

COUNCIL MEMBERS

Suzanne	Nikki	Shawn	Chris	Gregory	Chris	Ruth
Hawkins	Boyd	Barigar	Talkington	Lanting	Reid	Pierce
Vice Mayor		Mayor				

**AGENDA**

Meeting of the Twin Falls City Council
Monday, April 10, 2017
City Council Chambers
305 Third Avenue East - Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
CALL MEETING TO ORDER
CONFIRMATION OF QUORUM
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
PROCLAMATIONS: None
GENERAL PUBLIC INPUT

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Request to approve the Accounts Payable for 4 - 10, 2017. 2. Request to approve the April 3, 2017, City Council Minutes. 3. Request to hold the "Resurrection Sunday Gathering" event in the Twin Falls City Park on Easter Sunday, April 16, 2017, from 10:00 a.m. to 12:00 p.m.	Action Action Action	Sharon Bryan Sharon Bryan Justin Dimond
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Presentation of a Welcoming City Resolution. 2. Request to reappoint Susan Petruzzelli, Chad Debie, and Gerald Martens; as well as appoint Ross Conlin to the Development Impact Fee Advisory Committee. 3. Request to adopt an Ordinance for a Zoning District Change and Zoning Map Amendment for approximately 2.14 (+/-) acres from C-1 PUD to C-1 ZDA to develop a Hotel and accessory uses with a maximum building height of 55' on property located east of 1788 Washington Street North. 4. Presentation on the Twin Falls Urban Renewal Agency Main Avenue Redevelopment Project. 5. Presentation on the revised Enforcement Response Plan (ERP) associated with the Pretreatment Program that is to be submitted to the Environmental Protection Agency for review and approval. 6. Presentation of an update on the winter road damage and request the use of Street Reserves to repair a portion of the winter road damage. 7. Request to approve the Zone 7 Waterline Replacement project to Mesquite Inc., in the amount \$242,505.00. 8. Public input and/or items from the City Manager and City Council.	Presentation Action Action Presentation Presentation Presentation/ Action Action	Mark Crandall, M.D. Mayor Shawn Barigar Rene'e V. Carraway-Johnson Paul Johnson, CH2M Jason Brown Jon Caton Jon Caton
III. <u>ADVISORY BOARD REPORT/ANNOUNCEMENTS:</u>		
6:00 P.M.		
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.

Public Input Procedures

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

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor 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 (2) 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

Suzanne	Nikki	Shawn	Chris	Gregory	Chris	Ruth
Hawkins	Boyd	Barigar	Talkington	Lanting	Reid	Pierce
Vice Mayor		Mayor				

**MINUTES**

Meeting of the Twin Falls City Council
Monday, April 3, 2017
City Council Chambers
305 Third Avenue East - Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
CALL MEETING TO ORDER
CONFIRMATION OF QUORUM
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
PROCLAMATIONS:

Child Abuse Prevention Month – Request made by Abigail Greenfield, CSI, Head Start/Early Head Start
Volunteer Appreciation Month – April 2017 – Request made by Jeanette Roe, Twin Falls Senior Center
National Service Recognition Day – Request made by D'Andre Mathews, CSI, Office on Aging
Crime Victims' Rights Week – Request made by Amanda Watson, Red Sky
GENERAL PUBLIC INPUT

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Request to approve the Accounts Payable for March 28 – April 3, 2017. 2. Request to approve the March 27, 2017, City Council Minutes. 3. Request to approve a Beer, Wine and Liquor License for ownership transfer for Twin Fillmore Falls LLC dba Johnny Carino's, 1921 Blue Lakes Blvd.	Action Action Action	Sharon Bryan Sharon Bryan Sharon Bryan
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Request approval of Archway Design concept created by the Archway Citizens Advisory Committee. 2. Public input and/or items from the City Manager and City Council. 3. Adjournment to Executive Session 74-206(1) (c) To acquire an interest in real property which is not owned by a public agency.	Action Input Action	Kathy Markus
III. <u>ADVISORY BOARD REPORT/ANNOUNCEMENTS:</u>		
6:00 P.M. IV. <u>PUBLIC HEARINGS:</u> 1. Request for a Zoning District Change & Zoning Map Amendment from R-2 PRO PUD and R-1 VAR PUD to R-2 PRO ZDA for 7.74 (+/-) acres, a portion of the Eastpark PUD #213, to develop a planned commercial development consisting of retail and professional office uses for property located at the northwest corner of Cheney Drive and Madrona Street North. % Andrew Jarvis (app.2841) 2. Request for Annexation of 1.3 (+/-) acres with a zoning designation of M-2; Heavy Manufacturing on property located at 305/307/309 Hankins Road South. % Nolan Watte (app. 2842)	PH/Action PH/Action	Dave Thibault EHM Engineers, Inc. Jonathon Spendlove Nolan Watte Jonathon Spendlove
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.

Present: Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Chris Talkington, Greg Lanting, Christopher Reid, Ruth Pierce

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Deputy City Manager Mitchel Humble, Deputy City Manager Brian Pike, Information Services Manager Kathy Markus, Parks and Recreation Director Wendy Davis, Senior Planner Jonathon Spendlove, Deputy City Clerk Sharon Bryan

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Barigar called the meeting to order at 5:00 P.M. He then invited Boy Scout to lead us in the pledge of Allegiance to the flag. Mayor Barigar asked all present, who wished, to recite the pledge of Allegiance to the Flag.

Mayor Barigar had Boy Scouts from Troops 174 and 161 introduce themselves.

CONFIRMATION OF QUORUM

A quorum is present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA – None

Mayor Barigar and City Council wished Shorty a Happy Birthday and presented him with a gift.

PROCLAMATIONS:

Child Abuse Prevention Month – Request made by Abigail Greenfield, CSI, Head Start/Early Head Start

Mayor Barigar read proclamation and presented it to Abigail Greenfield, CSI Head Start/Early Head Start.

Abigail Greenfield and her staff thanked City Council and passed out pinwheels for prevention of child abuse to everyone.

Volunteer Appreciation Month – April 2017 – Request made by Jeanette Roe, Twin Falls Senior Center

Mayor Barigar read proclamation and presented it to Jeanette Roe, Twin Falls Senior Center.

Jeanette Roe thanked City Council.

National Service Recognition Day – Request made by D’Andre Mathews, CSI, Office on Aging

Mayor Barigar read proclamation and presented it to D’Andre Mathews, CSI, Office on Aging.

D’Andre Mathews CSI Office on Aging, and Ida Young, Foster Grandparent Program thanked City Council.

Crime Victims’ Rights Week – Request made by Amanda Watson, Red Sky

Mayor Barigar read proclamation and presented it to Police Chief Craig Kingsbury.

Police Chief Craig Kingsbury, thanked City Council and introduced the City of Twin Falls new Victim Witness Coordinator Kimberly Burkhalter.

GENERAL PUBLIC INPUT

Terry Edwards, Jerome, Idaho, read a Proclamation – Safe City.

CouncilmemberTalkington said that on a future agenda would be a Welcoming Community Resolution.

I. CONSENT CALENDAR:

1. Request to approve the Accounts Payable for March 28 – April 3, 2017.
2. Request to approve the March 27, 2017, City Council Minutes.
3. Request to approve a Beer, Wine and Liquor License for ownership transfer for Twin Fillmore Falls LLC dba Johnny Carino's, 1921 Blue Lakes Blvd.

MOTION:

Councilmember Lanting moved to approve the Consent Calendar as presented. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

II. ITEMS FOR CONSIDERATION:

1. Request approval of Archway Design concept created by the Archway Citizens Advisory Committee.

Kathy Markus, Information Services Manager, gave staff report.

Deputy City Manager Humble presented the Archway Design.

City Council discussion ensued on the following:

Raising funds for Archway Design.

Hanging of banners.

Goal to have archway done when Main Street is done which will be in October or November 2017.

Lots of excitement within the Committee.

Mayor Barigar and City Council thanked the Archway Citizens Advisory Committee.

MOTION:

Councilmember Pierce moved approval of Archway Design concept created by the Archway Citizens Advisory Committee as presented. Councilmember Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

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

Terry Edwards Jerome, Idaho, concerned with the money spent on the Archway Sign.

Deputy City Manager Humble reported on the following:

- IMPOG presentations will be May 8, 2017.
Councilmember Pierce asked that we add another level by asking to see their Financial Statements and 990's non-profit tax returns 501C3.
- April 11, 2017 – State of the City Address at the Orpheum Theatre, 11:30 AM
- April 19, 2017 – Airport ribbon cutting at 10:00 AM
- April 17, 2017 – Update of City Hall Project and Tour.
- Update on traffic going down to Shoshone Falls.
- Vice Mayor Hawkins reminded City Council that on April 25, 2017 is the AIC Spring Meeting.
- Councilmember Lanting asked for an update on the Trail washout.
- Parks and Recreation Director Davis said staff is working on fixing the Trail washout.

Executive Session moved to end of meeting.

6:00 P.M.

IV. PUBLIC HEARINGS:

1. Request for a **Zoning District Change & Zoning Map Amendment** from R-2 PRO PUD and R-1 VAR PUD to R-2 PRO ZDA for 7.74 (+/-) acres, a portion of the Eastpark PUD #213, to develop a planned commercial development consisting of retail and professional office uses for property located at the northwest corner of Cheney Drive and Madrona Street North. % Andrew Jarvis (app.2841)

Dave Thibault, EHM Engineers, Inc., asked for a **Zoning District Change & Zoning Map Amendment** from R-2 PRO PUD and R-1 VAR PUD to R-2 PRO ZDA for 7.74 (+/-) acres, a portion of the Eastpark PUD #213, to develop a planned commercial development consisting of retail and professional office uses for property located at the northwest corner of Cheney Drive and Madrona Street North. % Andrew Jarvis (app.2841)

Senior Planner Spendlove gave staff report.

City Council discussion ensued on the following:

- Placement of sidewalks.
- Indirect lighting on Cheney Drive.
- Madonna and Cheney concern with the height of the building.
- Width of landscaping and setbacks.
- Subdivision name.
- Development of a City Park.
- Traffic concerns.

Public Hearing Opened

- Mits Inouye - 1401 Riverridge Street concerned with widening of Cheney and Madonna.

Public Hearing Closed.

Dave Thibault, EHM Engineers, Inc. explained the plans for widening of Cheney and Madonna and the planned exits.

MOTION:

Councilmember Talkington moved to approve the request for a **Zoning District Change & Zoning Map Amendment** from R-2 PRO PUD and R-1 VAR PUD to R-2 PRO ZDA for 7.74 (+/-) acres, a portion of the Eastpark PUD #213, to develop a planned commercial development consisting of retail and professional office uses for property located at the northwest corner of Cheney Drive and Madrona Street North. % Andrew Jarvis (app.2841) with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to the written Zoning Development Agreement being modified as follows:
 - a. Modify Section (s) as follows: "Additional Land Uses upon Lots 2, 3, 4 and 5 (as shown on Master Development Plan), which require Special Use Permits:"
 - b. Remove all reference to "Eastpark Commercial Subdivision No. 3".
3. Subject to a Master Landscape Plan as per the Master Development Plan, submitted and approved by Staff prior to recordation of the ZDA.
4. Subject to a Master Lighting Plan submitted and approved by Staff prior to recordation of the ZDA.
5. Subject to a Master Sign Plan submitted and approved by staff prior to recordation of the ZDA.

6. Subject to the Master Development Plan removing all references to “Eastpark Commercial Subdivision No. 3”.

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

2. Request for **Annexation** of 1.3 (+/-) acres with a zoning designation of M-2; Heavy Manufacturing on property located at 305/307/309 Hankins Road South. % Nolan Watte (app. 2842)

Nolan Watte, Twin Falls, asked for **Annexation** of 1.3 (+/-) acres with a zoning designation of M-2; Heavy Manufacturing on property located at 305/307/309 Hankins Road South. % Nolan Watte (app. 2842)

Senior Planner Spendlove gave staff report.

Public Hearing Opened.

Public Hearing Closed.

MOTION:

Councilmember Boyd moved approval for **Annexation** of 1.3 (+/-) acres with a zoning designation of M-2; Heavy Manufacturing on property located at 305/307/309 Hankins Road South. % Nolan Watte (app. 2842) Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

3. Adjournment to Executive Session 74-206(1) (c) To acquire an interest in real property which is not owned by a public agency.

MOTION:

Councilmember Talkington moved to adjourn to Executive Session 74-206(1)(c) To acquire an interest in real property which is not owned by a public agency. Vice Mayor Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

V. ADJOURNMENT

Meeting adjourned at 6:36 PM.

Sharon Bryan, Deputy City Clerk

http://twinfalls.granicus.com/MediaPlayer.php?view_id=2&clip_id=662



Date: Monday, April 10, 2017, Council Meeting
To: Honorable Mayor and City Council
From: Sergeant Justin Dimond, Twin Falls Police Department

Request:

Consideration of a request by Bryan Bacon, representing The Church, located in Twin Falls, to hold the "Resurrection Sunday Gathering" event in the Twin Falls City Park. This event will take place on Easter Sunday, April 16, 2017, from 10:00 a.m. to 12:00 p.m.

Time Estimate:

Due to the location, time and nature of this event, and the fact that this is an annual event, Staff is requesting this item be placed on the Consent Calendar.

Background:

Bryan Bacon, representing The Church, located in Twin Falls, has submitted a Special Event Application for the 2017 "Resurrection Sunday Gathering" to be held in the Twin Falls City Park on Easter Sunday, April 16, 2017. The worship service will start at 10:00 a.m. and conclude around 11:30 a.m.

This event will take place primarily in the band shell area of the park and is expected to have less than two hundred (200) people in attendance. There will be amplified sound in the form of a church worship service to include speaking and live music.

There will be refreshments provided to attendees by event organizers following the worship service.

The event organizers will be responsible for cleanup within the park and other areas affected by the event.

The Twin Falls Police Department Staff and other relevant City Staff members have reviewed the application and recommend its approval.

Approval Process:

Consent of the Council

Budget Impact:

Twin Falls Police Department Staff does not feel there is a need for the Twin Falls Police Department to provide security.

Agenda Item for April 10, 2017
From Sergeant Justin Dimond
Page Two

Regulatory Impact:

N/A

Conclusion:

Staff recommends that the City Council approve the Special Event Application submitted for the "Resurrection Sunday Gathering" event based on the information provided.

Staff recommends that the on-duty Supervisor be given authority to order event organizers to mitigate the sound of amplified music. If the noise complaints become habitual, the Patrol Supervisor shall be granted the authority to order the music to be terminated.

Attachments:

N/A

JD:aed

March 2, 2017

Dear Greg,

I had an experience the other night with the Boy Scouts I wanted to share with you and the rest of the city council. We were at the CSI refugee center helping a scout plan his eagle project. The last project we did there involved a donation drive and a donated car to the center, which is now being used to help give rides to work for the refugees.

They told us of the widespread problem of refugees- the largest refugee camp is in northern Egypt and actually has over one million refugees! If all the refugees in the world represented a swimming pool, then only a pitcher's worth are actually permanently resettled. Of those, only a cup would come to the United States, and of that only a drop come to Twin Falls. Our refugee quotas in the United States were recently reduced from 110,000 per year to now 50,000 per year. Twin Falls expects to receive only 150 a year, down from 300. For the past two months we haven't received any new refugees.

I asked the center how we could best help, and they told us we could best help through advocacy. One refugee center in Boise closed down two weeks ago, and there is a perception from Governor Otter that Twin Falls hasn't expressed support of the refugee center in the way Boise has. We are currently the only two cities in Idaho that have refugee programs.

The Boise city council on January 31 unanimously passed a resolution in support of refugees. They are not advocating a sanctuary city status, but rather a more symbolic resolution of support. It is nonbinding, with no financial impact, but is a powerful statement of support for their refugee program.

A similar statement of support from our city council would go a long ways in our current environment to demonstrate that Twin Falls is a welcoming city. It would help show that our city is full of Good Samaritans like the boys in my scout troop, and that we do not allow ourselves to be defined or caricatured by the alt right media. I applaud the city council for your fair mindedness and measured response to the out of state anti immigration advocates from last year. They do not represent our values as a city.

I hope that you will share this letter with the rest of the city council, and allow me and to speak more on this issue at the next city council meeting. I would be happy to coordinate by phone or email, and have attached the Boise city council's resolution for your review. Thank you for your time and consideration.

