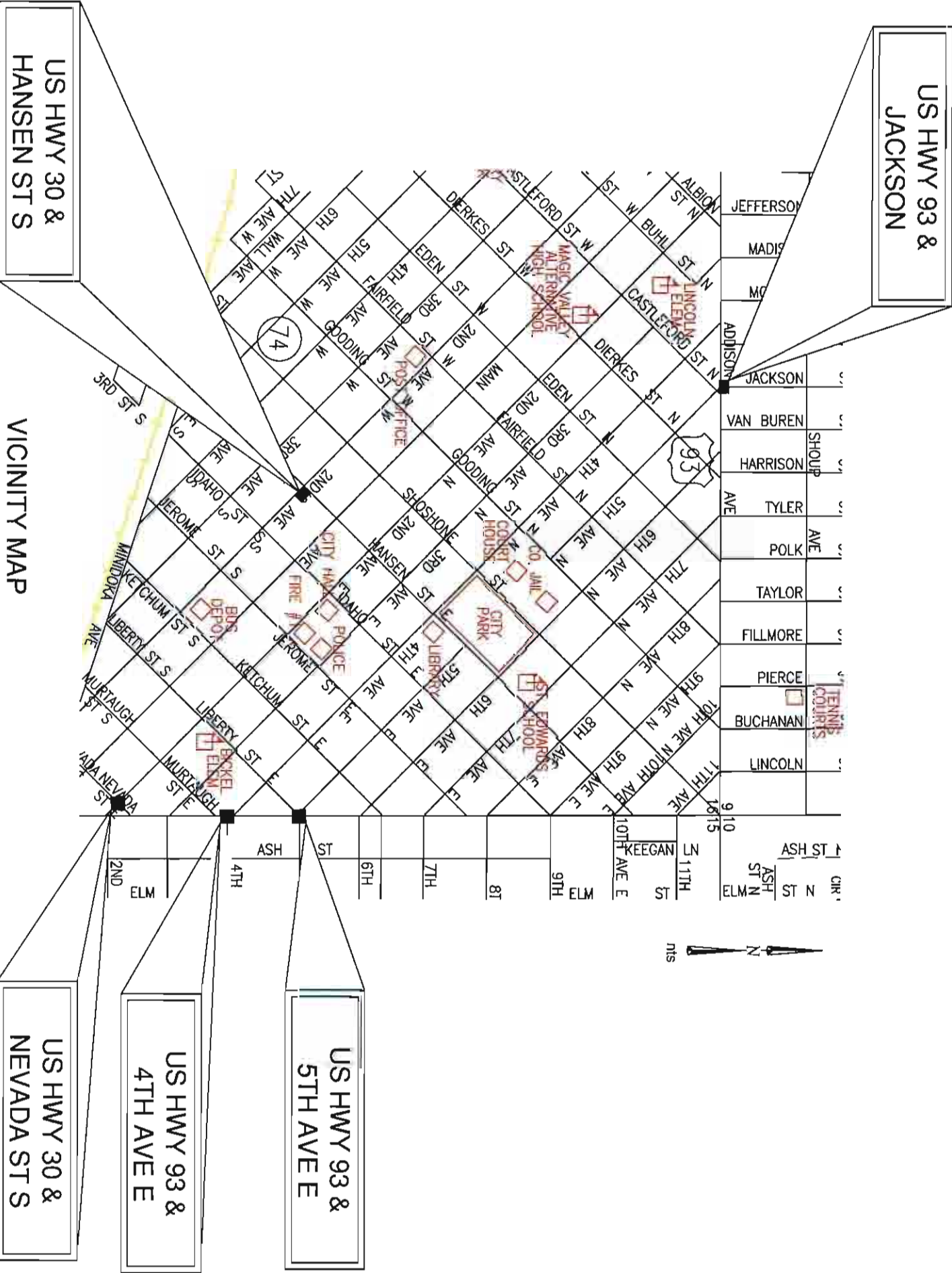


PROPOSED ADA CURB RAMP PROJECT

APRIL 2013

Sheet Index

VICINITY MAP	Sheet 1
HANSEN ST S	Sheet 2
JACKSON ST	Sheet 3
NEVADA ST S	Sheet 4
4TH AVE E	Sheet 5
5TH AVE E	Sheet 6



CITY OF TWIN FALLS
ADA CURB RAMP PROGRAM

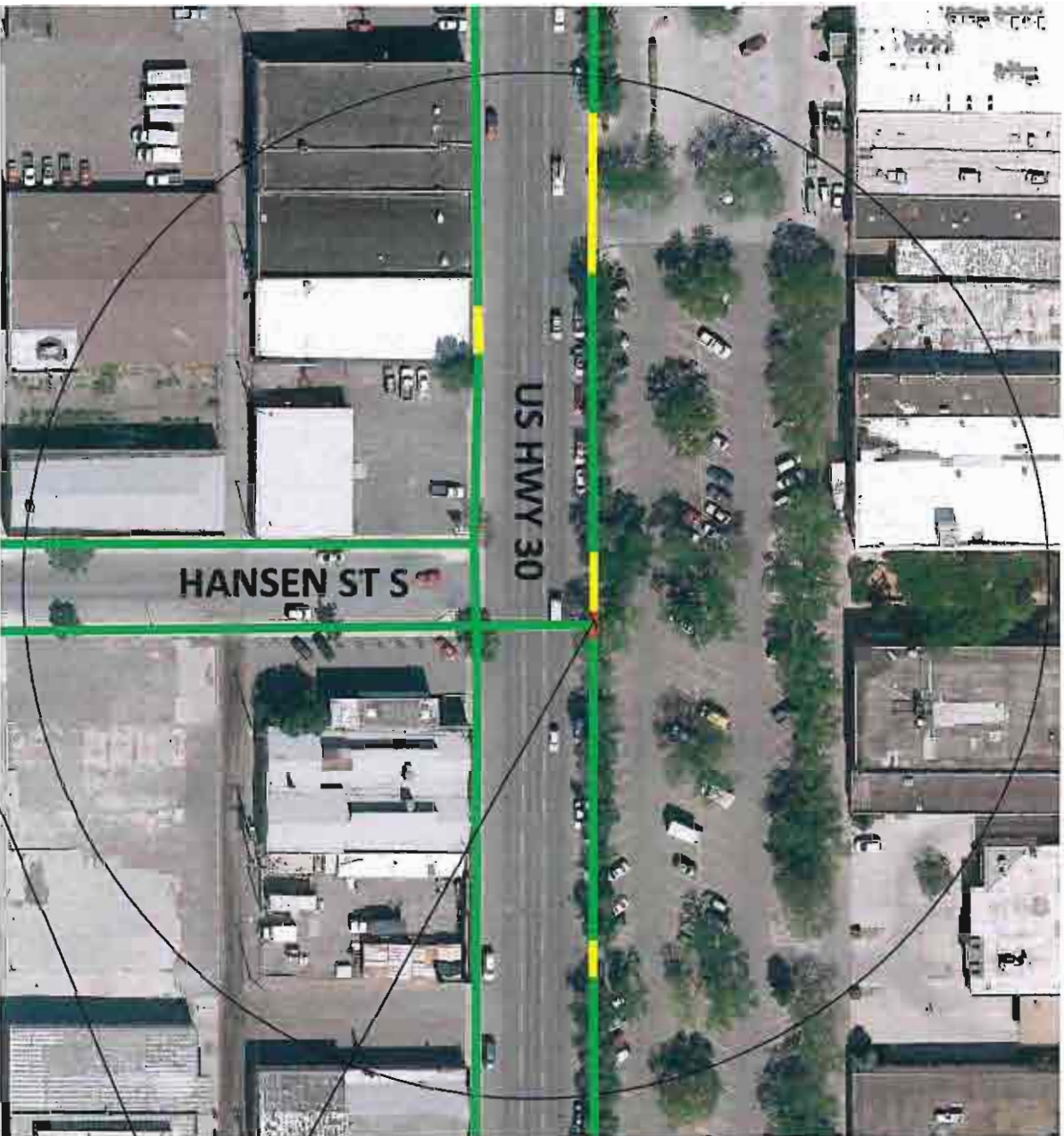
CITY OF TWIN FALLS
321 SECOND AVENUE EAST
P.O. BOX 1907
TWIN FALLS, ID 83303-1907
PH (208) 735-7267
FAX (208) 736-2293