Sincerely,



Mark Crandall, MD

crandallfamily@hotmail.com

208-731-3110

RECEIVED
MAR 13 2017



City of Boise

Resolution

Resolution

Mayor's Office
150 N Capitol Blvd
Boise, ID 83702
1-800-377-3529

TO: Mayor and Council

FROM: Amanda Brown, Mayor's Office

NUMBER: RES-71-17

DATE: January 31, 2017

SUBJECT: Welcoming City

BACKGROUND:

A resolution finding that the City of Boise is committed to being a welcoming city and creating a community where all of our residents feel welcomed, safe, and able to fully participate in, and contribute to, our city's economic and social life.

FINANCIAL IMPACT:

None

CITY OF BOISE

Resolution NO. RES-71-17

BY THE COUNCIL

CLEGG , JORDAN, LUDWIG, MCLEAN,
QUINTANA, AND THOMSON

A RESOLUTION FINDING THAT THE CITY OF BOISE IS COMMITTED TO BEING A WELCOMING CITY AND CREATING A COMMUNITY WHERE ALL OF OUR RESIDENTS FEEL WELCOMED, SAFE, AND ABLE TO FULLY PARTICIPATE IN, AND CONTRIBUTE TO, OUR CITY'S ECONOMIC AND SOCIAL LIFE.

WHEREAS, the City of Boise was built by pioneering immigrants, and our history is one of welcoming those seeking freedom from persecution and the opportunity for a better life; and

WHEREAS, the City of Boise has remained true to our heritage, and since the 1970s has welcomed refugees seeking new homes, safety, freedom, and opportunity; and

WHEREAS, foreign-born Boise residents are a vital part of our community, bringing fresh perspectives and new ideas, starting businesses, and contributing to the vibrant diverse community that we all value; and

WHEREAS, the Boise Police Department has worked tirelessly to develop a Community Policing program to build solid relationships between immigrant communities and law enforcement, that are a foundation for a safer and stronger community; and

WHEREAS, the City of Boise and the Idaho Office for Refugees convened a roundtable of community partners and resettlement agencies with the goal of understanding the resettlement process; determining how refugees and resettlement agencies define successful resettlement; and exploring opportunities to increase the services that are essential to success; and

WHEREAS, this effort led to the creation of Neighbors United and a nationally-recognized community wide refugee integration plan that involves nonprofits, businesses, faith leaders, governments, and refugee leadership; and

WHEREAS, the City of Boise has affirmed our commitment to welcoming all individuals through past statements and actions, knowing that discrimination impedes the social and economic progress of a city by preventing all of our residents from fully contributing to the cultural, spiritual, social, and commercial life of our community; and

WHEREAS, the contributions of all individuals in the City of Boise are essential to the City's growth, vitality, and prosperity; and

WHEREAS, the City of Boise is committed to creating the most livable city in the

CITY OF BOISE

country for all residents.

NOW THEREFORE BE IT RESOLVED:

The City of Boise is committed to being a Welcoming City and creating a community where all of our residents feel welcomed, safe, and able to fully participate in, and contribute to, our city's economic and social life. We urge all residents of Boise to do their part in reaching out and welcoming all those who live in and visit our great City.

ADOPTED by the Council of Boise City, Idaho, on January 31, 2017.

APPROVED by the Mayor of the Boise City, Idaho, on January 31, 2017.

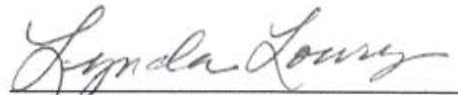
APPROVED:



David H. Bieter, Mayor



ATTEST:



Lynda Lowry, Ex-Officio City Clerk

STATEMENT OF SUPPORT FOR WELCOME CITY RESOLUTION

- CSI Refugee Programs has resettled refugees since 1980, through the United Nations (UNHCR)
- Only two cities in Idaho resettle refugees: Boise and Twin Falls
- One of the three refugee resettlement agencies in Boise closed their doors in February 2017 due to the decline in refugee numbers.
- Prior to January 20, 2017 CSIRP resettled 300 refugees annually. Under the new administration, CSIRP expects to receive 150 arrivals per year.
- Since January 1, 2017 CSIRP has received 38 persons
- Refugees who resettle in the United States have gone through a complex 18-24 month screening process conducted by the U.S. Dept. of Homeland Security, U.S. Dept. of State, Federal Bureau of Investigation and Central Intelligence Agency.
- On January 31, 2017 the Boise Idaho City Council unanimously passed the following resolution in support of refugees and immigrants:

“The City of Boise is committed to being a Welcoming City and creating a community where all of our residents feel welcomed, safe, and able to fully participate in, and contribute to, our city’s economic and social life. We urge all residents of Boise to do their part in reaching out and welcoming all those who live in and visit our great City.”

- Ketchum Idaho City Council also passed a “welcome city” resolution on February 21, 2017.

“As a Welcoming City, Ketchum is committed to creating a community where all residents feel welcomed, safe, and able to fully participate in, and contribute to, the city’s economic and social life. The resolution urges all residents of Ketchum to do their part in reaching out and welcoming all those who live in, work in, and visit our wonderful community”



Monday April 10, 2017
To: City Council
From: Mayor Shawn Barigar

Request:

Consideration of a request to reappoint Susan Petruzzelli, Chad Debie, and Gerald Martens; as well as appoint Ross Conlin to the Development Impact Fee Advisory Committee.

Time Estimate:

The presentation will take approximately 3 minutes. Following the presentation, additional time may be necessary for questions.

Background:

Susan Petruzzelli, and Gerald Martens recently completed their first full term of 3 years, and Chad Debi completed a first partial term of one year, on the Development Impact Fee Advisory Committee. All three of these members have had great attendance and participation on this Committee.

Recently City Staff published a vacancy for this Committee, but did not receive any applications. The City Council recently confirmed appointments to the Planning & Zoning Commission. There were well qualified applicants for P&Z that were not able to be appointed to that Commission simply because there were more applicants than positions. City Staff reached out to those P&Z applicants who were not appointed to see if they had an interest in serving on this Committee. One of them, Ross Conlin, express interest in the opportunity.

Councilman Talkington, Chairman Brad Wills, City Staff, and myself, recently interviewed Ross. He spent 30 years with the Pocatello and American Falls Police Departments. With a desire to serve his community, Ross will be a great addition to this Committee offering a different point of view on growth and development.

Approval Process:

City Code 2-11-3(A) says that members of the Development Impact Fee Advisory Committee are appointed by the Mayor and confirmed by the City Council.

Budget Impact:

None

Regulatory Impact:

Approval of this request will complete the Development Impact Fee Advisory Committee with the nine members.

Conclusion:

I request that the Council confirm the appointment of Ross Conlin and the reappointment of Susan Petruzzelli, Chad Debie, and Gerald Martens to the Development Impact Fee Advisory Committee.



Public Meeting: **MONDAY, APRIL 10, 2017**

To: Honorable Mayor and City Council

From: Rene'e V. Carraway-Johnson, Zoning & Development Manager

ITEM II-

Request: For the City Council's consideration to adopt an Ordinance for a Zoning District Change and Zoning Map Amendment for approximately **2.14 (+/-) acres** from **C-1 PUD** to **C-1 ZDA** to develop a Hotel and accessory uses with a maximum building height of 55' on property located east of 1788 Washington Street North.

Time Estimate: Staff presentation may be five (5 +/-) minutes. This is not a public hearing item but there may be an additional five (5) minutes for questions by the City Council.

Background:

On December 13, 2016, the Planning & Zoning Commission held a public hearing on this request. There was considerable discussion regarding the pedestrian and public vehicular use on the private street on the south side of this development aka Avenida Del Rio. The Commission felt the impacts of the hotels created unsafe pedestrian crossing along the private drive. There have been complaints and unsafe conditions reported due to the number of people walking to the various restaurants and businesses in the area. The Commission felt many of those pedestrians were coming from the Hotel and that number would only increase with another hotel being built. The developer stated he would work on a **Master Pedestrian Pathway Plan** with Staff that will be included in the Zoning Development Agreement prior to final recordation of the Zoning Ord and the final plat.

Upon conclusion of the applicant presentation, staff presentation and discussion the Commission unanimously recommended approval of the request as presented subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to a Master Pedestrian Pathway plan for the entire undeveloped area between Washington Street North and Canyon Crest Drive being reviewed by City Staff.
3. The Ordinance with ZDA and the Westpark Commercial #10, a ZDA Final Plat shall be recorded prior to development.

On January 09, 2017, The City Council held a public hearing on this request. There was one person who inquired about the additional height of the hotel. Mr. Martens addressed his concerns. Upon conclusion of the public hearing and deliberation, Councilmember Talkington moved to approve the request, as presented, subject to the conditions as recommended by the Commission. Vice Mayor Hawkins seconded the motion. The motion was approved by a vote of 6 for and 0 against.

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to a Master Pedestrian Pathway plan for the entire undeveloped area between Washington Street North and Canyon Crest Drive being approved by City Staff, and included in the Westpark Zoning Development Agreement.
3. The ZDA Ordinance and the Westpark Commercial #10, a ZDA Final Plat shall be recorded prior to development. *Recorded Feb 17, 2017*

Conclusion:

As Directed By The Council, Staff Has Prepared An Ordinance For Your Consideration. Staff Recommends The City Council Adopt The Ordinance by a 3rd and Final motion So It Can Be Published and Codified.

Attachments:

1. Ordinance & Attachments (2)
2. Master Pedestrian Pathway Plan

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, **REZONING** REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AMENDMENTS TO THE AREA OF IMPACT AND ZONING DISTRICTS MAP.

WHEREAS, Westpark Partners, LLC had made application for a Zoning District Change & Zoning Map Amendment for properties located east of 1788 Washington Street North City of Twin Falls, and an amendment of the Area of Impact and Zoning District Map; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 13th day of December, 2016, to consider the Zoning Designation, necessary Area of Impact and Zoning District Map amendment upon a REZONE of the real property below described, and an amendment to the Area of Impact and Zoning District Map; and,

WHEREAS, the City Planning and Zoning Commission has made recommendations to the City Council for the City of Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing to consider the same matter on the 9th day of January, 2017.

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

SECTION 1. That the following described real property located at east of 1788 Washington Street North is the subject of a Zoning District Change and Zoning Map amendment from C-1 PUD to C-1 ZDA:

See Exhibit "A", Exhibit "B" and Exhibit "C"

SECTION 2. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same are hereby amended to reflect the rezoning designation of the real property above described.

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

PASSED BY THE CITY COUNCIL

, 20__

SIGNED BY THE MAYOR

, 20__

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday _____, 20__

"EXHIBIT A"

**LEGAL DESCRIPTION
FOR
WESTPARK COMMERCIAL NO. 10**

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OR REPRESENTATIVE OF THE OWNERS IN FEE SIMPLE OF THE FOLLOWING DESCRIBED PROPERTY, LOCATED IN A PORTION OF LOT 4, BLOCK 2, AS SAID LOT 4, BLOCK 2 IS SHOWN AND SO DESIGNATED ON THAT CERTAIN PLAT ENTITLED "WESTPARK COMMERCIAL SUBD. NO. 3", RECORDED MAY 18, 2006, AS INSTRUMENT NO. 2006-011944 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY, IN THE SW4 SW4, SECTION 33, TOWNSHIP 9 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO; SAID PROPERTY BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 33, SAID POINT LIES SOUTH 00°00'00" WEST 2641.09 FEET

FROM THE WEST QUARTER CORNER OF SAID SECTION 33;

THENCE, NORTH 00°00'00" EAST 799.93 FEET ALONG THE WEST BOUNDARY OF SAID SECTION 33;

THENCE, LEAVING SAID WEST BOUNDARY, NORTH 89°34'43" EAST 323.24 FEET TO THE NORTHEAST CORNER OF "WESTPARK COMMERCIAL SUBDIVISION NO. 7" AND BEING THE REAL POINT OF BEGINNING;

THENCE, NORTH 89°34'43" EAST 209.51 FEET ALONG THE NORTH BOUNDARY OF SAID "WESTPARK COMMERCIAL SUBDIVISION NO. 3;

THENCE, LEAVING SAID NORTH BOUNDARY, SOUTH 00°00'00" WEST 445.19 FEET TO A POINT ON THE NORTH BOUNDARY OF "WESTPARK COMMERCIAL SUBDIVISION NO. 9";

THENCE, SOUTH 89°57'42" WEST 38.73 FEET ALONG SAID NORTH BOUNDARY TO THE NORTHEAST CORNER OF "MAGIC VALLEY MARKETPLACE SUBDIVISION";

THENCE, SOUTH 89°34'43" WEST 170.78 FEET ALONG THE NORTH BOUNDARY OF SAID "MAGIC VALLEY MARKETPLACE SUBDIVISION" TO THE SOUTHEAST CORNER OF SAID "WESTPARK COMMERCIAL SUBDIVISION NO. 7";

THENCE, NORTH 00°00'00" EAST 444.93 FEET ALONG THE EAST BOUNDARY OF SAID "WESTPARK COMMERCIAL SUBDIVISION NO. 7" TO SAID REAL POINT OF BEGINNING.

THE GROSS AREA CONTAINED IN THIS PLATTED LAND AS DESCRIBED IS 2.14 ACRES.

EXHIBIT "B"
WESTPARK COMMERCIAL #10, A ZDA
Zoning Development Agreement
01-09-2017 CC PH

This Zoning Development Agreement is made and entered into this ____ day of _____, 2017, by and between the City of Twin Falls, State of Idaho, a municipal corporation, hereinafter called "City" and _____ hereinafter called "Developer" for the purpose of developing a commercial property as a C-1 Zoning Development Agreement (ZDA). The Legal description of the property is a portion of Lot 4, Blk 2, WESTPARK COMMERCIAL SUBD. No. 3, located in the southwest corner of Section 33, Township 9 South, Range 17 East, Boise Meridian in Twin Falls county Idaho. More specifically described in attached Exhibit "A".

Development and Improvements shall conform to the standards and regulations of the Twin Falls City Code Title 10-Chapter 4-Section-8 and Chapter 6-Section -1, and all references to other sections herein, as amended, except for the following:

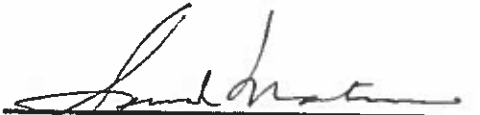
- (1) Land Use Regulations:
 - (B) Motels and transient hotels as a Permittee Use.
- (2) Property Development Standards:
 - (C) Building Height: Modified as Follows: No Building shall exceed fifty-five feet (55") in height.

On January 9, 2017, the City Council approved a Zoning District Change and Zoning Map Amendment for 2.14 (+/-) acres from C-1 PUD to C-1 ZDA to develop a Hotel and accessory uses with a maximum building height of 55' on property located east of 1788 Washington Street North for Westpark Partners, LLC. (app. 2826) with the following conditions:

- 1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
- 2. Subject to a Master Pedestrian Pathway plan for the entire undeveloped area between Washington Street North and Canyon Crest Drive being approved by City Staff, and included in the Westpark Zoning Development Agreement.
- 3. The ZDA Ordinance and the Westpark Commercial #10, a ZDA Final Plat shall be recorded prior to development. *Final Plat Recorded Feb 17, 2017*

If no development has occurred on the ZDA subject parcel within the time identified, the planning and zoning commission and city council may review the original ZDA development requirements and conceptual development plan to ensure their continued validity. If the city determines the concept is no longer valid, then:

- (A) The city may initiate process to change the zoning classification, OR
- (B) New ZDA development requirements and/or a new conceptual development plan may be required to be approved prior to the city issuing a building permit for the any portion of the ZDA subject parcel.



Developer: Westpark Partners, LLC

Aerial Photo Map

Reference Only



Aerial Photo - April 2015

0 150 300 Feet

POLE LINE RD W

POLE LINE RD

CANYON CREST DR

WASHINGTON ST

BOSTON WAY

VERMONT AVE

VERMONT AVE

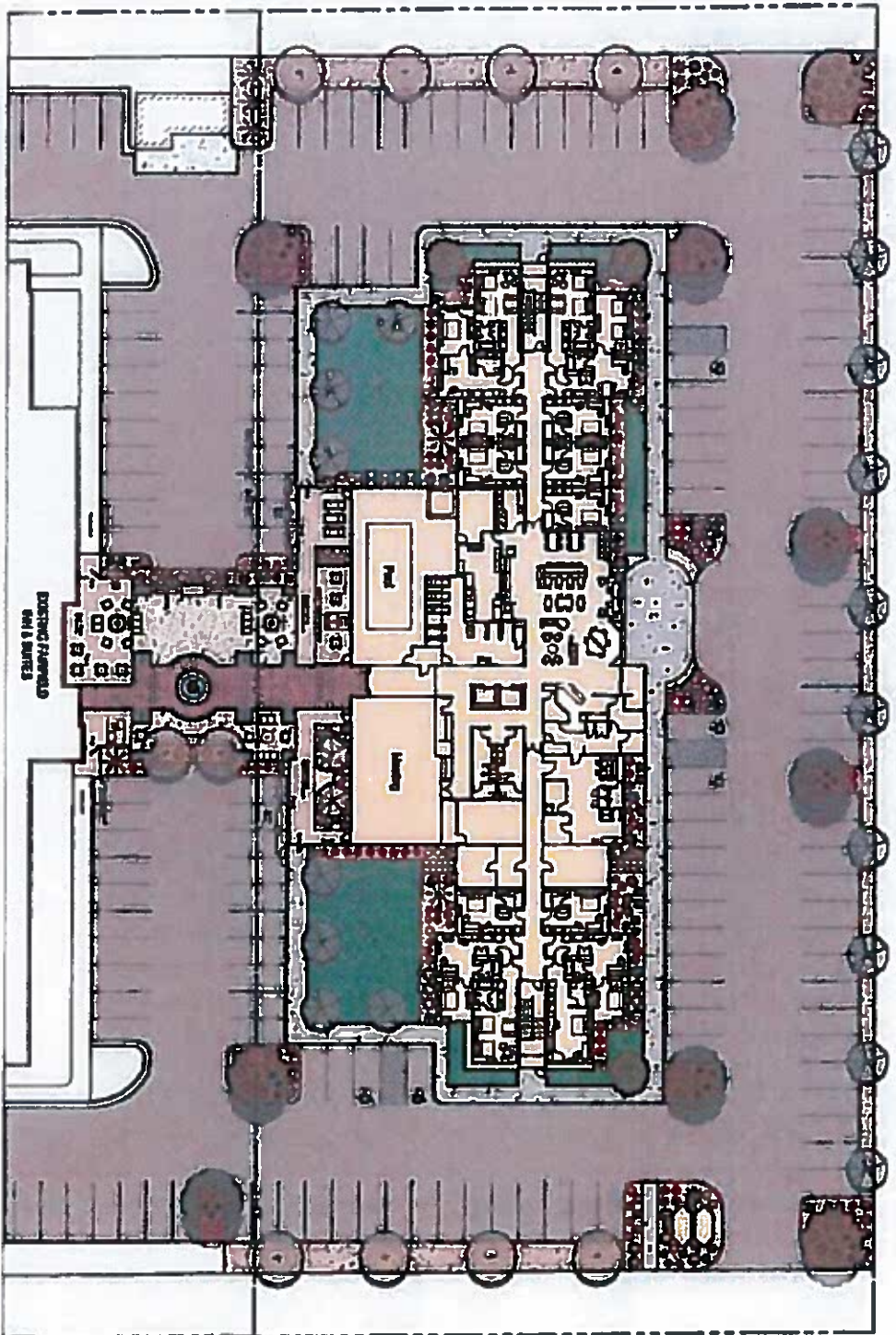
BOSTON WAY

CANYON CREST DR

VERMONT AVE

WASHINGTON ST

POLE LINE RD W



Marriott TownePlace Suites

Twin Falls, Idaho

For Pentridge Capital
Engle, Idaho

Exhibit "C"

Westpark Commercial

Master PEDESTRIAN PATHWAY DEVELOPMENT AGREEMENT

This agreement is entered into on the _____ day of _____, 2017 between the City of Twin Falls and Westpark Partners, LLC.

Whereas the City of Twin Falls and Westpark Partners LLC desires to provide for safe pedestrian pathways within the area generally defined as Westpark Subdivision, No. 3 and re-subdivisions thereof, and

Whereas the City of Twin Falls will be reviewing site plans for the development of various parcels or lots within Westpark Subdivision No. 3 and re-subdivisions thereof, and

Whereas the City of Twin Falls and Westpark Partners LLC have developed a master pedestrian pathway plan attached hereto as Exhibit A

Whereas Westpark Partners LLC owns parcels of land within Westpark Subdivision No. 3 and re-subdivisions thereof, and as described in attached Exhibit B

Whereas Westpark Partners, LLC will develop or sell parcels of the land described in Exhibit B

Whereas Westpark Partners LLC wish to cooperate with the City in providing safe pedestrian pathways in general compliance with the attached Exhibit A

Be It Resolved:

Westpark Partners will inform all developers of land described in Exhibit B of the requirement to provide pedestrian pathways that comply with the connectivity as shown on the attached Exhibit A. And that said pathways and connectivity will be required as part of the site development and will be required prior to issuance of an occupancy permit.

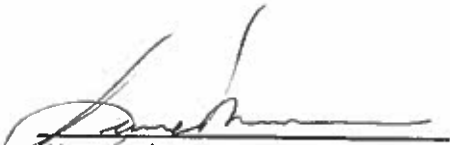
The pathways shall be a minimum of 5-foot in width, be surfaced with asphalt, concrete or other all-weather surfacing and shall be ADA accessible. Pathways may be located in landscape area, parking areas or any other area provided that the connectivity shown on Exhibit A is accomplished. Trails shall be signed or otherwise marked to encourage pedestrian usage.

Crosswalks shall be painted and signed in accordance with City of Twin Falls standards.

Nothing herein, however will preclude the developer of lands within Exhibit B to provide alternative pathways location or alignments provided that such alternative locations or provide open and safe pedestrian pathways that comply with the connectivity depicted in Exhibit A, and

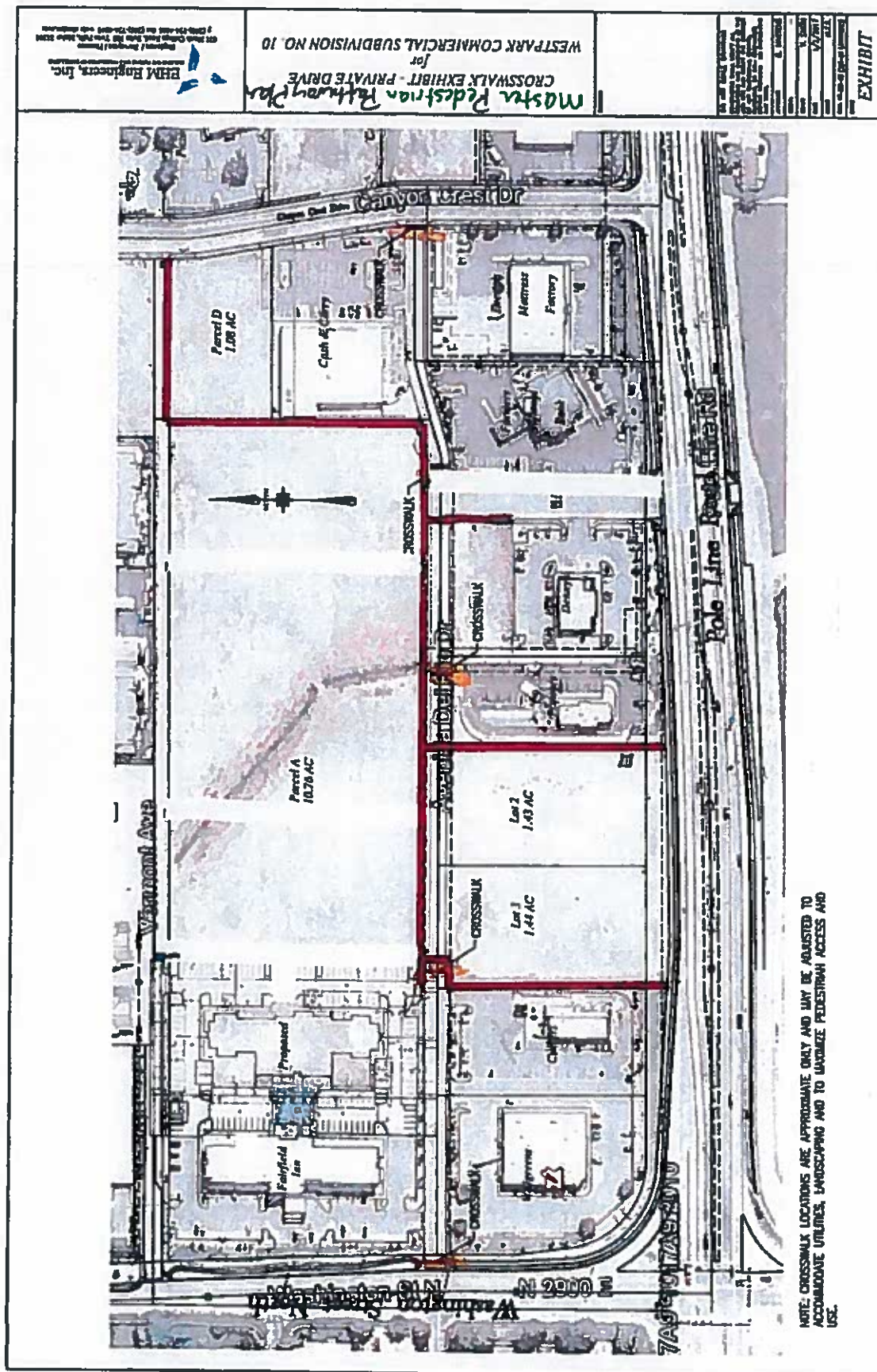
Nothing herein shall require any develop of any parcel of land described in Exhibit B to complete pathway improvements outside the boundary of the parcel being developed other than those improvements that may be within the boundary of the private roadway necessary to connect the on-premises pathway to a designated private roadway crossing.

The pathways, crosswalks and signage shall be maintained by the property owner or the property owners association.


Westpark Partners

City of Twin Falls

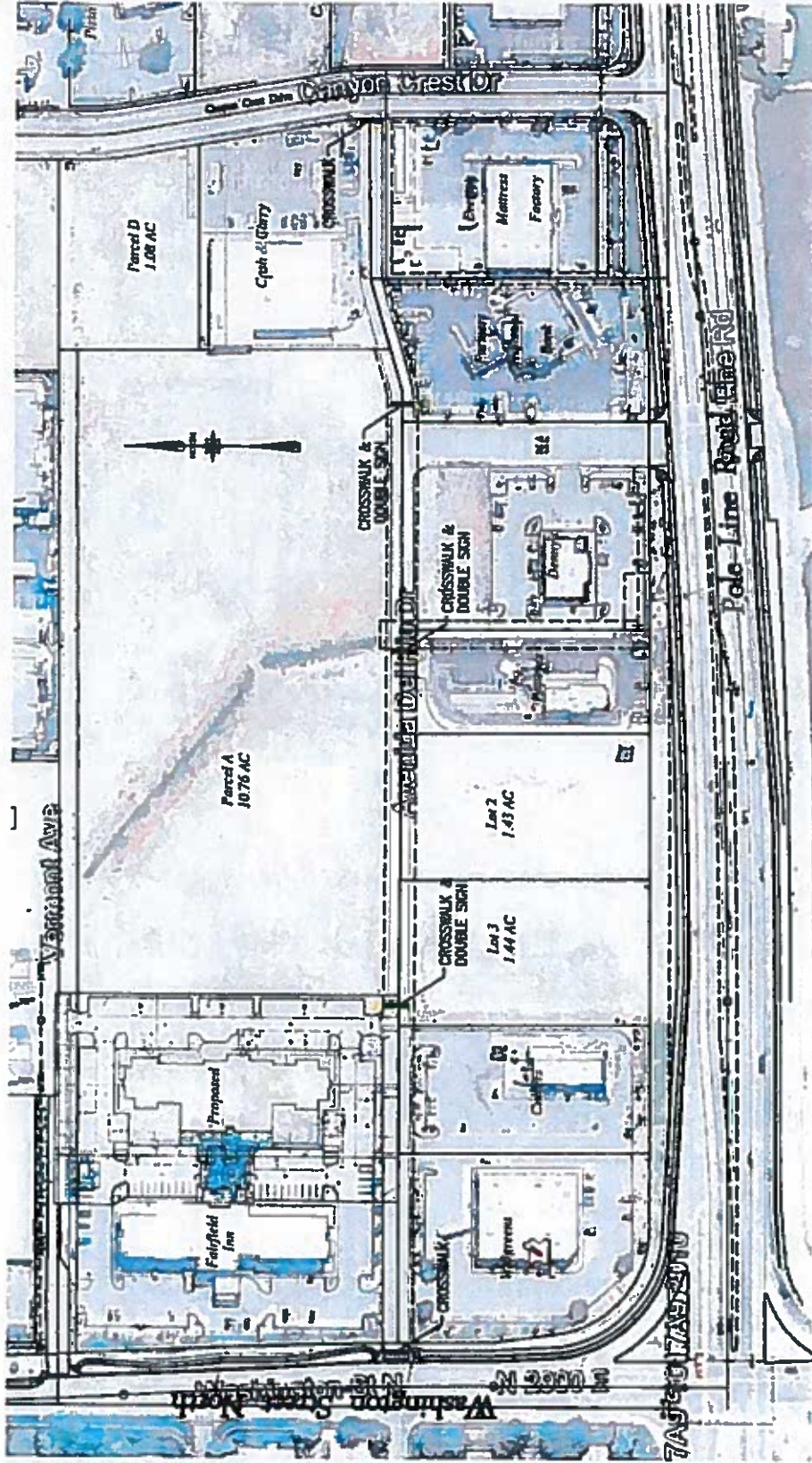
EXHIBIT A



CROSSWALK EXHIBIT - PRIVATE DRIVE
 for
WESTPARK COMMERCIAL SUBDIVISION NO. 10

DATE	1/13/2017
BY	JAN 13 2017
FOR	CITY OF DENVER
PROJECT	WESTPARK COMMERCIAL SUBDIVISION NO. 10
LOCATION	10000 E. HIGHWAY 100
SCALE	AS SHOWN
ALL	SEE EXHIBIT

EXHIBIT



RECEIVED

JAN 13 2017

CITY OF DENVER
 PUBLIC WORKS DEPT.



NOTE:
 CROSSWALK LOCATIONS ARE APPROXIMATE ONLY AND MAY BE ADJUSTED TO
 ACCOMMODATE UTILITIES, LANDSCAPING AND TO MAXIMIZE PEDESTRIAN ACCESS AND
 USE.

A DOUBLE 12"x16" PEDESTRIAN SIGN IS REQUIRED AT SPECIFIED LOCATIONS. SEE
 SIGN NAME.

"EXHIBIT B"

**LEGAL DESCRIPTION
FOR
WESTPARK COMMERCIAL NO. 10**

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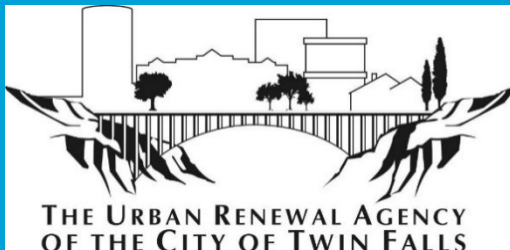
Twin Falls Urban Renewal Agency Main Avenue Redevelopment Project

Construction Contract Presentation, for
URA Special Board Meeting, April 3, 2017



Main Ave. Prebid Conference, March 14, 2017

Prepared for:



Prepared by:



Construction Contract for Main Ave. Redevelopment Project: Amendment No. 2

Highlights

1. Amendment No. 1 for Landscape Removal
 - Was approved by the URA Board on February 3, 2017
 - Landscape Removal Bid Under Budget, at \$56,538, with \$9,200 in Savings (16%) being Returned to the URA)
 - Landscape Removal was completed in 3 days vs. 4 days in mid-February 2017
2. **Amendment No. 2 for Main Ave. Project**
 - **Favorable Bids were Received, with the Project being bid within our goal of \$6.5 million in Construction Value**
 - **Guaranteed Maximum Price (GMP) request for approval today (03APR2017) of \$6,389,576.99**
3. Total GMP is Amendment 1 + Amendment No. 2 = **\$6,446,114.99 (within our \$6.5 Million Budget!)**
4. Former Estimates at Final Design (as reported to URA on 13MAR2017):
 - Guho: \$6,446,368 (within \$253, or 0.004% of final GMP)
 - Otak: \$6,493,936 (within \$47,821, or 0.74% of final GMP)
 - It doesn't get any closer than that!