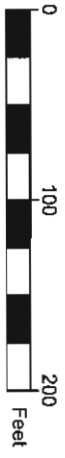
REVISIONS

DESIGNED	DRAWN
J. BARD	J. BARD
APPROVED	DATE
	APR 23/13

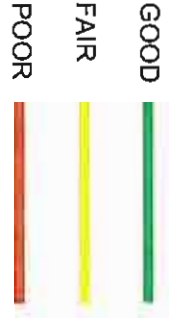
SHEET



INSTALL NEW
ADA RAMP



ADA ACCESSIBILITY



CITY OF TWIN FALLS
321 SECOND AVENUE EAST
P.O. BOX 1907
TWIN FALLS, ID 83303-1907
PH# (208) 735-7267
FAX (208) 736-2293

CITY OF TWIN FALLS
ADA CURB RAMP PROGRAM
US HWY 30 & HANSEN ST S

REVISIONS

DESIGNED	DRAWN
J. BAIRD	J. BAIRD
APPROVED	DATE
	APR 2013

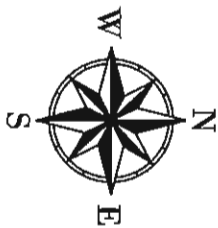
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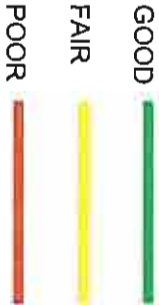
INSTALL NEW
ADA RAMP



INSTALL NEW
ADA RAMP



ADA ACCESSIBILITY



CITY OF TWIN FALLS
ADA CURB RAMP PROGRAM
US HWY 93 & JACKSON ST

REVISIONS

DESIGNED	DRAWN
J. BARR	J. BARR
APPROVED	DATE
	APR 2013

SHEET



ADA ACCESSIBILITY

GOOD

FAIR

POOR

RELOCATE
CROSSWALK
NORTH



INSTALL NEW
ADA RAMPS



CITY OF TWIN FALLS
ADA CURB RAMP PROGRAM
US HWY 30 & NEVADA ST S

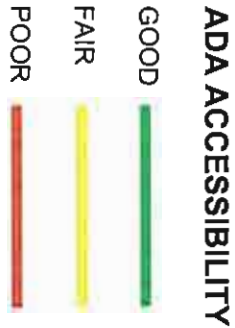
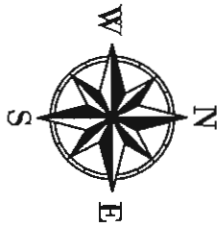
CITY OF TWIN FALLS
321 SECOND AVENUE EAST
P.O. BOX 1907
TWIN FALLS, ID 83303-1907
PHONE (208) 735-7267
FAX (208) 736-2293



REVISIONS

DESIGNED	DRAWN
J. BARD	J. BARD
APPROVED	DATE
	APR 2013

SHEET



INSTALL NEW
ADA RAMP

INSTALL NEW
ADA RAMP



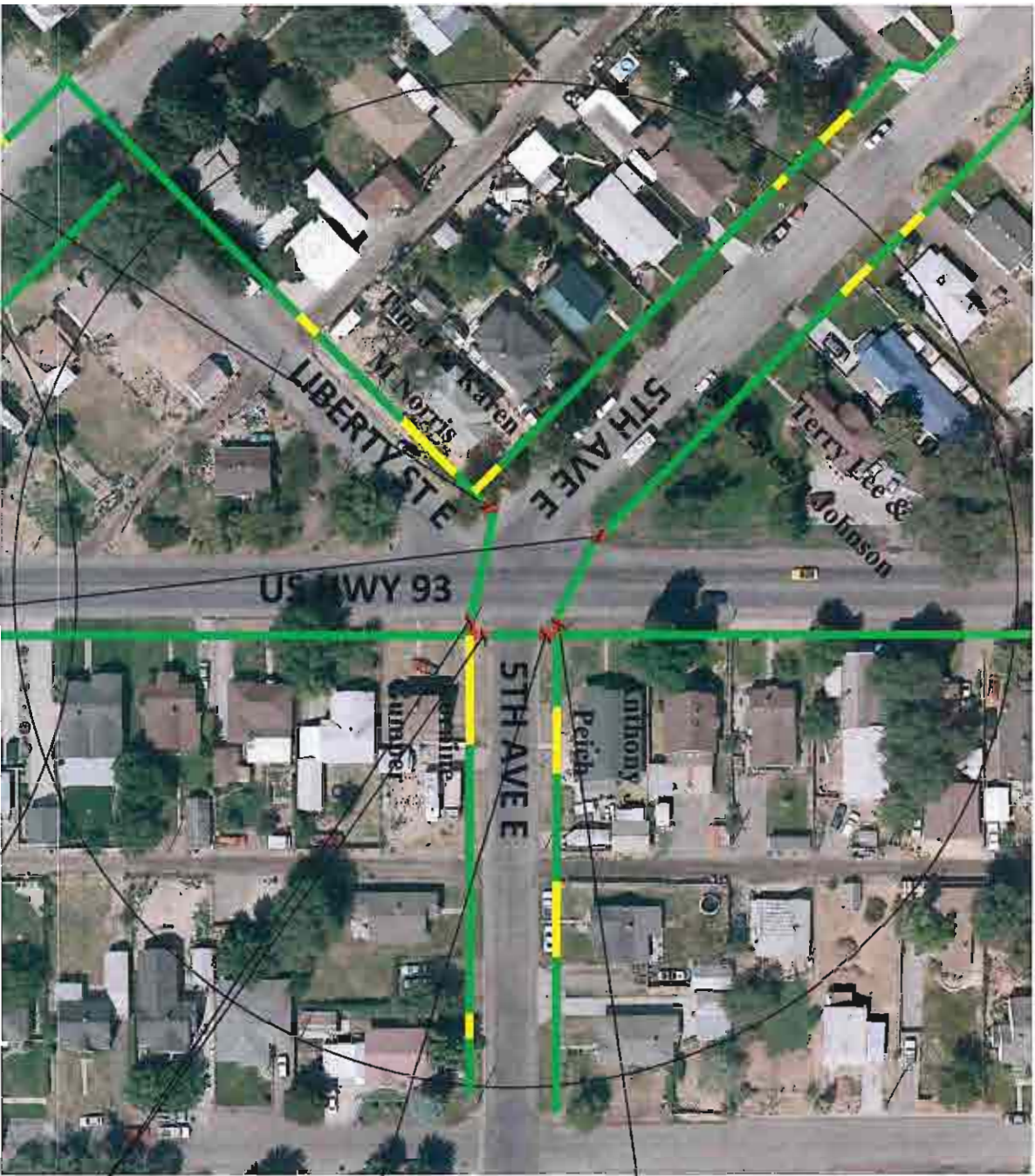
CITY OF TWIN FALLS
321 SECOND AVENUE EAST
P.O. BOX 1907
TWIN FALLS, ID 83303-1907
PHONE (208) 733-7267
FAX (208) 736-2293

CITY OF TWIN FALLS
ADA CURB RAMP PROGRAM
US HWY 93 & 4TH AVE E

REVISIONS

DESIGNED	DRAWN
J. BAIRD	J. BAIRD
APPROVED	DATE
APR 2013	

SHEET



ADA ACCESSIBILITY

GOOD
FAIR
POOR

INSTALL NEW
ADA RAMP



INSTALL NEW
ADA RAMP



INSTALL NEW
ADA RAMP



INSTALL NEW
ADA RAMP



INSTALL NEW
ADA RAMP



REVISIONS

CITY OF TWIN FALLS
ADA CURB RAMP PROGRAM
US HWY 93 & 5TH AVE E

CITY OF TWIN FALLS
321 SECOND AVENUE EAST
P.O. BOX 1907
TWIN FALLS, ID 83303-1907
PH# (208) 735-7267
FAX (208) 736-3293



SHEET

6 of 6

DESIGNED: J. BARD
DRAWN: J. BARD
APPROVED: J. BARD
DATE: APR 2013



Monday, December 16, 2013 City Council Meeting

To: Honorable Mayor and City Council

From: Pat Lehmann, Budget Coordinator

Request:

Presentations from Municipal Powers Outsource Grants (MPOG) Recipients on use of funds received last fiscal year.