Construction Contract for Main Ave. Redevelopment Project: Amendment No. 2

Highlights - Continued

1. Additional Scope Afforded within this GMP that were not Originally Included in the Main Ave. Project Design:
 - Inclusion of Fire Hydrants on Main Ave.
 - Cast Aluminum Light Poles (best quality) are now included, compared to Fiberglass Light Poles
 - Upgraded Storm Drain System with Additional Capacity in Main Ave. Area (other bottlenecks downstream, offsite, to be resolved in future projects)
2. Allowances:
 - GMP Includes 5% Construction Contingency and Reasonable Allowances for Risk Areas (unsuitable soils, interim street lighting connections, construction/business access signage, SWPP, waterproofing for basements, coal chute infills).
 - Savings in Construction Contingency and Allowances will be Returned to URA at Project Completion (the beauty of a CM/GC Contract!)
3. Please Note that the Pre-Construction Phase Work by Guho, totaling \$143,276 is Considered a Consulting Service and is not Part of the GMP.
4. Guho stated that their Value Engineering suggestions during the final design phase may have saved the project as much as \$1 million! The Precon Services fee was money well spent!
5. URA Legal Review of the GMP Contract has been Completed

Project Schedule

1. GMP Contract Approval Requested by URA Board, 03APR2017
2. Ground Breaking Ceremony, 11APR2017
3. Construction Begins on Block 1 (Shoshone to Gooding, on April 17)
4. The overall project remains on schedule with the goal of reach substantial completion of the work by Oct. 31, 2017, and Final Completion in November 2017



Additional GMP Highlights by Anthony Guho

1. Exhibits (see GMP in Board Packet)
2. Major Subcontractors and Suppliers: Majority from Twin Falls
3. Other Topics

Thank You

The Project Team is Excited about the Main Avenue Construction set to begin this month!

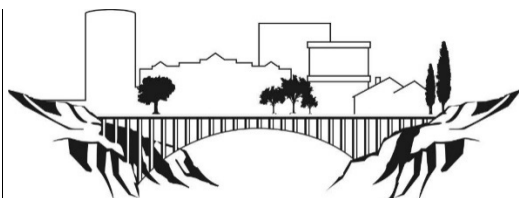


Twin Falls Urban Renewal Agency Main Avenue Redevelopment Project



Mr. Mervin Mueller of the Twin Falls Monarch Lions Club. Flag display discussion for Main Ave., March 24, 2017

Prepared for:



THE URBAN RENEWAL AGENCY
OF THE CITY OF TWIN FALLS
Prepared by – Owner's Representative:



Monthly Report for
URA Board Meeting
April 10, 2017

Monthly Project Progress Update

Prepared for URA Board Meeting on April 10, 2017

Main Avenue Redevelopment Project

Summary of Progress this Period, March 9 to April 6, 2017

Construction Services by CM/GC – Guho Corp.

1. From prior report: Landscape Removal took place on Feb. 17-20, 2017. All trees along the 5 blocks of Main Ave. from Fairfield to Jerome, and Hansen South, were removed.
2. Bids were received for the Main Ave. redevelopment project on 24MAR2017. The bids came in within the URA's budget. The Guaranteed Maximum Price (GMP) for the project, inclusive of the prior Landscape removal package and the Main Ave. redevelopment work was approved at Special URA Board meeting on 03APR2017. The GMP totals \$6,446,114.99 which is within the URA's budget of \$6.5 million for the project. The GMP includes a contingency of 5%, several allowances for undefined work, and Guho's CM/GC fee, and all of the subcontracts for the work. The GMP is within several hundred dollars of the cost estimate at final design, which is a very good result. Most of the work has been awarded to Twin Falls area subcontractors and suppliers.
3. Construction work on the first block (Gooding to Shoshone) will commence on 17APR2017. All 6 blocks of the project will be substantially complete by 31OCT2017, with final completion in November 2017. This will be in time for the opening of the new City Hall. (Note that the Main Ave. work does not include the Commons project, which is a separate project being managed by the City and Starr.)
4. Refer to the separate GMP presentation of 03APR2017 for an overview of the GMP structure and recommendation.

Project Schedule

5. URA, City, CH2M and Guho met on Dec. 8, 2016 to review the project schedule in detail. Guho's plan for the sequencing of reconstruction of Main Ave. and Hansen Ave. South on a block by block basis was reviewed. The group discussed the optimal sequencing of the blocks given the history of spring, summer and fall events, desires of merchants, and technical factors. Guho discussed their overall project communications plan. Tasks and responsibilities were then coordinated with the City's Communications Director - Josh Palmer. Status (April 2017): Project schedule requirements are now being incorporated into the subcontracts being managed by Guho.
6. The project schedule information (block by block plan) was then presented to the Project Advisory Committee (PAC) on December 21, 2016, and again on Feb. 16, 2017. The PAC representatives were very pleased to hear about the block by block phasing plan recommended by Guho. The overall sequencing approach was discussed at the meeting and approved by the PAC.

Design Progress

7. Final design documents for the construction phase are now complete.
8. Paver options can be reviewed at the Parks & Rec. lot on 11APR2017 following the ground-breaking ceremony. The GMP includes sufficient value from the supplier's bids to include one of several paver options at the discretion of the URA and City.

Basement Issues

9. URA's legal representative has drafted licensing agreements between the URA and the three affected property owners establishing the liability of continued basement extensions under Main Ave. Cost sharing of waterproofing is being negotiated with Wells Fargo. It was decided by the URA that the full cost of infill at Mr. Crowley's property will be covered by the URA unless environmental contamination is found. Some asbestos was found in the recent environmental survey.

Testing and Inspection

10. Paul Johnson and Jesse Schuerman discussed the third-party materials testing and inspection contract required per code to test in-place materials. Paul has had a place-holder in the project budget for this, so it is not a new or unanticipated item. CH2M and URA's Staff Engineer have determined that the testing and inspection contract will be held and managed within Guho's CM/GC contract. Guho is aware and will incorporate this necessary work. The GMP Amendment for Testing and Inspection services will go to the URA Board on 08MAY2017.

Possible Sidewalk Repair Project

11. CH2M has discussed the possible sidewalk repair project with Guho, per direction from URA. Any contingency or allowance savings within the GMP for the Main Ave. project could be used for sidewalk repairs if approved by the URA Board. Then sidewalk repairs outside the immediate Main Ave. scope of work can be triggered on a priority basis during the course of construction, provided that those sidewalks are within Area 4-1 of the URA.

Budget

12. CH2M updated the URA's Cost Control Report for Area 4-1 projects, including the anticipated cash flow from 2016 through 2023. The report is being updated monthly and reviewed with the City's Finance Manager and URA Executive Director.

URA Topics

13. See cover photo of Mervin Mueller of the Twin Falls Monarch Lions Club. Mr. Mueller discussed the flag display tradition along Main Ave. with the Owner's Representative – Paul Johnson, on 24MAR2017.
14. The Lions Club charges a nominal fee to business to display the flags on Main Ave. in front of the businesses during 8 holidays per year. The 8 holidays include: Martin Luther King Day, Presidents' Day, Memorial Day, Flag Day (14June), Independence Day (04July), Labor Day, Columbus Day, Veterans' Day. All of the proceeds go to charity. The Lions Club and Boys' and Girls' Scouts also display flags in other areas of the City. It is a tradition going back several decades. There are about 27 businesses along Main Ave. participating in the program.
15. City staff have indicated a desire to maintain the flag display tradition. This would involve incorporation of sleeves in the Main Ave. project to accept the flags. The project team wants to

avoid drilling any holes in the new sidewalks, so consideration needs to be given of how to accommodate new businesses who may wish to participate.

16. The Main Ave. project team is working on the sleeve details and locations. CH2M is willing to cover the cost of the sleeves provided that the detail remains reasonably economical. The team needs to avoid an aesthetic concern and the potential for any tripping hazards. We will keep the URA and City informed of our progress on this topic.
17. URA Board and City Council consent with continuing the flag display tradition by the Lions Club would be appreciated.



Date: Monday, April 10, 2017
To: Honorable Mayor and City Council Members
From: Jason Brown, Environmental Engineer

Request:

This presentation is to inform the council of the work that has been done to revise the City's Enforcement Response Plan (ERP). The ERP is one of the documents governing the enforcement actions against our industrial partners, if such actions are required for violations of industrial user permits. The ERP helps the City implement the federal pretreatment regulations and is a requirement as part of the City's approved pretreatment program. At this time, this presentation is to inform the Council, as well as receive any feedback if needed. The City is required to submit this document for review and approval to the Environmental Protection Agency (EPA). At a future date, City staff will return for City Council approval and adoption of the revised ERP.

Time Estimate:

The staff presentation will take approximately 30-40 minutes.

Background:

The Clean Water Act (CWA) requires local agencies to control discharges of pollutants to surface waters of the United States from Publicly Owned Treatment Works (POTWs) or wastewater treatment facilities. As part of the CWA, the City is also required to control discharges from industrial users under the Pretreatment Regulation.

As part of the Pretreatment Regulations, the City is required to establish processes and procedures for ensuring compliance with the CWA. The ERP is the document that helps establish these processes and procedures to ensure compliance with the CWA and Pretreatment Regulations. The ERP provides guidance on how the City will investigate and respond to instances of noncompliance from industrial users. The City has primary responsibility to enforce the City's Sewer Use Ordinance and the Pretreatment Regulations as part of our approved program.

This revision is the biggest change to the ERP since our pretreatment program was first approved by the EPA in the early 1980's.

Approval Process:

This presentation is for informational purposes at this time.

Budget Impact:

None

Regulatory Impact:

Help the City to implement and enforce federal pretreatment standards.

Conclusion:

This revision to the ERP, helps the City work with our industrial partners and stay current with EPA requirements and recommendations.

Attachments:

1. Enforcement Response Plan
2. Presentation

ENFORCEMENT RESPONSE PLAN

CITY OF TWIN FALLS INDUSTRIAL PRETREATMENT PROGRAM



The City of Twin Falls is required under federal guidelines contained in 40 CFR Part 403 to implement and maintain an Enforcement Response Plan (ERP). The ERP ensures that the City of Twin Falls is achieving compliance with respect to the Clean Water Act (CWA), General Pretreatment Regulations (40 CFR Part 403), and the City of Twin Falls Wastewater Treatment Plant's NPDES permit (ID-002127-0).

Background

In 1972, Congress enacted the Clean Water Act (CWA). The CWA established requirements for federal, State, and local agencies to control the discharge of pollutants to surface waters of the United States. The National Pollution Discharge Elimination System (NPDES) program was instituted to control point-source discharges to surface waters, including those of wastewater treatment plants.

In 1978, the EPA promulgated The General Pretreatment Regulations (40 CFR Part 403) and has continued to update and revise these regulations to reflect current knowledge of water quality issues, best management practices, and treatment technologies. These Regulations govern the discharge of pollutants to Publicly Owned Treatment Works (POTWs) from any non-domestic source regulated under §307(b), (c) or (d) of the CWA (i.e. industrial users) and provide municipalities (as defined in CWA § 502(4)) with the legal authority to implement and enforce the National Pretreatment Program.

All POTWs collect wastewater from homes, commercial buildings, and industrial facilities and transport it via a series of pipes, known as the collection system, to the treatment plant. Here, the POTW removes harmful organisms and other contaminants from the wastewater so it can be discharged safely into a receiving body of water. Generally, POTWs are designed to treat only domestic wastewater. However, POTWs also receive wastewater discharges from non-domestic users, which are regulated by 40 CFR Part 403. The purpose of these regulations is to control pollutants from industrial user discharges that may cause pass through or interfere with the POTW's treatment process or that may contaminate treated bio solids.

In general terms, the City of Twin Falls Pretreatment program consists of identifying industrial users (IUs) that are subject to federal regulations (*and - by extension – State regulations and local limits*), issuing such users Industrial Wastewater Discharge Permits, and enforcing noncompliance and/or violations of these permits.

Through its EPA-Approved Industrial Pretreatment Program, The City of Twin Falls is committed to demonstrating compliance with the CWA and the General Pretreatment Regulations, as well as its own NPDES permit (ID-002127-0), while also working with industrial users to provide service in a business-friendly, environmentally responsible manner.

The general Pretreatment Regulations identify specific requirements that apply to all non-domestic (i.e. industrial) sources of wastewater discharge to a POTW. Additionally, there are requirements that apply to all Significant Industrial Users (SIUs)¹ and certain requirements that apply only to Categorical Industrial Users (CIUs).²

¹ As defined in 40 CFR 403.3(v)

² As defined in 40 CFR 403.3 (v)(i)

The objectives of the National Pretreatment Program are achieved by applying and enforcing both discharge standards and pretreatment standards. The general and specific prohibited discharge standards are contained in the National Pretreatment Standards: Prohibited Discharges (40 CFR 403.5), and the pretreatment standards are contained in: the Categorical Pretreatment Standards (40 CFR Parts 405-471), individual State requirements, and local discharge limitations (as per 40 CFR 403.5).

The requirement of a POTW to implement and maintain an enforcement response plan (ERP) is as follows:

(5) The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

- (i) Describe how the POTW will investigate instances of noncompliance;
- (ii) Describe the types of escalating enforcement response the POTW will take in response to all anticipated types of industrial user violations and the time periods within which response will take place;
- (iii) Identify (by title) the official(s) responsible for each type of response;
- (iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2). (403.8(f)(5))

This enforcement response plan establishes the process for ensuring full compliance with all provisions of the Sewer Use Ordinance and industrial wastewater discharge permits. The remedies provided for in this Enforcement Response Plan are not all-inclusive. The City may take any, all, or any combination of these actions against a non-compliant person or user. The City may take other actions against any person or user when the circumstances warrant. Furthermore, the City is empowered to take more than one enforcement action against any non-compliant person or user.

The ERP provides guidelines on how the City of Twin Falls (Control Authority) will investigate and respond to instances of Industrial User (IU) noncompliance. The ERP provides guidance as to the range of enforcement responses, including types of violations and time frames for actions and follow-up. The ERP also provides references to the legal authority (Sewer Use Ordinance) used to carry out the enforcement responses. The Control Authority has the primary responsibility to enforce the Sewer Use Ordinance. The ERP has been developed in accordance with 40 CFR 403.8(f)(5) and EPA guidelines as presented in *Guidance for Developing Control Authority Enforcement Response Plans* (EPA 1989).

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1. ENFORCEMENT PROCEDURES

The following section addresses the enforcement procedures for noncompliance. The range of enforcement actions available to the Control Authority is identified, along with the personnel responsible for the different levels of enforcement actions. Guidance on how to determine what enforcement action is appropriate is also provided.

1.1 COMPLIANCE INFORMATION DOCUMENTATION

The Control Authority shall endeavor to keep accurate records of all compliance information to ensure accurate and prompt enforcement responses. Records shall be kept of each enforcement action taken in response to evidence of noncompliance.

1.2 PROCEDURES TO SCREEN FOR NONCOMPLIANCE

Noncompliance is determined based on the Control Authority's sample monitoring, inspection monitoring, and evaluation of industry-generated compliance monitoring reports. Wastewater sampling and/or inspection monitoring can occur daily, weekly, monthly, quarterly, or semi-annually depending on the discharger's performance or other relevant requirements, such as those contained in the discharger's industrial waste discharge permit.

All sampling results and reports shall be reviewed for violations of local discharge limits, applicable hazardous waste limits, and federal pretreatment standards as appropriate. Sampling results from a discharger's self-monitoring report (SMR) or the Control Authority's monitoring program are given to the Industrial Pretreatment Coordinator to review for violations, and the Industrial Pretreatment Coordinator initiates enforcement actions, as necessary.

1.3 PRETREATMENT PROGRAM STRUCTURE AND DUTIES

The City of Twin Falls' Pretreatment Program involves a partnership between the Control Authority (City of Twin Falls) and CH2M (contracted to operate and maintain the POTW). In general terms, the Control Authority (consisting of: City Manager, City Engineer, and Environmental Engineer) initiates all formal enforcement actions, whereas the Industrial Pretreatment Coordinator monitors SIU compliance with respect to Industrial Wastewater Discharge Permits, initiates informal enforcement actions in a timely manner, and recommends formal enforcement actions to the City (Control Authority). To achieve this, the Industrial Pretreatment Coordinator performs the following:

- Reviews Control Authority sampling results and/or SIU self-monitoring reports, identifying discharge violations.
- Initiates enforcement actions for noncompliance as delineated in the Enforcement Response Guide (ERG).
- Tracks SIU's responses to enforcement actions, compliance meetings, and compliance schedules.
- Reviews SIU's response letters to ensure the responses are adequate.
- In conjunction with the City, sets up compliance meetings using appropriate communications.
- Reviews and prepares IU compliance history reports.
- Prepares recommendations for: Notices of Violation, Administrative fines, Administrative Orders, and/or Judicial Action(s).

1.4 RANGE OF ENFORCEMENT ACTIONS

Enforcement responses range from an informal telephone call to judicial actions that include criminal charges. For many noncompliance episodes, the least severe enforcement action may be taken, which is

an informal telephone call and/or e-mail. If the discharger continues to be in noncompliance, or if noncompliance becomes significant, enforcement action will be escalated.

The range of enforcement actions available to the Control Authority is delineated below, in order of increasing severity, along with a list of the personnel that have signature authority for the enforcement action.

TABLE 1. ENFORCEMENT ACTIONS AND RESPONSIBLE PERSONNEL

Enforcement Action	Initiating Personnel	Signature Authority
Corrective Notice: Informal action including telephone calls, Control Authority-generated discharge monitoring reports, site visits, warning letters, and/or e-mail communications	Industrial Pretreatment Coordinator	Industrial Pretreatment Coordinator
Notice of Violation (NOV)	Industrial Pretreatment Coordinator <i>(provides recommendation)</i>	City Personnel
Administrative Order: Consent Order	City Personnel	City Personnel
Administrative Order: Show Cause Hearing	City Personnel	City Personnel
Administrative Order: Compliance Order	City Personnel	City Personnel
Administrative Order: Cease and Desist Order	City Personnel	City Personnel
Judicial Action	City Personnel	City Personnel

A series of tables comprising an Enforcement Response Guide (ERG) is included within this ERP (see Section 2). The ERG is to be used to help Pretreatment Personnel determine the appropriate enforcement action that corresponds to the nature of the violation. The ERG shall serve as a minimum standard in determining enforcement responses.

As circumstances warrant, the Industrial Pretreatment Coordinator, or City Personnel may perform any enforcement action for which the Industrial Pretreatment Coordinator is responsible. The range of enforcement actions available are described below, listed in the approximate order of escalation.

1) **Corrective Notice/Informal Action** (e.g., telephone call, e-mail, Control Authority-generated discharge monitoring report, site visit or warning letter): Although these actions are informal they are still documented and kept in the discharger's file. A warning letter encourages the discharger to enact corrective action prior to issuance of an NOV or implementation of progressively severe enforcement action. A warning letter shall indicate it is not a Notice of Violation. Informal Actions are normally performed by the Industrial Pretreatment Coordinator, but may also be performed by the City's Environmental Engineer or City Engineer.

2) **Notice of Violation**: This is an informal enforcement letter indicating in writing that it serves as a Notice of Violation (NOV) to the discharger. The NOV specifies the violation and requires some type of corrective action. The NOV is recommended by the Industrial Pretreatment Coordinator authorized by the Environmental Engineer.

3) **Administrative Order:** An administrative order is a formal enforcement document that requires the discharger to undertake or cease a specified activity and that requires compliance with pretreatment standards and requirements under the Twin Falls Municipal Code (Sewer Use Ordinance No. 2975). Administrative orders can include administrative penalties, compliance schedules and termination of service orders. Termination of water and or sewer service is an administrative response that can be implemented directly by the Public Works Department. The four types of administrative orders used are a Consent Order, Show Cause Hearing, Compliance Order, and Cease and Desist Order.

a) A **Consent Order** is a formal agreement between the Control Authority and the discharger normally containing three elements: compliance schedules, stipulated fines or remedial actions and signatures of the Control Authority and industry representatives. The consent order is appropriate when the user accepts responsibility for its noncompliance and is willing to negotiate corrective actions in good faith. Examples of corrective actions that have been required under past Consent Orders include a compliance schedule, an engineering study of inflow and infiltration, and implementation of best management practices (BMPs).

b) A **Show Cause Hearing** is a formal request to appear before the Control Authority and “show cause” why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 15 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

c) A **Compliance Order** is a formal enforcement document that directs the discharger to achieve compliance according to specific actions (with specified due dates). The terms of a Compliance Order do not need to be discussed with the discharger. The Control Authority tracks the dischargers compliance with milestone dates set in the order.

d) A **Cease and Desist Order** is a formal enforcement document that directs the discharger to terminate illegal and/or authorized discharges immediately. This order is used when the discharge could threaten POTW operations, compliance or the environment. The order may be given immediately over the telephone, with a follow-up written order. The Control Authority has the authority to immediately halt any actual or threatened discharge to the treatment plant that may represent an endangerment to the public health, the environment, or the treatment plant, upon informal notification to the Industrial User. (Sewer Use Ordinance Section 7-7-9.5).

4) **Judicial Action:** Civil or criminal cases can be brought against the discharger. The Control Authority brings civil cases to the attention of the City Attorney and criminal cases to the attention of the District Attorney's office. (Sewer Use Ordinance Section 7-7-10)

1.5 TYPES OF NONCOMPLIANCE

To ensure the enforcement action selected is appropriate to the violation, the City has divided noncompliance episodes into two types, noncompliance and significant noncompliance.

1.5.1 NONCOMPLIANCE

Most cases of noncompliance that are not significant are:

- 1) First time or infrequent violations of discharge limits, reporting requirements, or other permit requirements that may be identified during an inspection, except violations that would constitute significant noncompliance as delineated below,
- 2) Minor deficiencies in the submittal of information or reports, which in and of themselves do not constitute significant noncompliance.

All cases of noncompliance that are not significant may be followed up by a telephone call, e-mail, site visit, warning letter, or NOV and documented to the SIU's file.

1.5.2 SIGNIFICANT NONCOMPLIANCE

At a minimum, and except as provided within the definition, one or more of the criteria listed in the definition for Significant Noncompliance shall constitute significant noncompliance (see **Table 7** and **Section 3, Definitions**) (40 CFR 403.8(f)(2)(viii)).

The Control Authority reviews violations that meet one or more of these criteria on a case-by-case basis. The Control Authority may determine that a violation, though technically meeting one of these criteria, did not meet the intent of the criteria. In such cases, the violation shall not be considered significant noncompliance, and the exception shall be noted.

The responsible personnel shall describe and document the reason why the violation did not meet the intent of the criteria in the discharger's Pretreatment Compliance Monitoring Correspondence and Enforcement file.

Dischargers who have been in Significant Noncompliance must be listed in the newspaper. The list must be published at least annually as required by 40 CFR 403.8(f)(2)(viii). EPA guidance indicates that the act of publishing a list of Significant Violators may be used by the POTWs as a deterrent to continued noncompliance (EPA 1989).

The list of dischargers who are in Significant Noncompliance is published in the *local newspaper with the largest circulation*. Federal regulations require the public notice to contain the names of significant violators and an accompanying statement regarding the violations during the previous twelve months (40 CFR 403.8(f)(2)(viii)). However, EPA states that the public notice may also include additional information such as duration of violation, type and severity of violation, compliance action taken (if any), whether the Industrial User is currently complying with a compliance schedule, and whether the Industrial User has returned to compliance (EPA 1989).

1.6 ADMINISTERING ENFORCEMENT ACTION

There are a number of factors to consider when selecting an enforcement action from the range of available enforcement actions. These factors include:

- **Magnitude of the violation.**
- **Duration of the violation.**
- **Effect of the violation on the receiving water.**
- **Effect of the violation on the POTW.**

- **Compliance history of the Industrial User.**
- **Good faith of the Industrial User.**

The Control Authority considers the above factors when deciding how stringent an enforcement action is warranted. It is important to be consistent when using these factors to determine the enforcement response for a noncompliance episode. More information on each of these factors is presented below.

1.6.1 MAGNITUDE OF THE VIOLATION

For a given category of violation, the Control Authority may need to decide if the violation constitutes Significant Noncompliance as defined in 40 CFR 403.8(f)(2)(viii) (see **Section 4 Definitions** and **Table 6**). It is recommended that the Control Authority respond to Significant Noncompliance “with an enforceable order that requires a return to compliance by a specific deadline” (EPA 1989).

An initial enforcement response for most instances of noncompliance will be a site visit, a telephone call, e-mail, or a warning letter that informs the discharger of the nature of the violation, the SUO section violation, and the consequence of a failure to correct the deficiency.

1.6.2 DURATION OF THE VIOLATION

Regardless of whether noncompliance is deemed significant, if the discharger does not respond to the initial enforcement response or continues to be in noncompliance, or if the violation continues over prolonged periods of time, an escalated enforcement action is taken.

1.6.3 EFFECT OF THE VIOLATION ON THE RECEIVING WATER

Industrial User noncompliance might adversely affect receiving waters. Environmental harm is presumed whenever an Industrial User discharges a pollutant into the collection system that:

- Passes through the POTW
- Causes interference with POTW processes
- Causes a violation of the POTW’s NPDES permit
- Has a toxic effect on the receiving waters

Such violations shall be addressed through formal enforcement action and penalties to ensure that adequate treatment and compliance is achieved promptly. In some cases, injunctive measures may also be appropriate.

1.6.4 EFFECT OF THE VIOLATION

Industrial User noncompliance might cause interference with treatment plant performance. Such violations shall be addressed through formal enforcement action and penalties to ensure that adequate treatment and compliance is achieved promptly. In some cases, injunctive measures may also be appropriate.

1.6.5 COMPLIANCE HISTORY OF THE INDUSTRIAL USER

More aggressive enforcement actions should normally be taken against facilities that frequently exceed numerical pretreatment standards than those that report isolated violations, unless the isolated violations are significant or troublesome when weighed using the factors delineated above under “*Types of Noncompliance*”. Informal review meetings or a written notice of violation should seek specific explanations of the cause of frequent exceedances. If inadequate operating practices are found to be the cause, the Industrial Pretreatment Coordinator and/or Environmental Engineer should seek specific

commitments and deadlines to improve operating practices. If additional treatment is required, an enforceable compliance schedule should be issued to the industrial facility.

1.6.6 GOOD FAITH OF THE INDUSTRIAL USER

If Industrial User personnel appear to be attempting in good faith to comply with pretreatment requirements, enforcement actions should be on a more cooperative level than if Industrial User personnel do not appear to be attempting to comply in good faith. Staff responsible shall weigh the specific facts of the situation or acts performed by the Industrial User in determining whether the Industrial User is attempting to comply in good faith. In addition, Control Authority staff shall be aware that the Clean Water Act requires extraordinary efforts to comply with its requirements in a timely manner. Good faith shall be measured against this standard. Congress clearly expresses the efforts that are expected:

The Act requires industry to take extraordinary efforts if the vital and ambitious goals of the congress are to be met. This means that business-as-usual is not enough. Prompt, vigorous, and in many cases, expensive pollution control measures must be initiated and completed as promptly as possible. In assessing the good faith of a discharger, the discharger is to be judged against these criteria. Moreover, it is an established principle, which applies to this act, that administrative and judicial reviews are sought on the discharger's own time. (U.S. Congress 1978, p. 468)

Thus, if a facility challenges a permit, contract, or applicable pretreatment standard and delays progress toward compliance, the facility assumes the risk that the permit, contract, or standard will be upheld on judicial review. If the facility begins aggressively to come into compliance only after a decision is made adverse to its interests, it cannot be considered to have acted in good faith. Likewise, if a facility follows business-as-usual procedures, it cannot be considered to have acted in good faith.

1.7 RESPONSE TIME

In cases where the Control Authority is conducting sampling and generating compliance data, Discharge Monitoring Reports shall be generally sent out on a weekly basis to applicable SIU's. These reports contain up-to-date discharge information and constitute an informal enforcement action in cases of minor discharge limit violations. It is the responsibility of the industry to have an authorized representative review this report and note any permit violations (*discharge limits, etc.*) and address the cause(s) of the violations. It is the responsibility of the Industrial Pretreatment Coordinator to submit recommendation(s) for formal enforcement action to City Personnel by the 10th of the following month. City Personnel will initiate the appropriate enforcement action usually within 30 days, but no later than 90 days upon receiving the Industrial Pretreatment Coordinator's recommendations concerning formal enforcement action(s).

In the case where an Industrial User (*SIU or CIU*) is conducting self-monitoring and generating associated compliance monitoring reports, these reports are due by the 15th of the following month, with an extra 30 days allowed for metals sampling results. (Industrial Wastewater Discharge Permit, "Part 3 - Reporting Requirements" and Sewer Use Ordinance, section 7-7-4.3(A-H)) All compliance reports will be reviewed and an evaluation of compliance status made within 10 days upon receipt by the Industrial Pretreatment Coordinator. If, after the evaluation, one or more enforcement actions are deemed necessary, the following time frames for initial enforcement should apply:

If the violation is derived from an Industrial User report that is received by its due date, a 30-day period for initial enforcement action begins on the date when determination of noncompliance is made upon evaluation of the report.

If a report is not received by its due date, the 30-day period shall begin upon discovery of the violation by evaluation of the report, but any report received more than five days late shall in itself constitute an actionable violation, as delineated in the ERG. If the violation is found through an inspection or some other means, the 30-day period begins on the date the Industrial Pretreatment Coordinator or other responsible personnel acquire knowledge of the violation.

Any violations meeting the criteria for SNC will generally be addressed with an Administrative Order **within 15 working days** of the identification as SNC.

After the initial enforcement action has been taken, it is essential that follow-up action be taken to determine the effectiveness of the initial enforcement action. If the initial enforcement brought about the desired result, the follow-up action could simply entail a confirmation letter or e-mail to this effect. If, on the other hand, the initial enforcement action did not achieve the desired result, follow-up actions will be taken.

Follow-up response time begins on the compliance date specified in the initial action. By way of an example, if a NOV required a written response by the 10th day of the month, a follow-up action would be required within 30 days following that date. **These deadlines are the outer limit of enforcement response times. Depending on the situation, a quicker response may be necessary.**

Follow-up actions may include:

- Administrative Order sent certified mail or hand-delivered within 30 calendar days.
- Notice of Compliance Status Review Meeting sent certified mail or hand delivered within 30 calendar days.
- Seek administrative fines within 30 calendar days.
- Seek civil penalties within 30 calendar days.
- Contact City Attorney for possible civil lawsuit within 30 calendar days.
- Contact District Attorney for possible criminal lawsuit within 30 calendar days.
- Initiate termination of service within 30 calendar days.
- Initiate revocation of permit within 30 calendar days.

Violations that threaten health or environmental quality or that cause - or threaten to cause - interference to the POTW or cause the City to violate any condition of its NPDES permit are considered emergencies and will receive **immediate** responses such as halting the discharge or termination of service. (Sewer Use Ordinance Section 7-7-9.7)

1.8 GUIDANCE FOR ALLOCATING ADMINISTRATIVE FINES AND PENALTIES

The maximum administrative fine that can be levied against a discharger is \$1,000 per violation, per day. (Sewer Use Ordinance Sect. 7-7-9.6) The minimum administrative penalty varies depending on the severity of the violation, including whether-or-not the violation falls under significant noncompliance criteria and/or causes endangerment to health or the environment. Guidelines for assessing fines are provided below. The City reserves the right and discretion to recover all costs associated with SIU

discharge violations that cause damage to the POTW, result in POTW interference or pass through, causes the POTW to violate its NPDES permit, or results in additional operational costs to the control authority or contractors. The City also reserve the right and discretion to negotiate the assessment of these costs.

1.8.1 DISCHARGE LIMIT VIOLATIONS

Discharge limit violation fines accompany Notices of Violation or Administrative Orders. For violations of permit discharge limits, the fine starts at \$250 per discharge parameter violation. If multiple violations for the same parameter occur in the same month, the fines increase accordingly: \$500 for second violation, \$750 for third violation, and \$1,000 for each subsequent violation beyond the third.

The following table shall be used to determine the proper amount of the fine to be issued.

TABLE 2: DISCHARGE VIOLATION FINES

Any pollutant parameter violation	\$250
Second violation of same pollutant parameter	\$500
Third violation of same pollutant parameter	\$750
Additional violation(s) of same pollutant parameter	\$1,000

If a discharge interferes with the City's wastewater treatment plant, and/or the City's collections system, sewer pump stations, and/or the discharge causes an upset or pass through at the City's wastewater treatment plant, the City may issue an administrative penalty in addition to fines and as a way to recover any and all the City's expenses incurred as a result of the discharge(s). The fines, penalties and recuperation of the City's cost are in addition to the requirement(s) the City will place on the facility to prevent any future occurrence.

1.8.2 REPORTING VIOLATIONS

A fine may be assessed for late self-monitoring reports (SMR) or incomplete self-monitoring reports. The Control Authority allows a two business day grace period beginning on the date the self-monitoring report is due. The amount of the fine depends on the number of days the report was or continues to be late beyond the grace period, whether the report is incorrect and whether the self-monitoring report contains any discharge violations.

The following table shall be used to determine the proper amount of the fine to be issued.

TABLE 3: REPORTING VIOLATION FINES

<i>Number of days report is late or incorrect</i>	<i>Fine for a SMR with no violations</i>	<i>Fine for a SMR with discharge violations</i>
<30 days	\$100	\$200
>30 days	\$200	\$400

1.9 INCREASE IN INDUSTRIAL USER SELF-MONITORING FOR EFFLUENT VIOLATIONS

In cases of Industrial User self-monitoring when an SIU has one or more violations of any Wastewater Discharge Limit, the Control Authority may require the Industrial User to sample for all parameters that were violated once a week for four consecutive weeks, or for four consecutive discharge days, to commence within 7 days of receipt of the Notice of Violation.