Time Estimate:

Each of the recipients has been given up to 5 minutes for their report, plus any additional time needed to address questions presented by Council members. There are 10 recipients, five of whom presented their reports last week at the December 9th Council Meeting. The remaining five recipients will be presenting their reports tonight. I would anticipate approximately 30-35 minutes for the presentations plus questions/answers.

Background:

At the June 3, 2013 Council Meeting, the Municipal Powers Outsource Grants for FYE 2013 were awarded. The Council requested that a report on how the funds were used by the recipients and what goals they were able to accomplish, be presented to the Council by the first part of December.

Budget Impact:

None.

Regulatory Impact:

There is no regulatory impact

Conclusion:

Attachments:

1. Order of presentations and amounts awarded
2. Copies of Reports from MPOG Recipients

TWIN FALLS CITY COUNCIL MEETING

Monday – December 16, 2013

Municipal Powers Outsource Grants

Report Presentation Schedule

1. Trans IV Buses	\$25,000
2. Jubilee House	\$ 2,500
3. The Salvation Army	\$ 5,000
4. Interfaith Care Givers	\$ 5,000
5. Magic Valley Arts Council	\$ 6,150

The \$25,000 awarded to Trans IV Buses/College of Southern Idaho for this past year was used for:

- The \$25,000 provided 14.2% of the local match (\$175,644) required to receive \$417,013 in FTA funds to provide public transportation for Twin Falls and the surrounding area.

The balance of the required match funds to obtain this Federal funding came from:

1. Medicaid Rides
2. Office on Aging
3. Living Independent Network Corp.
4. College of Southern Idaho
5. City of Jerome \$2,500

Trans IV thanks the City of Twin Falls for their continuing support of public transportation for Twin Falls.

Lynn Baird

Director Trans IV Buses

Jubilee House, Inc.
Grant Report / MPG 2013

Our objectives included continuing to offer Full Life Recovery classes and certified drug and alcohol and relapse prevention classes. Continuing to offer services free of charge to our residents and to maintain a connection and support system with our graduates.

Jubilee House has had a wonderful year. We held our Spring and Fall graduations, with **6 women graduating from our Full Life Recovery Program .** We currently have **7 women in our program and 2 women in the penal system with Jubilee House as their exit plan.** We have 4 women that are going into our transitional phase, obtaining employment, and transitioning into their new lives and they will be graduating this Spring.

We are continuing our Full Life Recovery Program and have offered more than **2000 class room hours of relapse prevention and other life choices** and more than **200 hours of individual and group licensed drug and alcohol counseling** and more than **2000 trasports to appointments and obligations.**

We continue to work with the organizations and services in the community. As well as the 2 women currently incarcerated awaiting release to Jubilee House, we have 4 women currently on felony probation, 1 woman in mental health court, 1 woman in DUI court and 1 woman working with CPS to regain custody of her minor child, 2 of our current residents were referred through St Luke's Mental Health Services.

Our Annual budget is just over \$100,000. We are debt free so all of the monies received are used for the needs of our residents. The cost of a secular residential program averages \$5,000–\$12,000 a month per resident. Jubilee House is able to operate on just \$1,000 per woman per month, and this includes room, board and transportation. The average success rate after 2 years for most programs is 2–18%. Jubilee House has a success rate of 75%. Meaning more women in recovery for every dollar spent.

Prepared by:
Kathryn Bausman
Executive Director
208-736-2566 / jubileehousetwinfalls.com



THE SALVATION ARMY
TWIN FALLS CORPS
348 4TH Avenue North
P.O. Box 166
Twin Falls, ID 83301-0166

Captain Marcos Marquez
Commanding Officer

WILLIAM BOOTH
Founder

Andre' Cox
General

JAMES KNAGGS
Territorial Commander

JUDITH E. SMITH
Divisional Commander

December 3, 2013

City of Twin Falls
Municipal Powers Outsource Grant
Pat Lehmann

Dear Pat,

Thanks to the MPOG funds our "It's All About KIDS" program had a wonderful summer experience. One of the goals we seek is to teach the children to get off the couch and get some exercise. During the 2013 Summer Day Camp we used grant funds to pay for bus trips to Diamond Field Jacks, Craters of the Moon, Thousand Springs Resort, Zoo Boise, Shoshone Ice Caves, Balanced Rock, Boise Ice Rink and Roaring Springs. We introduced the children to the wonder of the beauty of outdoor Idaho and showed them easy ways to enjoy it, care for it, and get some exercise. We spent \$3583.22 for the buses. The outcome was that the 60 – 65 kids in the camp maintained their weights and BMI's during the summer when most of their peers experience weight gain from just sitting around. The long term impact to this healthy lifestyle remains to be seen. The remaining \$1416.78 (and more) was spent for the purchase and upkeep of our 25 passenger bus for weekly summer trips to the YMCA pool and then pick ups for our After School Program.

We are thankful for your support of our youth programs.

Respectfully Submitted,

Nicki Kroese
Business Manager

Phone: (208) 733-8720
Fax: (208) 734-5374

A participating agency of





Dear Twin Falls City Council,

Thank you for awarding Interfaith Volunteer Caregivers (IVC) its first Municipal Power Outsource Grant (MPOG). The grant was greatly needed to reimburse our volunteers mileage, using their own vehicles, to provide critical services to our care recipients. Please find below IVC's report for the MPOG funds awarded in June, 2013.

MPOG Report

FUNDS AWARDED: \$5,000.00

FUNDS EXPENDED:

MPOG funds were restricted to reimburse IVC volunteers for mileage driven, using their own vehicles, to transport Twin Falls residents to critical health related appointments and essential errands at no charge to care recipients.

OUTCOMES:

As a direct result of MPOG funds:

- 9,010.55 miles were driven providing Twin Falls' residents necessary transportation to vital health related appointments and essential errands.
 - o Health related transports include: St. Luke's Mt. States Tumor Institute, kidney dialysis centers, physical therapy centers, doctor and dentist appointments, and St. Luke's M.V. Medical Center discharged patients home
 - o Essential errand transports include: Grocery shopping and pharmacies
- 596 vulnerable Twin Falls' residents were served allowing them access to critical health care services and necessary errands

GOAL ACCOMPLISHED:

As a direct result of MPOG funds:

- 596 Twin Falls' residents were kept out of assisted living and nursing home facilities thereby allowing them to live independently and safely in their own homes
 - o Comparing the same time period in 2012, the number of Twin Falls' residents served in 2013 increased **22%**

Thank you so much for your confidence in IVC. Please contact me with any questions.

Sincerely,

Edie Unland-Schab
Executive Director
Interfaith Volunteer Caregivers

**Magic Valley Arts Council
City of Twin Falls MPOG Grant Funding**

Grant Expenditures 2013 (May to Oct)

Grant Funds \$6,150:

Grant Funds Expended: \$6,150

Funds from the City of Twin Falls MPOG Grant were used to develop and enhance programs offered by the Magic Valley Arts Council and for operating support in development and management of these programs.

Facility Expense:

Grant Funds: \$810

Expended: \$810

Expense to date for our facility include

\$13,301	Common area management fees
\$2, 121	Contract technical service fees
\$712	Insurance Fees
\$4,728	Phones and Utilities

Staff:

Grant Funds: \$2,300

Expended: \$2,300

Staff expenses for the MPOG funds were limited to program management
Expenses to date for staff/program management are 23,615

Program Promotion & Mktg. Grant Funds : \$2,100

Expended: \$2,100

Expenses to date for programming promotion and mktg. \$3,635

Art Teacher Fees:

Grant Funds: \$940

Expended: \$940

Expenses for Art Teacher Fees \$ 2,100 (includes fees for KAP teachers)

Goals accomplished with MPOG Funding.

Kids Art in the Park (KAP): reached 346 kids ages 5 to 14 (a record number of attendance)

Missoula Children's Theater: 350 kids ages 5 to 18 were either in the production or benefited from workshops throughout the residency week in Twin Falls schools.

Adult and Youth Summer Art Classes and **2 After School Art Classes** for 35 students

Hosted: Twin Fall High School and Canyon Ridge High School Student Art Exhibit with 100 Twin Falls Art Students being given the opportunity to exhibit their art work to the public.

Hosted: The Regional Watercolor Society Exhibit, the Idaho Watercolor Juried Touring Exhibit, Photography exhibit titled Expedition America featuring U.S. National Parks viewed by over 8,000 individuals.

4 Summer Outdoor Concerts attended by approximately 600 people

Two PBS Documentary Community Cinema Screenings followed by open moderated public discussion for 100 by local leaders within the community.

Three Arts on Tour Student Outreach Performances - for 1500 local students at no charge.

Six Open House receptions for 22 local artists attended by over 400 community members.

Respectfully submitted by: Carolyn White Executive Director Magic Valley Arts Council



Date: Monday, December 16, 2013
To: Honorable Mayor and City Council
From: Travis Rothweiler, City Manager

Request:

Consideration of a Resolution of the City Council of the City of Twin Falls creating the Economic Development Ready Team.

Consideration of a Resolution of the City Council of the City of Twin Falls creating the Zoning Ordinance Amendment Committee (ZOAC).

Time Estimate:

The presentation will take approximately 15 minutes in addition to time needed for answering questions.

Background:

On December 2, 2013, the City Council of the City of Twin Falls adopted Resolution 1912. The purpose of the Resolution is to "...declare a policy of transparency and openness in City Government in order to promote accountability, to enhance dissemination of public information, and to encourage citizen participation in city government."

Section 3 of Resolution 1912 states:

Section 3: The Idaho Open Meeting Law applies only to meetings of the governing board of a public agency or sub-agency which is created by statute, ordinance, or other legislative act, with the authority to make decisions for or recommendations to a public agency regarding any matter. The Idaho Attorney General, in the Idaho Open Meeting Law Manual, states that "the Open Meeting Law does not apply to voluntary, internal staff meetings *if the group is not created by or pursuant to statute, ordinance or other legislative act*, even though the discussions may lead to recommendations to the governing body." A subcommittee is a creation of, and is responsible to, the agency that created it.

In order to provide more transparency in City government, neither the Twin Falls City Council nor any of its commissions will permit the formation of ad hoc volunteer groups intended to report back to the City Council or commission, unless that group is formed as a committee or commission, created by a vote of the City Council or commission. No more than two elected City Council persons may serve on any committee, including ad hoc groups and subcommittees created by statute, ordinance, or other legislative act. The City Council, and its committees and commissions, shall always comply with all requirements of the Idaho Open Meeting Law.

On December 9, 2013, the members of the Twin Falls City Council and the City Manager reviewed the different work groups that had been informally created that need to be recognized to ensure the City operated in compliance with Resolution 1912. The City Council instructed the City Manager and the City Attorney to construct Resolutions designed to create and transform the informal workgroups into recognized committees. Those committees are the economic development ready team and the Zoning Ordinance Amendment Committee (ZOAC).

Economic Development Ready Team

Purpose: The purpose of the economic development ready team is to encourage and create opportunities for collaboration between the City of Twin Falls and its economic development partners. The ready team compiles information and develops economic development strategies for site visits. It also serves as “the face of the community” when hosting and entertaining economic development opportunities during those visits and interactions. This team helps further the strategic planning objectives contained in “Prosperous Community” section of the City’s strategic plan.

Membership: By design, membership on the committee is determined by roles and positions, not individuals. Those on the committee are: the Mayor, Vice Mayor, URA Chairperson, URA Vice Chair, Chamber of Commerce President/CEO, SIEDO Executive Director, Business Plus representative, and City staff. The Council might consider adding two citizen representatives to this group.

The second part of the economic development ready team is composed of additional economic development partners. The committee is composed of members of our community and they represent the different economic sectors in our community. Members of the internal team are also on the committee. We have both the public and private sectors represented. We typically assemble this team once a quarter.

Current City Council Members: Two members of the City Council.

Meetings: The economic development ready team tries to get together twice per month; typically it has been at the first and third Monday of each month at 3:30 p.m. Because of the nature and size of the committee, the City Council granted the City Manager’s request to have this Committee to be allowed to given the opportunity to continue to meet in the City Council overflow and St. Luke’s hospital. This committee will comply with all of the Idaho Open Meetings requirements.

Zoning Ordinance Amendment Committee (ZOAC)

Purpose: The purpose of the Zoning Ordinance Amendment Committee (ZOAC) is to provide input and direction to City staff regarding the creation of amendments to City Code Title 10, the City’s zoning ordinance. The City’s Comprehensive Plan recommends several zoning ordinance amendments that are necessary to achieve the Plan’s desired development outcomes. Also, the City Council and Planning & Zoning Commission from time-to-time will identify zoning ordinance provisions that have become outdated or are otherwise inadequate and in need of amendment. The ZOAC is the first group to provide public input when zoning ordinance amendments are being prepared. The ZOAC helps further the strategic planning objectives contained in “Healthy,” “Accessible,” “Environmental,” and “Prosperous Community” sections of the strategic plan.

In the fall of 2012, the City Council approved a list of several potential zoning ordinance amendments for the ZOAC to begin working on. The ZOAC has completed some of the amendments from the list, has reviewed and determined that a couple of the amendments are not necessary, and are currently working on four more. Other potential amendments could be added to the list, but not by the ZOAC. Amendments can only be added to the list by action of the Planning & Zoning Commission or City Council, though it may be reasonable for the ZOAC to recommend that the Commission or Council add an amendment to the list.

Membership: The ZOAC currently has six committee members. By design, membership on the ZOAC is partly determined by roles and positions, and partly by general City residency. Two members of the ZOAC are current Councilpersons and two are current Planning & Zoning Commissioners. The final two members are at large City residents.

Meetings: The ZOAC generally meets twice a month. Those meetings have typically been from 11:30 a.m. to 1:00 p.m. on the first and third Wednesday of the month in the in the Council Overflow room.

There are two Resolutions described and contained in this Agenda Statement that will need to be acted upon by the Council individually.

Approval Process:

Approval requires a simple majority vote of the City Council members present on each Resolution. A separate vote needs to be taken on each proposal.

Budget Impact:

There is no budget impact associated with this request.

Regulatory Impact:

These Resolutions are being

Attachments

1. Resolution creating the City of Twin Falls Economic Development Ready Team
2. Resolution creating the Zoning Ordinance Amendment Committee (ZOAC)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS,
IDAHO, CREATING THE ECONOMIC DEVELOPMENT READY TEAM.

WHEREAS, The City Manager created an Economic Development Ready Team, consisting of various members of the City Council, the Urban Renewal Agency, the Chamber of Commerce, SIEDO, Business Plus, as well as City Staff and other members of the community as designated by the City Manager, in order to encourage and create opportunities for collaboration between the City and its economic development partners; and,

WHEREAS, On December 2, 2013, the City Council of the City of Twin Falls adopted Resolution 1912, which affirmed and furthered its "...policy of transparency and openness in City Government in order to promote accountability, to enhance dissemination of public information, and to encourage citizen participation in city government..."

WHEREAS, The Twin Falls City Council deems it appropriate to formalize this working group by the creation of a recognized committee of the City Council, and to operate under the requirements of the Idaho Open Meeting Law.

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

Section 1: That there is hereby created the Economic Development Ready Team, whose purpose shall be to encourage and create opportunities for collaboration between the City of Twin Falls and its economic development partners.

Section 2: Membership on this committee shall include two members of the City Council, as appointed by the Mayor and confirmed by the City Council, as well as members appointed by the Urban Renewal Agency, the Chamber of Commerce, SEIDO, Business Plus, and such other City staff and members of the community as shall be designated by the Committee and/or the City Manager.