Four consecutive weeks refers to a week in which the regulated discharge would occur. Metals, BOD and TSS samples shall be composites as appropriate to the discharge, all others are to be grab samples or as specified in 40 CFR part 136. The sampling specified above may be used to satisfy the facilities monitoring as required in their wastewater discharge permit.

The results of each sample must be received by the City within five days from when the Industrial User has received results, but in no event longer than thirty days from the date the sample was taken.

Notice of the increase in sampling shall be in letter form and shall be sent certified mail. In the event that it is not possible for an Industrial User to increase the frequency of self-monitoring, then the Industrial Pretreatment Coordinator may perform an unannounced inspection at the Industrial User's site and, if possible, sample for the parameter violated within thirty days of becoming aware of the violation. The cost of this enforcement activity will be billed to the Industrial User.

2. ENFORCEMENT RESPONSE GUIDE

This guide has been developed as a tool for the Control Authority to utilize when determining the appropriate response to a specific violation of pretreatment regulations.

Furthermore, this guide is intended to serve two main purposes:

1. Cover enforcement response that may be appropriate in relation to the nature and severity of the violation and overall degree of noncompliance.
2. Serve as a reference to encourage the uniform application of enforcement response to comparable levels and types of violations as well as a mechanism to review the appropriateness of the response by Twin Falls IPP personnel.

Key elements in all enforcement responses are the timeliness with which they are initiated and the effect on compliance. Given many types of violations, applicable legal enforcement procedures, and the variance in resources available to the Control Authority, no specific time frame is established in which to initiate and complete a given response. The professional judgement of Twin Falls IPP personnel is essential to effective enforcement.

Within this section, the steps that are recommended to be taken when issuing enforcement actions are outlined. In addition, several tables are included that provide guidance on enforcement response.

2.1 RECOMMENDED STEPS FOR ALL ENFORCEMENT ACTIONS

1. Identify and verify the noncompliance and/or violation
2. Evaluate SNC
3. Identify the legal authority supporting the enforcement action
4. Evaluate compliance history and "good faith" of the Industrial User by consulting the enforcement history in their file

5. Notify affected Industrial User using the appropriate level of response once a violation is verified
6. Where applicable, require the Industrial User to:
 - a) Identify the cause of the violation and report on the cause
 - b) Correct the violation and report on corrective action(s)
 - c) Establish a date or dates by which the above corrective measures are to be completed
 - d) Re-sample all parameters in violation to demonstrate compliance within 30 days
7. The affected Industrial User will be required to respond in writing within 15 to 30 days of notification
8. The Control Authority will review the response (and may meet with the appropriate Industrial User representative) to determine the next step. The following scenarios may apply:
 - a. The Industrial User corrects the violation or IPP personnel determine that the response does not warrant escalating enforcement. No further action is warranted
 - b. The Industrial User fails to submit a response, fails to comply, or the violation is not corrected. Control Authority escalates the level of response
9. Follow-up with escalated enforcement action if the Industrial User's response is not received or if violation continues
10. Document actions

2.2 EFFECTIVENESS OF ENFORCEMENT

The measure of the effectiveness of an enforcement response includes:

1. Whether the non-complying source returns to compliance as expeditiously as possible.
2. Whether the enforcement response establishes the appropriate deterrent effect for the particular violator and for other potential violators.
3. Whether the particular response is equitable when compared against similar violations and their associated enforcement responses.

2.3 ENFORCEMENT RESPONSE HIERARCHY

2.3.1 RESPONSE LEVEL 1

Level 1 responses are generally informal and represent the enforcement efforts utilized by the Control Authority to bring the Industrial User into compliance before a state of significant noncompliance is achieved. The following enforcement actions are utilized at this level of response:

1. Corrective Notice (*Phone call/e-mail*)

This informal response is the initial action immediately taken by the Control Authority (usually the Pretreatment Coordinator) for missed deadlines, isolated or infrequent self-monitoring deficiencies, minor reporting deficiencies, isolated or infrequent discharge violations, and other minor incidence of noncompliance as detected by sampling and/or inspection. Generally, a time frame for correction of the violations can be agreed upon between the Industrial User and the Control Authority and can include an extension of the deadline if a valid reason is given. In instances of limit violations, immediate verification sampling by the Industrial User and/or the Control Authority is requested to determine if the violation is continuing and to determine if further action is needed to correct the problem.

In order to establish a compliance record “good faith” history of an Industrial User, it is important to accompany a corrective notice with an update to the User’s enforcement file with the following information:

- Name of the Industrial User
- Name and Title of the person contacted
- Date and Time
- Nature of the violation
- Items discussed
- Results of conversation
- Initials or signature of person initiating the call/e-mail

In many cases, a phone call and/or e-mail is sufficient to bring the Industrial User back into compliance. However, when contacting the Industrial User does not result in measureable progress toward compliance, a letter of violation is issued to the Industrial User.

2. Informal Notice of Violation (NOV)

This informal enforcement action is taken when a phone call and/or e-mail to the Industrial User is not sufficient to prompt the User to return to compliance. When a User appears to be establishing a pattern of minor violations or when minor violations are detected by sampling or inspection, a letter of violation may be issued in conjunction with a phone call.

The informal NOV should contain: the nature of the violation (*citing the applicable section in the permit/ordinance*), the date the violation occurred, and the enforcement option that may be utilized should the Industrial User fail to implement corrective action in order to achieve compliance with pretreatment regulations. As needed, a time frame to implement corrective action and show progress toward achieving compliance may also be established in the letter.

3. Certified Notice of Violation

A certified notice of violation is the last enforcement action utilized at Level 1, and is the final attempt to resolve the noncompliance issue before a state of significant noncompliance (SNC) is reached by the User. This enforcement action can also be issued as an initial response to more serious violations such as certain self-monitoring violations, frequent limit violations (when initially discovered through an Industrial User’s semiannual compliance report), or other

noncompliance events listed specifically in the enforcement response guide tables. A certified NOV is similar to the informal NOV, but is sent by certified mail to document that the User actually received the letter and the date it was received. A compliance schedule submitted by the User by a certain date is requested in a certified NOV.

It is the intent of the Control Authority to resolve the vast majority of noncompliance issues within the Level 1 category of enforcement action. However, formal enforcement procedures are necessary when, due to negligence, stubbornness, or lack of interest on the part of the Industrial User, a state of SNC has been achieved.

2.3.2 RESPONSE LEVEL 2

When a state of SNC has been reached by the Industrial User, Level 2 enforcement action is initiated, requiring the Control Authority to issue any number of formal enforcement responses, including: Administrative Orders (A0), Show Cause Hearings, Compliance Orders (CO), Cease and Desist Orders, and/or Judicial Actions (JA).

Level 2 enforcement represents an escalation in enforcement severity and directs the Control Authority to report such enforcement to the EPA as part of the Pretreatment Performance Summary of User noncompliance.

Level 2 enforcement will generally include increased fines and/or compliance schedules with specified due dates by which certain levels of progress toward compliance with pretreatment regulations must be achieved.

2.3.3 RESPONSE LEVEL 3

This level of enforcement is reserved for the extreme occasion when the Industrial User does not respond to an Administrative Order (*or other formal enforcement action*), does not adhere to compliance schedules, and where fines have no effect in bringing the User into compliance with pretreatment regulations. This level of enforcement action generally requires the consultation of the City's Legal Department to determine the appropriateness and legal basis for the action to be implemented, but includes such actions as:

- 1.) Judicial Action (may include civil penalties and injunctive relief)
- 2.) Service Suspension, Termination of Discharge, and/or Permit Revocation

In extreme cases, where no remedies can be mitigated or a state of emergency exists, the Control Authority can revoke or suspend the services of an Industrial User in violation of Federal, State, or Local laws, ordinances, or regulations.

- a.) The Control Authority may revoke a wastewater discharge permit for – but not limited to – the reasons listed in the Sewer Use Ordinance, sect. 7-7-9.8
- b.) The Control Authority may immediately suspend an Industrial User's discharge after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or causes an imminent or substantial endangerment to the health or welfare of persons as outlined in the Sewer Use Ordinance, sect. 7-7-9.7.

Overview of Enforcement Response Tables

The enforcement response tables (**Table 4** through **Table 6**) outline general types of non-compliant conditions and a range of responses that may be appropriate depending on the specific conditions encountered. The column headings used in each table are as follows:

Type of Noncompliance	Specific Nature of Violation	Enforcement Response	SNC	Enforcement Signature
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These column headings are listed and described in more detail below:

- 1) **Type of Noncompliance:** General description of a noncompliant condition.
- 2) **Specific Nature of Violation:** A description is provided to allow City staff to distinguish between the types of enforcement that may be appropriate.
- 3) **Enforcement Response:** Based on the information selected under **Type of Noncompliance** and **Specific Nature of Violation**, the recommended enforcement response(s) are reviewed, and the appropriate enforcement response(s) are identified.
 - a) City staff may select from the enforcement options presented based on a number of factors, including whether the Industrial User is a first time offender or repeat offender, or has demonstrated good faith efforts or negligence (see Section 1.6 Administering Enforcement Action). The selected enforcement action may be stricter or more lenient than that specified for a given type of noncompliance, but Pretreatment staff must clearly document the action taken and why the deviation from the ERP was warranted.
- 4) **SNC:** Determine whether or not the violation meets the criteria for significant noncompliance (SNC) as defined in 40 CFR 403.8(f) (2) (viii) and outlined in **Table 6**.

TABLE 4: DISCHARGE VIOLATIONS

<i>Type of Noncompliance</i>	<i>Specific Nature of Violation</i>	<i>Enforcement Response</i>	<i>SNC?</i>
<i>Unpermitted Discharge</i>	IU unaware of requirement No Harm to POTW/Environment	Level 1: CN/NOV	NO
	IU unaware of requirement Harm to POTW/Environment	Level 2: NOV/AO	YES
	Failure to apply for permit after notification	Level 2: AO	YES
<i>Non Permitted Discharge</i>	IU has not submitted application 90 days prior to expiration	Level 1: CN/NOV	NO
<i>Exceedance of discharge limits (Permit, Local Limits, Federal Pretreatment Standards)</i>	Occasional exceedance	Level 1: CN/NOV	NO
	Reoccurring, magnitude, multiple parameters	Level 2: NOV/AO	YES
	Isolated harm to POTW or environment	Level 2: NOV/AO/JA	YES
	Recurring no harm to POTW or environment	Level 3: NOV/AO/JA	YES
	Recurring harm to POTW or environment	Level 3: JA/Termination of Service	YES
	Dilution	Level 2: NOV/AO	YES
<i>Illegal Discharge</i>	No harm to POTW or environment	Level 1: NOV	NO
	Discharge causes harm or evidence of intent	Level 3: AO/JA/Termination of Service	YES
	Continued discharge after Administrative Order	Level 3: AO/JA/Termination of Service	YES
<i>Surcharge</i>	4-5 consecutive days in surcharge threshold	Level 1: CN/NOV	NO
	6+ consecutive days in surcharge threshold	Level 3: NOV/AO/JA	YES

*CN = Corrective Notice, NOV = Notice of Violation, AO = Administrative Order, JA = Judicial Action

TABLE 5: MONITORING, SAMPLING, AND REPORTING VIOLATIONS

<i>Type of Noncompliance</i>	<i>Specific Nature of Violation</i>	<i>Enforcement Response</i>	<i>SNC?</i>
<i>Reporting Violations (including electronic reporting)</i>	Report is improperly signed or certified	Level 1: CN/NOV	NO
	Late, not significant (> 5 days)	Level 1: CN/NOV	NO
	Late, Significant (45 days or more)	Level2: AO	Yes
	Failure to report spill, slug, or changed discharge	Level 1: NOV	NO
	Reports are repeatedly late or no reports at all	Level 2: AO	YES
	Failure to report spill, slug, or changed discharge (results in harm)	Level 2/3: AO/JA	YES
	Falsification of any kind	Level 2/3: AO/JA	YES
	Inadequate Recordkeeping	Level 1/2: NOV/AO	NO
	Failure to report noncompliance	Level 1: NOV	NO
<i>Monitoring Violations</i>	Failure to monitor pollutants as required by permit	Level 1: NOV	NO
	Recurring failure to monitor	Level 2: AO	YES
	Failure to install monitoring equipment <30 days	Level 1: NOV	NO
	Failure to install monitoring equipment >30 days	Level 2: AO	YES
	Failure to report additional monitoring	Level 1: NOV	NO
<i>Sampling Violations</i>	Sampling at incorrect location	Level 1: NOV	NO
	Incorrect sampling container	Level 1: NOV	NO
	Incorrect sample collection techniques	Level 1: NOV	NO
	Failure to maintain sampling equipment	Level 1/2: NOV/AO	NO

*CN = Corrective Notice, NOV = Notice of Violation, AO = Administrative Order, JA = Judicial Action

TABLE 6: OTHER PERMIT VIOLATIONS

<i>Type of Noncompliance</i>	<i>Specific Nature of Violation</i>	<i>Enforcement Response</i>	<i>SNC?</i>
<i>Compliance Schedules</i>	Missed milestone by less than 30 days, or will not affect final milestone	Level 1: CN/NOV	NO
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	Level 1: CN/NOV	NO
	Missed milestone by more than 90 days, or will affect final milestone (no good cause for delay)	Level 2/3: AO/JA/Termination of Service	YES
	Recurring violation or violations of schedule in Administrative Order	Level 2/3: JA/Termination of Service	YES
<i>Failure to mitigate types of noncompliance or halt production</i>	Does not result in harm	Level 1: NOV	NO
	Does result in harm	Level 2/3: AO/JA/Termination of Service	YES
<i>Failure to properly operate and maintain pretreatment facility</i>	Does not result in harm	Level 1: NOV	NO
	Does result in harm	Level 2/3: AO/JA	YES
<i>Entry Denial</i>	Entry denied or consent withdrawn during inspection	Level 2/3: AO/JA	YES
	Copies of records denied	Level 2/3: AO/JA	YES

TABLE 7: SIGNIFICANT NONCOMPLIANCE

<i>Significant Noncompliance (see 40CFR 403.8(f)(2)(viii))</i>	
<i>Significant Noncompliance Criterion</i>	<i>Enforcement Response</i>
A. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits	Administrative Order
B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH)	Administrative Order
C. Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW enforcement signature or the general public)	Administrative Order
D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 33.03.200 to halt or prevent such a discharge	Administrative Order
E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance	Administrative Order
F. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules	Administrative Order
G. Failure to accurately report noncompliance	Administrative Order
H. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment Program	Administrative Order

3. DEFINITIONS

The terms used in this ERP are defined below.

Administrative Fine: A punitive monetary charge unrelated to actual treatment costs that are assessed by the Control Authority rather than a court.

Administrative Order (AO): A document that orders the violator to perform a specific act or refrain from an act.

Cease and Desist Order: An administrative order directing an Industrial User to immediately halt illegal or unauthorized discharges.

Civil Litigation: A lawsuit filed in a civil court. If the court rules that the defendant Industrial User violated the law, the court may impose civil penalties, injunctions or other equitable remedies and/or cost recovery.

Civil Penalty: A punitive monetary award granted by a court to the Control Authority against a noncompliant Industrial User.

Compliance Order: An administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

Compliance Schedule: A schedule of required activities (also called milestones) necessary for an Industrial User to achieve compliance with all pretreatment program requirements.

Compliance Status Review Meeting: An informal enforcement action requiring a meeting between the Control Authority and the noncompliant Industrial User.

Consent Order: An administrative order embodying a legal enforcement agreement between the Control Authority and the noncompliant Industrial User designed to restore the user to compliance status.

Control Authority: The entity directly administering and enforcing pretreatment standards and requirements against dischargers. For purposes of this Enforcement Response Plan, the Control Authority is the City of Twin Falls.

Criminal Prosecution: A criminal charge brought by the Control Authority against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as willful, negligent, knowing, and/or intentional violations. A court trial-by-jury is generally required and upon conviction, punishment may include a monetary penalty, imprisonment, or both.

Discharger: A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to the Clean Water Act §402 (an NPDES discharge). Dischargers include those domestic, industrial and commercial establishments whose discharges to the City's sewerage system include non-sanitary wastes.

Fine: A punitive monetary charge for a violation of the law. Often used synonymously with "penalty" although the term "fine" generally implies the use of administrative rather than civil (judicial) procedures.