Section 3: The Committee may post an annual schedule of regular meetings at Council Chambers, and may post notice of special meetings, as permitted by the Idaho Open Meeting Law. Agendas shall be posted at least 48 hours prior to regular meetings, and 24 hours prior to special meetings. Meetings shall be held at such places as are most convenient for the members. Minutes of the meeting shall be kept, but video streaming of meetings shall not be required.

Section 4: The Committee may meet in executive session under the conditions permitted in Idaho Code §67-2345(1).

PASSED BY THE CITY COUNCIL
SIGNED BY THE MAYOR

, 2013.
, 2013.

MAYOR

ATTEST:

DEPUTY CITY CLERK

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS,
IDAHO, CREATING THE ZONING ORDINANCE AMENDMENT
COMMITTEE.

WHEREAS, There previously existed a work group consisting of two members of the City Council, two members of the Planning and Zoning Commission, and two members of the public, in order to provide input and direction to City Staff regarding amendment to the City's zoning ordinance, based upon recommendations contained in the Comprehensive Plan; and,

WHEREAS, On December 2, 2013, the City Council of the City of Twin Falls adopted Resolution 1912, which affirmed and furthered its "...policy of transparency and openness in City Government in order to promote accountability, to enhance dissemination of public information, and to encourage citizen participation in city government..."

WHEREAS, The Twin Falls City Council deems it appropriate to formalize this working group by the creation of a recognized committee of the City Council, and to operate under the requirements of the Idaho Open Meeting Law.

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

Section 1: That there is hereby created the Zoning Ordinance Amendment Committee, whose purpose shall be to provide input and direction to City Staff regarding amendment to the City's zoning ordinance, based upon recommendations contained in the Comprehensive Plan.

Section 2: Membership on this committee shall be appointed by the Mayor and confirmed by the City Council and shall consist of two members of the City Council, two members of the Planning and Zoning Commission, and two members of the community.

Section 3: The Committee may post an annual schedule of regular meetings at Council Chambers, and may post notice of special meetings, as permitted by the Idaho Open Meeting Law. Agendas shall be posted at least 48 hours prior to regular meetings, and 24 hours prior to special meetings. Meetings shall meet in Council Chambers or in the Council Overflow Room in order to facilitate video streaming of the meetings.

PASSED BY THE CITY COUNCIL , 2013.
SIGNED BY THE MAYOR , 2013.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Date: Monday, December 16, 2013

To: Honorable Mayor and City Council

From: Mitchel Humble, Community Development Director

Request:

Discussion on the annual impact fee report from the Development Impact Fee Advisory Committee.

Time Estimate:

The staff presentation will take approximately 10 minutes. We expect additional time will be needed to discuss and answer questions.

Background:

On August 1, 2009, the City began collecting development impact fees with new building permits. Part of the State requirements for cities that have an impact fee program is an annual reporting requirement from the Development Impact Fee Advisory Committee to the City Council. This agenda item is the required annual report for the close of Fiscal Year 2013. The Committee met on November 14, 2013 to make their final recommendations for this report.

Financial Data

The table below contains a summary of the impact fees collected since the program began on 8/1/09. The information is organized by fiscal year.

City of Twin Falls Summary of Impact Fee Activity							
8/19/2013	08-09	09-10	10-11	11-12	(unaudited) 12-13	10/31/2013	Total
REVENUES:							
Residential Impact Fees-Police	\$ 2,820	\$ 20,924	\$ 16,726	\$ 25,748	\$ 36,926	\$ 4,079	\$ 107,223
Non-resid. Impact Fees-Police	\$ -	\$ 1,644	\$ 5,412	\$ 57,916	\$ 14,015	\$ -	\$ 78,986
Subtotal-Police	\$ 2,820	\$ 22,567	\$ 22,138	\$ 83,665	\$ 50,940	\$ 4,079	\$ 186,209
Residential Impact Fees-Fire	\$ 8,055	\$ 60,063	\$ 47,776	\$ 73,520	\$ 105,271	\$ 11,622	\$ 306,307
Non-resid. Impact Fees-Fire	\$ -	\$ 4,602	\$ 15,150	\$ 155,071	\$ 40,237	\$ -	\$ 215,060
Subtotal-Fire	\$ 8,055	\$ 64,664	\$ 62,927	\$ 228,591	\$ 145,508	\$ 11,622	\$ 521,367
Residential Impact Fees-Streets	\$ 4,065	\$ 30,545	\$ 23,734	\$ 42,530	\$ 51,288	\$ 5,876	\$ 158,038
Non-resid. Impact Fees-Streets	\$ -	\$ 21,773	\$ 46,497	\$ 173,666	\$ 45,750	\$ -	\$ 287,687
Subtotal-Streets	\$ 4,065	\$ 52,319	\$ 70,231	\$ 216,196	\$ 97,038	\$ 5,876	\$ 445,725
Residential Impact Fees-Parks	\$ 9,150	\$ 67,402	\$ 54,270	\$ 82,022	\$ 119,510	\$ 13,189	\$ 345,544
Subtotal-Parks	\$ 9,150	\$ 67,402	\$ 54,270	\$ 82,022	\$ 119,510	\$ 13,189	\$ 345,544
Interest Income	\$ -	\$ 2,137	\$ 1,846	\$ 8,778	\$ 23,444	\$ -	\$ 36,205
	\$ 24,090	\$ 209,089	\$ 211,412	\$ 619,252	\$ 436,440	\$ 34,766	\$ 1,535,050
EXPENDITURES:	\$ -	\$ -	\$ -	\$ -	\$ 37,260	\$ 20,236	\$ 57,496
DIFFERENCE:	\$ 24,090	\$ 209,089	\$ 211,412	\$ 619,252	\$ 399,180	\$ 14,530	\$ 1,477,554

Streets-Budget for 12-13 less exp.

\$ (334,504)

The table above shows that at the end of Fiscal Year 2013, the City had collected \$436,440. The table also includes impact fees collected through October 2013 in the amount of \$34,766. The total amount of impact fee collected since

the program began through October 31, 2013 is 1,535,050. This year's report is also the first year where we have expenditures to report. We have started the design and installation of a traffic signal at the intersection of Fillmore and North College. Expenditures through 10/31/13 for the traffic signal totaled \$57,496.

Impact Fee Equity

In addition to the financial information above, the Committee also has provided information and recommendations regarding the operation of the impact fee program and the capital improvement plans. First and foremost, the Committee did not report any perceived inequities in implementing the plan or imposing the development impact fees. This recommendation is important since the Committee is required by statute to review and report on the equity of the plan and associated fees.

Capital Improvements Plan

Secondly, State law requires communities with impact fees to review their capital improvements plan (CIP) every five years for continued validity. The Committee has begun working on that CIP review. At their November meeting, the Committee received and began their review of updates provided by City staff. At that meeting, the updates were presented and explained. The Committee members asked several questions to help them understand the reasons for the various CIP revisions that staff proposed. The Committee then adjourned the meeting so they could review the updates in more detail on their own. The Committee will get together for more update meetings over the next few months in order to finalize their recommendation regarding the update to the CIP. For the purposes of this annual report, the Committee recommends that the CIP be reviewed and updated as required by State law. However, specific updates are not being recommended right now. Those will come as they complete their review in the next few months. The Planning & Zoning Commission will then review the Committee's recommended CIP update and make a recommendation of its own regarding the CIP's compliance to the City's Comprehensive Plan. Then the CIP update will be presented to the Council with both recommendations from the Committee and the Planning & Zoning Commission.

Automatic Fee Increase

The final recommendation from the Committee is regarding the automatic fee increase. As you are aware, the impact fee adopting ordinance contains a provision for the fee amounts to be automatically adjusted on January 1st of each year by an amount equal to the year's municipal cost index. On January 1, 2010, the fee amounts all increased by 1.1%. In the FY2010 and FY2011 Impact Fee Reports, the Committee recommended that the Council adopt resolutions forgoing the 2011 and 2012 automatic increases. The Council adopted those resolutions as recommended by the Committee. Last year, the Committee recommended that the 1/1/13 increase be allowed to occur. The Council agreed, and a 2% increase was implemented.

This year, the Committee is recommending that the Council again allow the automatic increase to occur. The MCI percentage change from November 2012 to November 2013 was 1.5%. We will not know what the January 2013 to January 2014 change will be until January 2014. Some Committee members still expressed concern about building activity not being quite what it was in 2008 before the crash. However, the Committee was more concerned about the impact fee program falling behind on collections.

Since the Committee is recommending allowing the automatic fee increase to occur, staff has not prepared a resolution to forgo the increase. Should the Council wish to forgo the automatic increase, staff will prepare a resolution and schedule it for consideration at the next Council meeting.

Approval Process:

State code requires the Development Impact Fee Advisory Committee to "file periodic reports, at least annually, with respect to the capital improvements plan and report to the governmental entity any perceived inequities in implementing the plan or imposing the development impact fees" (67-8205(3)(d)). This agenda item is the required annual report. No action is necessary.

Budget Impact:

No action is necessary for this agenda item. An automatic impact fee increase will occur in January in an amount equal to the change in the MCI from January 2013 to January 2014. That percent change through November 2013 is 1.5%.

Regulatory Impact:

This report completes the City's annual impact fee reporting requirement.

Conclusion:

Staff recommends that the Council review the Development Impact Fee Advisory Committee's annual report.

Attachments:

None



Date: Monday, December 16, 2013
To: Honorable Mayor and City Council
From: Mitchel Humble, Community Development Director

Request:

A discussion regarding City issued permits for mobile food concessions and a possible amendment to City Code Title 3, Chapter 18.

Time Estimate:

The staff presentation will take approximately 5 minutes. We expect additional time will be needed to discuss and answer questions.

Background:

City Code 3-18 deals with the City's regulation of food concessions on City property. This chapter defines both "mobile" and "motorized" food concessions. They are both mobile devices from which food and beverages can be sold that are designed to be moved during operation. The only difference between the two is the obvious inclusion of a motor for the "motorized" concession. Some examples of a mobile concession would be a traditional hot dog cart that is pushed along a sidewalk or an ice cream truck, moving from customer to customer.

The Code regulates mobile and motorized concessions similarly. The City Clerk must issue a permit prior to the concession's operation. A public health certificate must be secured by the appropriate agency prior to the City issuing a permit. They need to have attached trash containers and fire extinguishers. They cannot use City utilities or facilities, such as picnic tables, without written permission from the Parks Director.

The one regulation that is the primary reason for this discussion tonight is that the Code only deals with their operation on City property, like a street, sidewalk, or public parking lot. City Code 3-18-3 says that, "Mobile food concessionaires may operate on City property under the following conditions and subject to the following standards..." There is no provision in the Code for the City Clerk to issue a permit to a mobile food vendor for operation on private property.

It is not really clear when, but some years ago, the City began issuing mobile food concession permits for food trucks that remained parked in a private parking lot or other private property. It appears that because the permit was being requested for a truck or cart, the permit was issued as a mobile food concession permit without much attention to where the truck or cart would be used. It is likely that a vendor somewhere along the way simply parked the truck and allowed the customers to begin coming to that location rather than moving the vehicle around to the customers. That practice eventually became common.

The practice then came to the attention of the Planning Department when a vendor parked their truck on vacant undeveloped lot, or on a property with zoning that does not allow the land use of retail sales. These two scenarios both represent zoning ordinance violations. Planning Department personnel then began assisting the City Clerk with the mobile food concession permit process to make sure that food vendors did not locate on undeveloped property, in a permanent business's required parking spaces, in a residential district, and so on.

Some food vendors create grease in their operation. Earlier this year, it came to the attention of the Public Works Department that a food vendor had dumped grease into a City drain. That caused some problems in the drain and it had to be cleaned out. After that incident, staff began trying to insure that food vendors had a viable plan to dispose of their grease before issuing the concession permit. One vendor in particular was having a difficult time creating a good plan for grease disposal and challenged the need to provide a plan in the first place. At that time, the City Attorney and I reviewed the Code language and determined that the Code does not require a plan to dispose of grease as part of the permit process. However, as mentioned above, the Code also does not allow mobile food concession permits to be issued for use on private property. At that time, we determined that the City should no longer issue new mobile food concession permits unless the applicants planned to use the permit on City property only. We then began preparing an amendment to City Code 3-18 to address mobile food concession on private property.

In reviewing a recent draft of a potential ordinance amendment, some questions came up among staff working on the draft. What if the Code was originally drafted to prohibit mobile food concessions on private property for a reason? What if the community doesn't really want these mobile food concessions popping up in parking lots across town? We hadn't really asked those questions before. We only started working on an amendment to continue the practice that had come into existence, but with better regulation. The question of whether the Code should allow private property mobile food concessions is a good one and one that we thought deserved Council and community input before we continued with the amendment.

In addition to this question, we thought it would be best to also get a general idea of how to regulate things like grease disposal, parking, access to facilities, required landscaping, etc... Some of these issues have come up because allowing a food truck to set up on a property so that customers come to the truck is pretty much like establishing new restaurant, but without being required to meet the various Code requirements that a restaurant has to meet. If a new taco restaurant were to be built, they'd have to provide parking for their customers, landscaping along the roadway and in the parking lot, restroom facilities for their customers, a sewer connection with a grease trap, and many other building and development requirements. If a taco food truck is brought to town and set up in a permanent location, the truck would essentially be a new taco restaurant. Should it then have the same or similar development requirements as a restaurant?

Staff would like to discuss this topic with the Council and get some feedback on the direction we have taken in creating an ordinance amendment to permit and provide regulations for private property mobile food concessions. I have attached the current draft of the potential ordinance for your review. It is still in a rough format with strike-through and deleted text being shown and comments made in the margins.

Approval Process:

There is no action required for this item. We are seeking direction regarding the Council's desires on how to proceed with a potential amendment to City Code 3-18.

Budget Impact:

There is not significant budget impact associated with this discussion item.

Regulatory Impact:

There is no significant regulatory impact associated with this discussion item.

Conclusion:

Staff recommends that the Council discuss the City's current practices for permitting mobile food vendors and provide direction regarding the need to amend City Code 3-18.

Attachments:

1. City Code 3-18
2. Draft of a potential ordinance amending City Code 3-18

CHAPTER 18 – FOOD CONCESSIONS AND COMMERCIAL DISPLAYS

3-18-1: DEFINITIONS:

The following words shall have the following meanings:

COMMERCIAL ACTIVITY: Commercial displays, commercial enterprises, commercial promotions, arts and crafts displays, exhibits, and other commercial activities with items for sale, including food concessions, all of which may hereafter be referred to as commercial activity.

MOBILE FOOD CONCESSIONS: Stands, carts, or like devices from which food and beverages are sold which are designed to be moved during operation.

MOTORIZED FOOD CONCESSIONS: Motorized vehicles from which food and beverages are sold, including trailer houses, watercraft, and vans.

NON-MOBILE FOOD CONCESSIONS: Temporary stands from which food and beverages are sold that are not designed to be moved during operation.

3-18-2: COMMERCIAL ACTIVITY ON CITY PROPERTY PROHIBITED; EXCEPTIONS:

No commercial or business activity of any nature, except as specifically allowed in this Chapter, shall be carried on or conducted on City owned property.

3-18-3: MOBILE FOOD CONCESSIONAIRES; PERMIT, APPLICATION, REGULATIONS:

Mobile food concessionaires may operate on City property under the following conditions and subject to the following standards:

- (A) The concessionaire must obtain a public health permit prior to issuance of the City permit. All permits shall be issued on a quarterly calendar basis. Application for such permit shall be made on a form supplied by the City Clerk twenty (20) days in advance of the issuance of such permit. The City Clerk shall charge twenty five dollars (\$25.00) for each quarterly food concession permit. The City Clerk shall charge an additional ten dollars (\$10.00) for each quarterly food concession permit for concessions operated within the boundaries of the Business Improvement District. Permits shall be renewed by the first business day following the first day of each quarter or the permit shall immediately expire and a new permit shall be required.
- (B) Each food concession unit must have attached thereto or to a part thereof a trash and garbage disposal container capable of holding all trash and garbage generated by the operation of the concession. The container shall be emptied periodically as necessary in order to insure, at all times, public access and use of the container. Each concessionaire or his employee shall, at all times, keep their cart and the immediate area (within ten feet [10']) free of litter, grease, and other debris which results from their operation.
- (C) Motorized food concession vehicles (such as trailer houses, vans, etc.) shall be allowed in all public parking lots when there is a specific event at or adjoining the proposed location and the concession is directly related to the event and meets the approval of the event sponsor and Parks Director.
- (D) Food concessionaires shall not use City utilities or property including but not limited to picnic tables, benches, electrical power, garbage or trash containers, without written permission from the Parks Director and payment of appropriate fees.
- (E) All mobile food concessions shall contain at least one functional fire extinguisher approved by the Fire Department.
- (F) All food concessionaires shall provide proof of liability insurance in the minimum amount of five hundred thousand dollars (\$500,000.00) and shall agree in writing to hold the City harmless from any injury or damage resulting from the operation of the concession and shall carry workmen's compensation insurance as required under Idaho law.