Industrial User (IU): A source of indirect discharge that does not constitute a "discharge of pollutants" under regulations issued pursuant to the Clean Water Act §402 (an NPDES discharge). Industrial Users include those industries and commercial establishments whose discharges to the City's sewerage system

include non-sanitary wastes, and who are regulated under the City's Pretreatment Program under a system of discharge permits. (40 CFR 403.3(j))

Good Faith: A characteristic of actions exhibited by a discharger that show prompt and significant measures undertaken to achieve compliance. Good faith may also be defined as the user's honest intention to remedy its noncompliance coupled with actions that support this intention (see EPA's *Guidance for Developing Control Authority Enforcement Response Plans*, 4.1.6).

Judicial Action or Case: An enforcement action that involves a court. (The action may be either civil or criminal in nature).

Notice of Violation (NOV): A Control Authority document notifying a discharger that it has violated pretreatment standards and requirements, including but not limited to local discharge limits. (Sewer Use Ordinance, Sect. 7-7-9.1)

Penalty: A monetary or other punitive measure, usually associated with a court action. For the "Penalty" term is often synonymous with "fine," although the term "penalty" generally implies the use of civil (judicial) procedures.

Publicly Owned Treatment Works (POTW): A system of conveyances and treatment for wastewater and industrial wastes. Also refers to the government officials or Control Authority responsible for operation and maintenance of the collection system or treatment plant and the administration of the pretreatment program.

Responsible Personnel: A person responsible for performing or authorizing an Enforcement Action, including the Industrial Pretreatment Coordinator, the Wastewater Treatment Plant Project Manager, or the City Engineer or his/her designees, as specified in this ERP.

Show Cause Order: An administrative order directing a noncompliant user to appear before the Control Authority, explain its noncompliance, and show cause why more severe enforcement actions against the user should not go forward. (Sewer Use Ordinance, Sect. 7-7-9.3)

Significant Noncompliance (SNC): A violation that meets one or more of the following criteria (see 40 CFR 403.8(f) (2) (viii)):

(A) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits;

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(C) Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 33.03.200 to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance;
- (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment Program.

INDUSTRIAL USER SURCHARGE PROGRAM SOP

CITY OF TWIN FALLS

INDUSTRIAL PRETREATMENT PROGRAM

The City of Twin Falls has chosen to implement a surcharge program. The aim of the surcharge program is to encourage industries to remain compliant with federal, state, and local pretreatment standards. This document is used to outline and define the details of the surcharge program and its administration. The surcharge program changes are reflected in the individual Industrial User Permits and outlined by Tables 1 through 4 below. Table 1 outlines the required administrative fines for violations of industrial permits and pretreatment regulations. Table 2 defines the administrative fines for excessive surcharging duration. Tables 3 and 4 outline the surcharging levels and rates associated with the revised pretreatment program. Any surcharge charges will be sent out with billing and enforcement fine will be sent out with a notice of violation at the beginning of each month for the previous month. In accordance with the enforcement response plan, the City reserve the right to assess enforcement actions against excessive violations through either fines, or improvement projects to help eliminate future violations. The City retains the ability to evaluate the excessive nature of the violations with each industrial user.

TABLE 1: ADMINISTRATIVE FINES: VIOLATIONS

Any pollutant parameter violation	\$250
Second violation of same pollutant parameter	\$500
Third violation of same pollutant parameter	\$750
Additional violation(s) of same pollutant parameter	\$1,000

**note: Violations accrued during a month*

TABLE 2: ADMINISTRATIVE FINES: SURCHARGING

Consecutive Days of Surcharging 4-5	\$750
Consecutive Days of Surcharging 6+	\$1,000

**note: Violations accrued during a month and each consecutive day after 6 will be fined \$1,000, a compliance schedule will be considered, and the IU will be considered SNC*

TABLE 3: ENFORCEMENT VS SURCHARGE LEVELS

Pollutants	Surcharge	Enforcement Limit
pH		Outside permit limit 6.0-9.5
BOD	Up to 1.4x Surcharge Threshold	Over 1.4x Surcharge Threshold
TSS	Up to 1.4x Surcharge Threshold	Over 1.4x Surcharge Threshold
FOG	Up to 1.4x Surcharge Threshold	Over 1.4x Surcharge Threshold
Flow	Up to 1.2x Surcharge Threshold	Over 1.2x Surcharge Threshold
Metals	Up to 1.2x Surcharge Threshold	Over 1.2x Surcharge Threshold

**note: Surcharge thresholds are defined on each IU's Industrial Wastewater discharge permit*

TABLE 4: SURCHARGE RATES

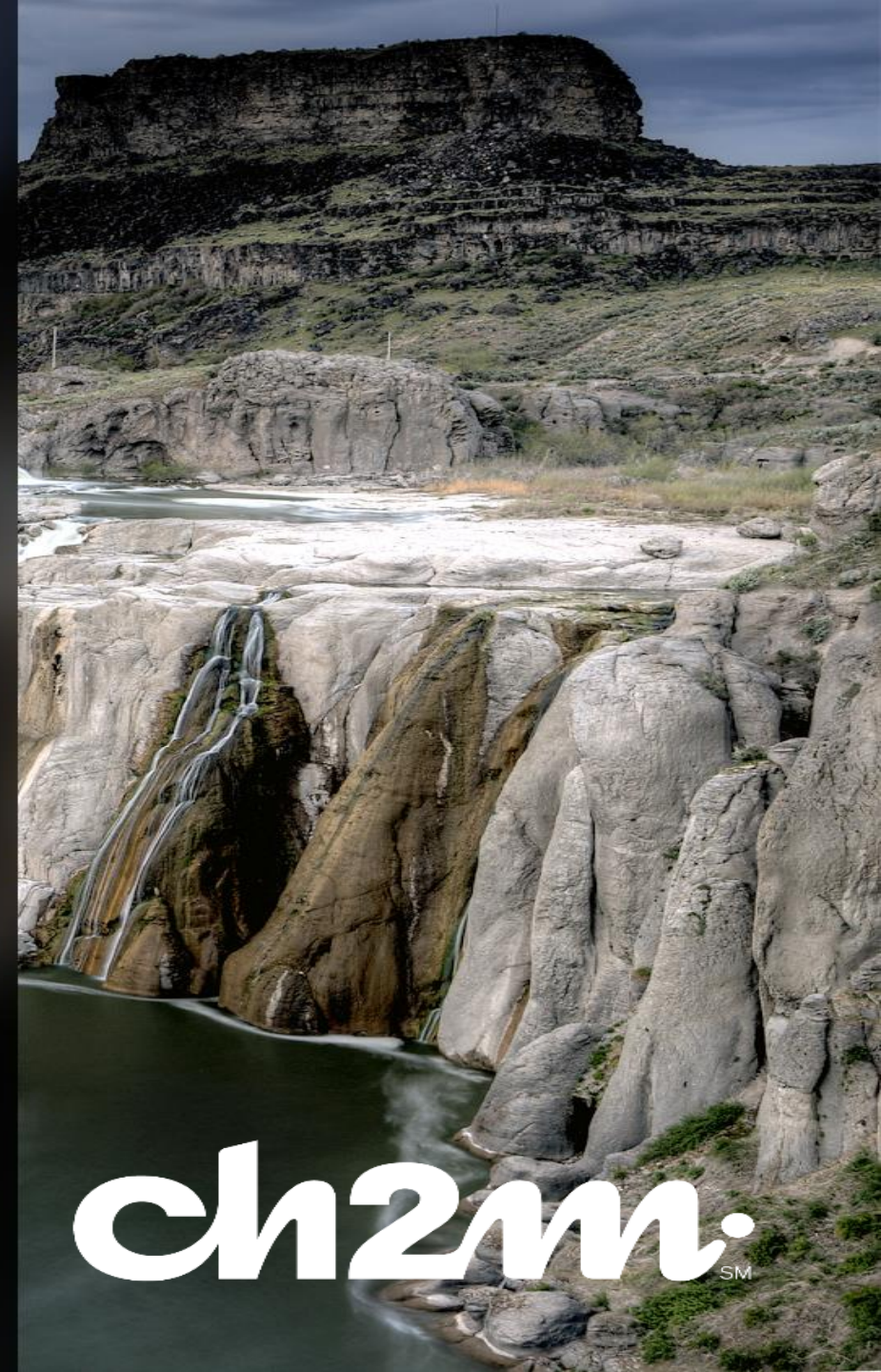
Pollutant	1.0 - 1.2x the Surcharge Threshold	1.2 - 1.4x the Surcharge Threshold	Enforcement Limit
BOD	5x the billing rate	10x the billing rate	15x the billing rate
TSS	5x the billing rate	10x the billing rate	15x the billing rate
FOG	\$20 per mg/L over Surcharge Threshold	\$40 per mg/L over Surcharge Threshold	\$60 per mg/L over Enforcement Limit
Flow	10x the billing rate		15x the billing rate
Metals	\$10 x % over the surcharge threshold, up to 1.2x the surcharge threshold (ex: lead limit is 0.9 mg/l; discharge of 1.08 mg/l is 120% over limit and would incur a fine of \$10x120 = \$1,200)		\$20 x % over the surcharge threshold, above 1.2x the surcharge threshold (ex: lead limit is 0.9 mg/l; discharge of 1.8 is 200% over limit and would incur a fine of: \$10X120 + \$20x80 = \$2,800
pH	\$25 for every 0.1 standard pH unit outside permit limit, up to ± 0.5 standard units outside of permit limit \$50 for every 0.1 standard pH unit outside permit limit, above ± 0.5 standard pH units outside of permit limit		

City of Twin Falls

Industrial Pretreatment Program



The Enforcement Response Plan & Surcharge Program



ch2m.SM

The Enforcement Response Plan

**What
is it?**



The Enforcement Response Plan outlines, step by step, the procedures for the Control Authority staff to identify, document and respond to pretreatment violations.

Once adopted, the plan provides guidance in selecting initial and follow-up enforcement actions, it indicates staff responsibilities for the actions and includes specific time frames in which to take them.

– EPA Guidance for developing
Control Authority Enforcement Response plan

The Enforcement Response Plan

Why?



EPA requirement:

Clean Water Act

Establishes the basic structure for regulating and implementing the National Pretreatment Standards (NPS), in order to control pollutants that pass through or interfere with treatment processes in Publically Owned Treatment Works (POTWs) or pollutants that may contaminate sewage sludge.

40 CFR 403

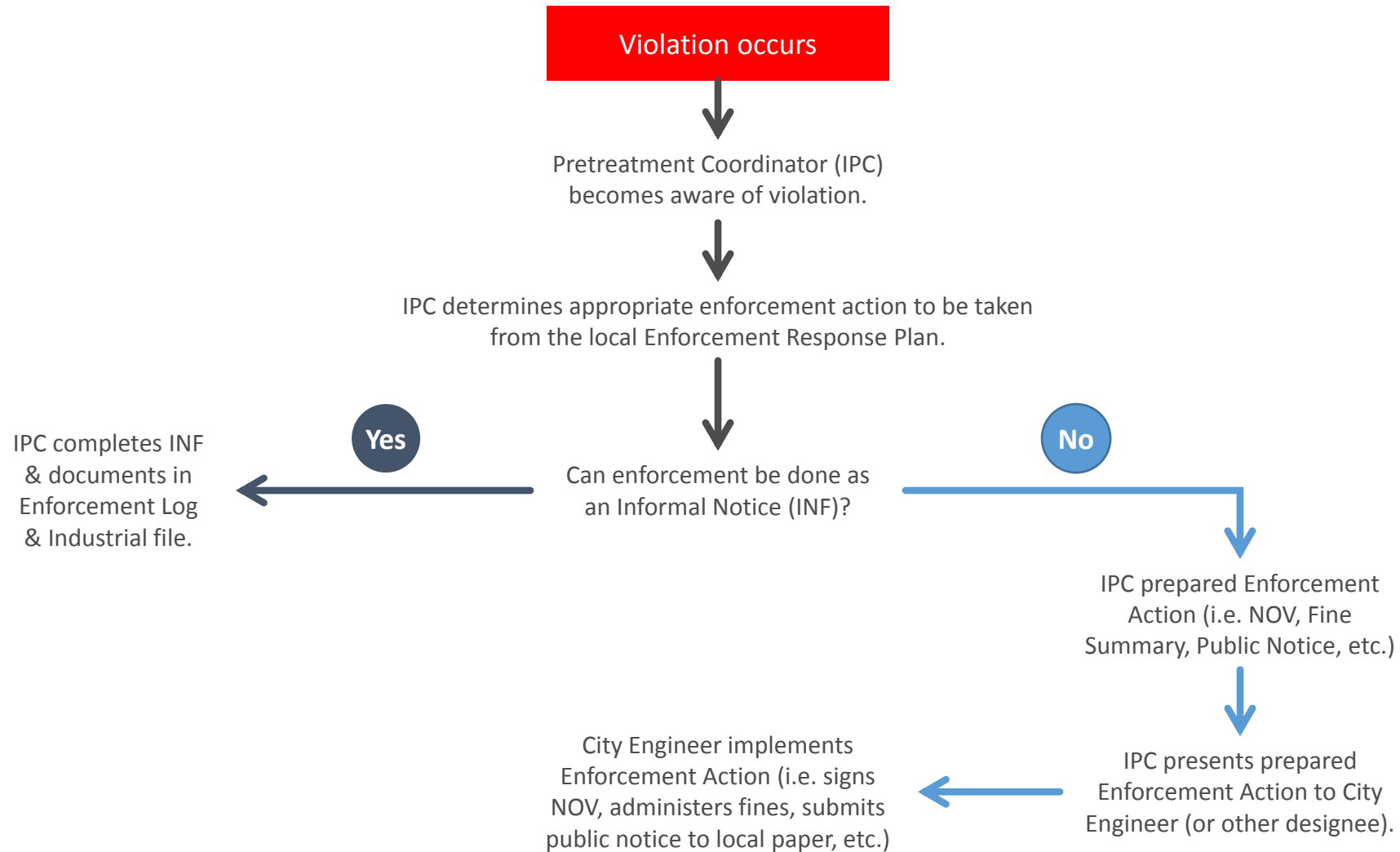
By establishing the responsibilities of government and industry to implement NPS, this regulation fulfills three objectives:

1. To prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge.
2. To prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works.
3. To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