3-18-4: MOBILE FOOD CONCESSIONAIRES; PERMIT, ISSUANCE:

- (A) The City Clerk shall issue a permit for the operation of a mobile food concession twenty (20) days after the filing with the City Clerk of an application therefor accompanied by payment of the quarterly permit charge and the public health permit as required in Section [3-17-3](#).

- (B) A separate permit shall be required for each month, or portion thereof, of operation and shall be issued by the City Clerk on the applicant again complying with the provisions of this chapter. The twenty (20) day requirement shall not apply to renewal permits.
- (C) A separate application and permit shall be required for each individual mobile food concession cart or like device.
- (D) Each concession, cart or vehicle shall be permanently numbered, and each City and Health Department permit issued will be correspondingly numbered and apply only to the respectively numbered cart, vehicle, or other mobile concession.
- (E) Each City and Health Department permit shall be continuously displayed in a conspicuous place on each mobile food concession stand.
- (F) Permits shall be nontransferable and nonassignable.

3-18-5: NON-MOBILE FOOD CONCESSION STANDS; PERMIT:

The City Council may grant permits and/or enter into contracts for the operation of non-mobile food concession stands on City property when, in the opinion and at the discretion of the City Council, the operation of such stands is deemed to be in the best interest of the public and the City under such requirements and conditions as may be deemed to be by the City Council in the best interest of the public and the City.

3-18-6: PERMIT; REVOCATION, NOTICE, HEARING:

- (A) It is unlawful for any concessionaire or permittee or their agent or employee to operate a concession in an unauthorized location or without a City permit or without a Health Department permit or in violation of Health Department regulations. A violation of any section of this chapter or any other ordinance of the City or statute of the State of Idaho or of the United States may be subject to criminal prosecution and the permit may be revoked and/or any new permit may be denied for a period of up to three (3) years.
- (B) Prior to the revocation of any permit or the denial of a permit, application for a permit or renewal thereof, written notice of reasons for such action shall be served on the applicant or permittee in person or by certified mail at the address on the permit application. Revocation shall become final within ten (10) days of service unless the applicant or permittee appeals the action to the City Council. The applicant or permittee shall make his appeal in writing to the City Council within ten (10) days of receipt of the notice.
- (C) Should the applicant or permittee request an appeal within such ten (10) day period, the applicant shall be notified in writing by the City Clerk of the time and place of the hearing. Should an emergency exist and the Director of Public Safety certifies that there is an immediate danger to life or health, the permit may be summarily revoked pending the notice and hearing herein provided.

3-18-7: COMMERCIAL ACTIVITY PROHIBITED ON CITY PROPERTY; EXCEPTIONS:

- (A) Commercial displays, promotions, arts and crafts displays, exhibits, commercial activities, or commercial enterprises with or without items for sale are prohibited on City property unless the displays are directly related to a specific event that has met with the approval of the City Manager.
- (B) The City accepts no responsibility for security of display booths or materials.
- (C) The person or entity may be required to provide proof of liability insurance in a minimum amount of five hundred thousand dollars (\$500,000.00), or such lesser amount approved by the City Manager.
- (D) The person or organization operating such activity shall enter into an agreement with the City holding the City and its elective and appointive officers, agents and employees harmless from any and all liability for injury to persons or property, including City property.

3-18-8: CONSENT REQUIRED FOR COMMERCIAL USE OF STREETS AND SIDEWALKS:

The display, sale, vending or hawking of food, goods, wares, merchandise or services on the public streets or sidewalks of the City without the consent of the adjoining property owners and without first having obtained the consent of the City Council of the location and method of such activity is prohibited. (Ord. 2234, 5-16-88)

11-18-20123-mh

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING CHAPTER 18 OF TITLE 3 OF THE TWIN FALLS CITY CODE REGULATING MOBILE AND MOTORIZED FOOD CONCESSIONAIRES BY REORGANIZNG THE CHAPTER; BY MAKING TECHNICAL CORRECTIONS; BY INCREASING THE ANNUAL PERMIT FEE TO \$100; AND BY ADDING MORE DETAILED REQUIREMENTS FOR MOBILE AND MOTORIZED FOOD CONCESSIONAIRES OPERATING ON PRIVATE PROPERTY.

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

Section 1: That Twin Falls City Code §3-18-1 is amended as follows:

3-18-1: DEFINITIONS:

The following words shall have the following meanings:

COMMERCIAL ACTIVITY: Commercial displays, commercial enterprises, commercial promotions, arts and crafts displays, exhibits, and other commercial activities with items for sale, including food concessions, all of which may hereafter be referred to as commercial activity.

MOBILE FOOD CONCESSIONS: Stands, carts, or like devices from which food and beverages are sold which are designed to be moved during operation.

MOTORIZED FOOD CONCESSIONS: Motorized vehicles from which food and beverages are sold, including food trucks, trailers ~~houses, watercraft~~, and vans.

NON-MOBILE FOOD CONCESSIONS: Temporary stands from which food and beverages are sold that are not designed to be moved during operation.

Section 2: That Twin Falls City Code §3-18-2 is amended as follows:

3-18-2: COMMERCIAL ACTIVITY ON ~~CITY~~ PUBLIC PROPERTY PROHIBITED; EXCEPTIONS:

No commercial or business activity of any nature, except as specifically allowed ~~herein in this Chapter~~, shall be carried on or conducted on ~~City owned~~ public property.

- (A) Commercial displays, promotions, arts and crafts displays, exhibits, commercial activities, or commercial enterprises with or without items for sale are prohibited on City property unless the displays are directly related to a specific event that has met with the approval of the City Manager.
- (B) The display, sale, vending or hawking of food, goods, wares, merchandise or services on the public streets or sidewalks of the City without the consent of the adjoining property owners and without first having obtained the consent of the City Council of the location and method of such activity is prohibited.

Comment [Mhumble1]: Will this cover Council approval of special event permits too? They aren't approved by CM, but many have the right to have commercial activity on City property (City Park).

Comment [FW2]: Combined all the commercial activity into one section. (A) deals with events like Western Days or Art in the Park. (B) deals with

Section 3: That Twin Falls City Code §3-18-3 is amended as follows:

3-18-3: ~~MOBILE FOOD CONCESSIONAIRES; PERMIT, APPLICATION, REGULATIONS ON PUBLIC PROPERTY:~~

~~Mobile food~~ Food concessionaires may operate on ~~City~~ public property under the following conditions and subject to the following standards:

(A) The concessionaire must obtain a public health permit prior to issuance of the City permit. All permits shall be issued on ~~a quarterly calendar~~ an annual basis. Application for such permit shall be made on a form supplied by the City Clerk twenty (20) days in advance of the issuance of such permit. The City Clerk shall charge ~~twenty-five one hundred~~ dollars (~~\$25.00 \$100.00~~) for each ~~quarterly annual~~ food concession permit. ~~The City Clerk shall charge an additional ten dollars (\$10.00) for each quarterly food concession permit for concessions operated within the boundaries of the Business Improvement District. Permits shall be renewed by the first business day following the first day of each quarter or the permit shall immediately expire and a new permit shall be required.~~

Comment [Mhumble3]: Should we eliminate the fee from the ordinance and instead adopt a fee resolution?

(B) Each food concession unit must have attached thereto or to a part thereof a trash and garbage disposal container capable of holding all trash and garbage generated by the operation of the concession. The container shall be emptied periodically as necessary in order to insure, at all times, public access and use of the container. Each concessionaire or his employee shall, at all times, keep their cart and the immediate area (within ten feet [10']) free of litter, grease, and other debris which results from their operation.

Comment [Mhumble4]: What about grease collection unit, and proof of proper disposal of grease?

(C) Motorized food concession vehicles (such as trailer houses, vans, etc.) shall be allowed in all public parking lots when there is a specific event at or adjoining the proposed location and the concession is directly related to the event and meets the approval of the event sponsor and Parks Director.

Comment [Mhumble5]: Again, the special event permit may authorize this, not always Park Director.

(D) Food concessionaires shall not use City utilities or property including but not limited to picnic tables, benches, electrical power, garbage or trash containers, without written permission from the Parks Director and payment of appropriate fees.

Comment [Mhumble6]: Will we need a fee resolution for "appropriate fees"?

(E) All ~~mobile~~ food concessions shall contain at least one functional fire extinguisher approved by the Fire Department.

(F) All food concessionaires shall provide proof of liability insurance in the minimum amount of five hundred thousand dollars (\$500,000.00) and shall agree in writing to hold the City harmless from any injury or damage resulting from the operation of the concession and shall carry workmen's compensation insurance as required under Idaho law.

Comment [FW7]: Primarily intended to deal with mobile vendors, like the hot dog stand we once had downtown.

Section 4: That Twin Falls City Code §3-18-4 is amended as follows:

3-18-4: ~~MOBILE FOOD CONCESSIONAIRES; PERMIT, ISSUANCE:~~

~~(A) The City Clerk shall issue a permit for the operation of a mobile food concession twenty (20) days after the filing with the City Clerk of an application therefor accompanied by payment of the quarterly permit charge and the public health permit as required in Section 3-17-3.~~

~~(B) A separate permit shall be required for each month, or portion thereof, of operation and shall be issued by the City Clerk on the applicant again complying with the~~

provisions of this chapter. The twenty (20) day requirement shall not apply to renewal permits.

~~(C) A separate application and permit shall be required for each individual mobile food concession cart or like device.~~

~~(D) Each concession, cart or vehicle shall be permanently numbered, and each City and Health Department permit issued will be correspondingly numbered and apply only to the respectively numbered cart, vehicle, or other mobile concession.~~

~~(E) Each City and Health Department permit shall be continuously displayed in a conspicuous place on each mobile food concession stand.~~

~~(F) Permits shall be nontransferable and nonassignable.~~

MOBILE AND MOTORIZED FOOD CONCESSIONS ON PRIVATE PROPERTY:

Mobile and motorized food concessionaires may operate on private property under the following conditions and subject to the following standards:

- (A) Food concessionaires on private property shall be an accessory use and are permitted only in the commercial and industrial zones of the City.
- (B) The concessionaire must obtain a public health permit prior to issuance of the City permit. All permits shall be issued on an annual basis. Application for such permit shall be made on a form supplied by the City Clerk twenty (20) days in advance of the issuance of such permit. The City Clerk shall charge one hundred dollars (\$100.00) for each annual food concession permit. The application must include a detailed scale site plan showing all existing structures, utilities, sidewalks, curb cuts, parking spaces, etc., as well as written permission from the property owner to allow the operation of the concession and to allow the concessionaire and their customers access to a commercially plumbed public restroom on-site. All site plans shall be reviewed by the Planning and Zoning Department. Minimum setbacks shall be the same as for buildings. Drive throughs shall not be permitted. Any electrical connections shall be first approved by the City's electrical inspector. The application shall include a detailed description, including copies of contracts, for the disposal of trash, wastewater and grease.
- (C) Food concessionaires shall only be located on lots where an existing, permanent business operates in a building with a Certificate of Occupancy.
- (D) Food concessionaires shall be located a minimum distance of five (5) feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrances, exits or emergency access/ exit ways, or emergency call box and shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Food concessionaires shall be located a minimum distance of fifteen (15) feet in all directions of a fire hydrant.
- (E) Food concessionaires and associated seating, if any, shall not occupy parking spaces required to fulfill the minimum requirements of the principal use unless the principal use's hours of operation do not coincide with those of the food concessionaire. Food

Comment [Mhumble8]: Fee resolution?

concessionaires and associated seating, if any, shall not occupy parking spaces which may be leased to other businesses and uses to fulfill its minimum parking requirements, nor occupy any handicap accessible parking space.

(F) No free-standing signage or audio amplification shall be permitted. Temporary connections to potable water are prohibited.

(G) Hours of operation shall be limited to the hours between 7:00 AM and 10:00 PM.

(H) Food concessionaires shall be responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles shall not be used for this purpose. Food concessionaires shall remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. Food concessionaires shall keep all areas within five (5) feet of the concession and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease may be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the City's sanitary sewer system.

Comment [Mhumble9]: Need this same statement for the "food concessionaires" section above.

(I) With the exception of allowable outdoor seating areas, all equipment required for the operation shall be contained within, attached to or within three (3) feet of the retail sales.

Comment [FW10]: These are the new "food truck" regulations, although they would also apply to mobile vendors.

Section 5: That Twin Falls City Code §3-18-5 is amended as follows:

3-18-6: PERMIT; REVOCATION, NOTICE, HEARING:

(A) It is unlawful for any concessionaire or permittee or their agent or employee to operate a concession in an unauthorized location or without a City permit or without a Health Department permit or in violation of Health Department regulations. A violation of any section of this chapter or any other ordinance of the City or statute of the State of Idaho or of the United States may be subject to criminal prosecution and the permit may be revoked and/or any new permit may be denied for a period of up to three (3) years.

(B) Prior to the revocation of any permit or the denial of a permit, application for a permit or renewal thereof, written notice of reasons for such action shall be served on the applicant or permittee in person or by certified mail at the address on the permit application. Revocation shall become final within ten (10) days of service unless the applicant or permittee appeals the action to the City Council. The applicant or permittee shall make his appeal in writing to the City Council within ten (10) days of receipt of the notice.

(C) Should the applicant or permittee request an appeal within such ten (10) day period, the applicant shall be notified in writing by the City Clerk of the time and place of the hearing. Should an emergency exist and ~~the Director of Public Safety certifies that~~ there is an immediate danger to life or health, the permit may be summarily revoked pending the notice and hearing herein provided.

Comment [FW11]: We no longer have a Director of Public Safety.

Section 6: That Twin Falls City Code §3-18-6 is deleted.

~~3-18-7: COMMERCIAL ACTIVITY PROHIBITED ON CITY PROPERTY;
EXCEPTIONS:~~

~~(A) Commercial displays, promotions, arts and crafts displays, exhibits, commercial activities, or commercial enterprises with or without items for sale are prohibited on City property unless the displays are directly related to a specific event that has met with the approval of the City Manager.~~

~~(B) The City accepts no responsibility for security of display booths or materials.~~

~~(C) The person or entity may be required to provide proof of liability insurance in a minimum amount of five hundred thousand dollars (\$500,000.00), or such lesser amount approved by the City Manager.~~

~~(D) The person or organization operating such activity shall enter into an agreement with the City holding the City and its elective and appointive officers, agents and employees harmless from any and all liability for injury to persons or property, including City property.~~

Comment [FW12]: Moved into 3-18-2 above.

Section 7: That Twin Falls City Code §3-18-7 is deleted.

~~3-18-8: CONSENT REQUIRED FOR COMMERCIAL USE OF STREETS AND
SIDEWALKS:~~

~~The display, sale, vending or hawking of food, goods, wares, merchandise or services on the public streets or sidewalks of the City without the consent of the adjoining property owners and without first having obtained the consent of the City Council of the location and method of such activity is prohibited.~~

Comment [FW13]: Moved into 3-18-2 above.

PASSED BY THE CITY COUNCIL, _____, 2013.

SIGNED BY THE MAYOR _____, 2013.

MAYOR

ATTEST:

DEPUTY CITY CLERK