Current Enforcement Response Plan

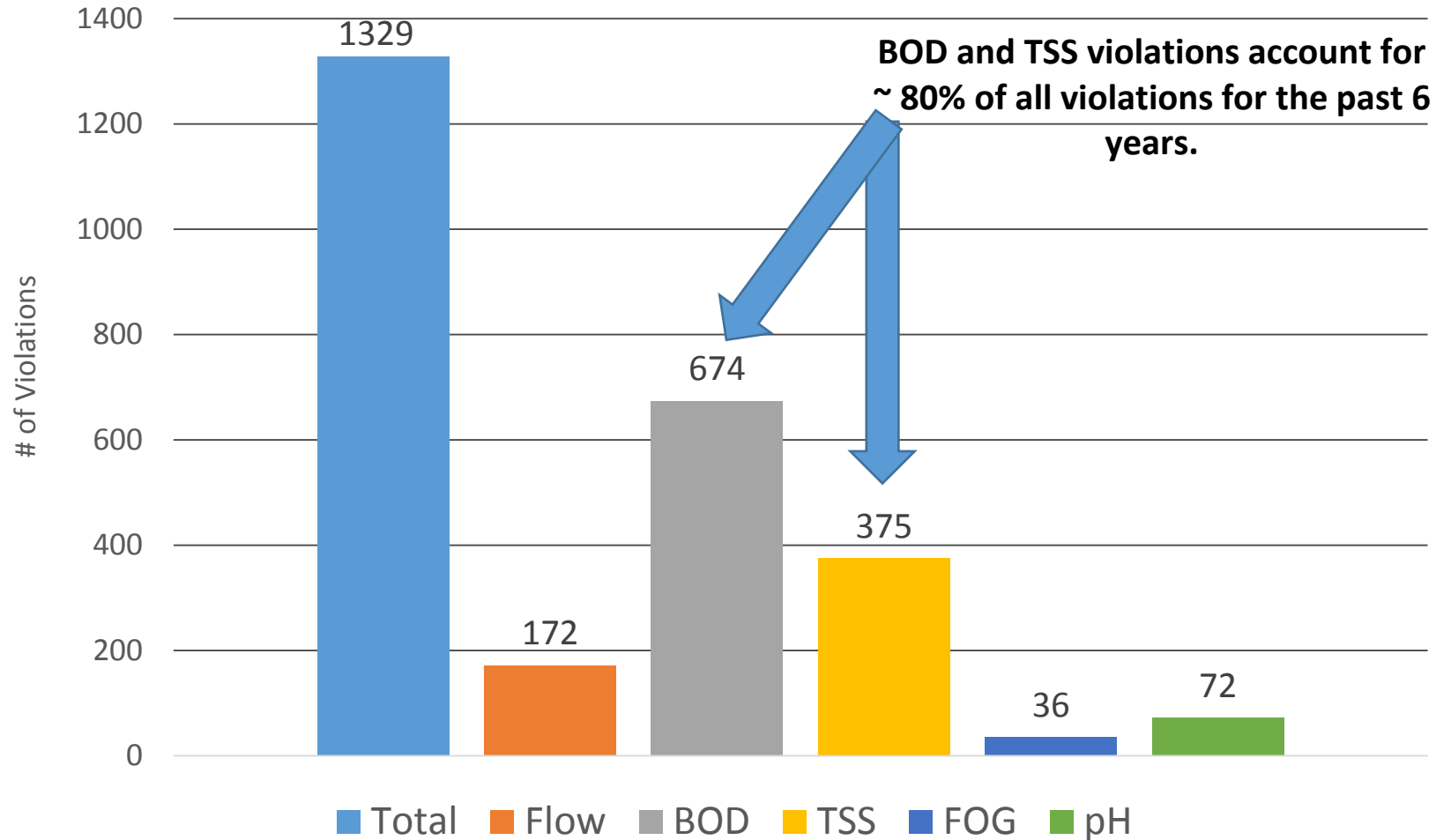
Code	Nature of Noncompliance	Occurrence	Criteria	Response – Recommended use Best Judgement to determine	Recommended Response Time
DC1	Failure to meet Discharge Limit in Industrial Waste Agreement, on a monthly basis. - Whether or not it is determined to be harmful. - For all parameters (conventional, FOG, pH, metals, etc.) that are not monitored 3 times per week or more frequently cumulative enforcement action will be on an annual basis. - For pH only if a sample is out of compliance; another sample will be taken on the same day. Sampling will continue twice per day until two samples in a row are in compliance. - If an industry is out of compliance on the last day of the month and they continue to be out of compliance the first day of the next month, cumulative enforcement will continue for the entire next month.	All Offenses	Minor Violation	NOV on Monthly DMR. & Minor Discharge Fine(s): 3rd Billing Rate for every unit in excess of Permitted Discharge Limit. - For pH excursions this shall be \$25.00 for every standard unit of pH, up to ± 0.5 outside of permitted pH range. - For FOG, HCOG the Minor Discharge Fine shall be \$25.00 for every 1.0 mg/L over the permitted discharge limit. - For other Non-conventional Pollutants (metals, TCO's, nutrients, etc.) the Minor Discharge Fine shall be \$10.00 for 100 times the percentage over the limit (up to TRC, which is 1.2*limit). - Copper limit of 0.25 mg/L, discharge of 0.3 mg/L would be 20% over would incur a fine of $\\$10 \times 100 \times 0.2$ for a total of \$200.	Within 30 days from the end of the report month.
		All Offenses	Major Violation	NOV on Monthly DMR. & Major Discharge Fine(s): 3rd Billing Rate for every unit in excess of Permitted Discharge Limit, up to the TRC value (1.4 * Limit) PLUS 5 * Billing Rate for every unit in excess of the TRC. - For pH excursions this shall be \$25.00 for every standard unit of pH, up to ± 0.5 outside of permitted pH range, PLUS \$50.00 for every unit outside of ± 0.5 of the permitted pH range. - If the pH < 5.0, there will be mandatory PN in the local paper. - For FOG, HCOG the Fine shall be \$25.00 for every 1.0 mg/L over the permitted discharge limit, up to the TRC value (1.2 & Limit), PLUS \$50.00 for every 1.0 mg/L in excess of the TRC value. - For other Non-conventional Pollutants (metals, TCO's, nutrients, etc.) the Minor Discharge Fine shall be \$10.00 for 100 times the percentage over the limit (up to TRC, which is 1.2*limit) PLUS \$20.00 for 100 times the percentage greater than 20% (TRC criteria) over the limit. - Copper limit of 0.25 mg/L, discharge of 0.5 mg/L would be a total of 100% over the limit. The first 20% over would incur a fine of $\\$10 \times 100 \times 0.2$ for a total of \$200 PLUS $\\$20 \times 100 \times 0.8$ (100%-20%) for an additional fine of \$1,600. Resulting in a total fine of \$1,800.	Within 30 days from the end of the report month. PN of pH < 5.0 will be within 45 days of the occurrence.
		1st Offense	Major Violation	Administrative Fine of \$100 in addition to NOV & the sum of Minor & Major Discharge Fine(s).	Within 30 days from the end of the report month.
		2nd Offense	Major Violation	Administrative Fine of \$200 in addition to NOV & the sum of Minor & Major Discharge Fine(s).	
		3rd Offense	Major Violation	Administrative Fine of \$300 in addition to NOV & the sum of Minor & Major Discharge Fine(s).	
		4th or >4th Offense	Major Violation	Administrative Fine of \$500 for Fourth Offense & each offense after that until the end of the month, in addition to NOV & the sum of Minor & Major Discharge Fine(s).	
DC2	<u>Harmful Discharge:</u> A discharge alone or in combination with other discharges: - that causes or contributes to interference or pass through; - endangerment of the health of POTW personnel or the public; - NPDES violations; - or adverse effects to the environment.	1st Offense		\$1,000 Administrative Penalty & PN & any or all of the following, CDO or SUSPEND COSTS	Within 30 days from the end of the month the event took place in.
		2nd Offense	Within 12 months	\$5,000 Administrative Penalty & PN & any or all of the following, CDO or SUSPEND COSTS	
		3rd Offense	Within 12 months	\$10,000 Administrative Penalty & PN & any or all of the following, SUSPEND or REV/SC COSTS	

Enforcement guidance



Total Discharge Violations By Parameter

6-Year Historical Data: Oct. 2010 – Sept 2016

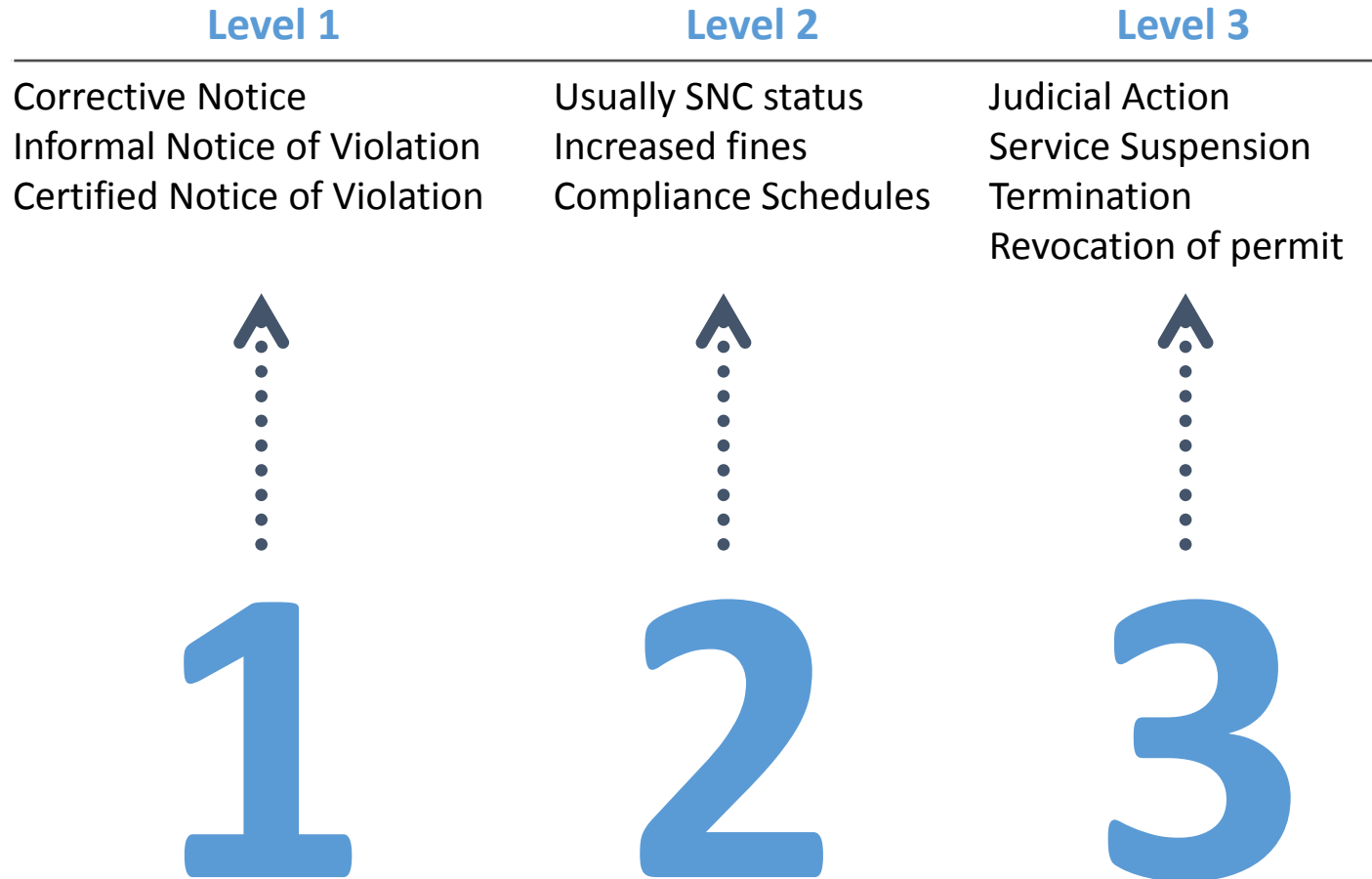


Modifications to the Enforcement Response Plan

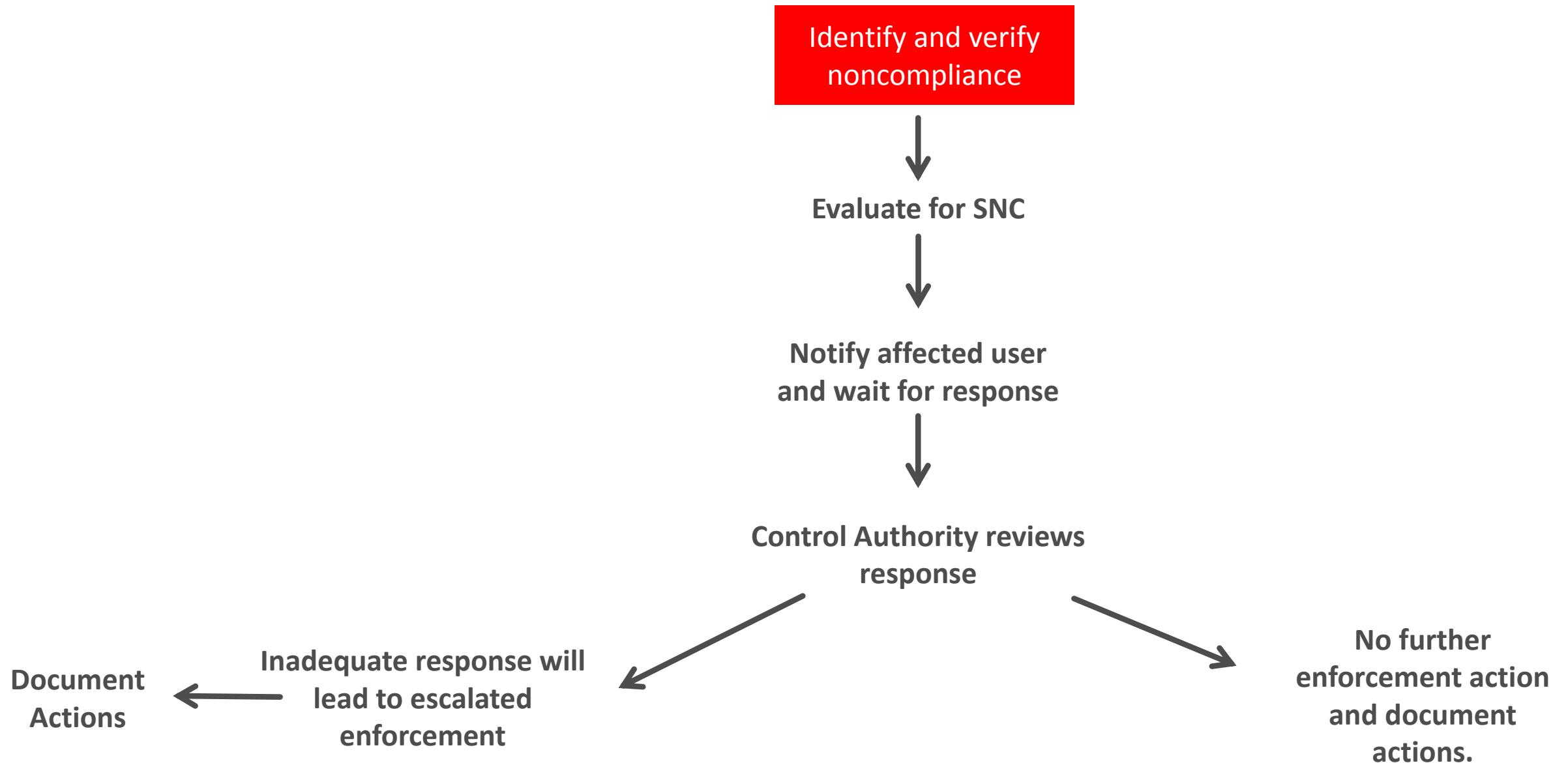
Pretreatment Program Structure and Duties

1. Reviews Control Authority sampling results and/or SIU self-monitoring reports, identifying discharge violations.
2. Initiates enforcement actions for noncompliance as delineated in the Enforcement Response Guide (ERG).
3. Tracks SIU's responses to enforcement actions, compliance meetings, and compliance schedules
4. Reviews SIU's response letters to ensure the responses are adequate
5. In conjunction with the City Personnel, sets up compliance meetings using appropriate communications
6. Reviews and prepares IU compliance history reports
7. Prepares recommendations for: Notices of Violation, Administrative fines, Administrative Orders, and/or Judicial Action(s).

Notification Response Levels



Enforcement guidance:



Enforcement Evaluation

1. Identify and verify the noncompliance
2. Evaluate SNC
3. Identify the legal authority
4. Evaluate compliance history and “good faith” of the Industrial User
5. Notify affected Industrial User
6. Where applicable, require the Industrial User to: identify and correct the issue and resample
7. The affected Industrial User will be required to respond in writing within 15 to 30 days of notification
8. The Control Authority will review the response (and may meet with the appropriate Industrial User representative) to determine the next step. The following scenarios may apply:
 - a. The Industrial User corrects the violation or IPP personnel determine that the response does not warrant escalating enforcement. No further action is warranted
 - b. The Industrial User fails to submit a response, fails to comply, or the violation is not corrected. Control Authority escalates the level of response
9. Follow-up with escalated enforcement action if the Industrial User’s response is not received or if violation continues
10. Document actions

Discharge Violations



<i>Type of Noncompliance</i>	<i>Specific Nature of Violation</i>	<i>Enforcement Response</i>	<i>SNC?</i>
<i>Unpermitted Discharge</i>	IU unaware of requirement No Harm to POTW/Environment	Level 1: CN/NOV	NO
	IU unaware of requirement Harm to POTW/Environment	Level 2: NOV/AO	YES
	Failure to apply for permit after notification	Level 2: AO	YES
<i>Non Permitted Discharge</i>	IU has not submitted application 90 days prior to expiration	Level 1: CN/NOV	NO
<i>Exceedance of discharge limits (Permit, Local Limits, Federal Pretreatment Standards)</i>	Occasional exceedance	Level 1: CN/NOV	NO
	Reoccurring, magnitude, multiple parameters	Level 2: NOV/AO	YES
	Isolated harm to POTW or environment	Level 2: NOV/AO/JA	YES
	Recurring no harm to POTW or environment	Level 3: NOV/AO/JA	YES
	Recurring harm to POTW or environment	Level 3: JA/Termination of Service	YES
	Dilution	Level 2: NOV/AO	YES
	No harm to POTW or environment	Level 1: NOV	NO
<i>Illegal Discharge</i>	Discharge causes harm or evidence of intent	Level 3: AO/JA/Termination of Service	YES
	Continued discharge after Administrative Order	Level 3: AO/JA/Termination of Service	YES
<i>Surcharge</i>	4-5 consecutive days in surcharge threshold	Level 1: CN/NOV	NO
	6+ consecutive days in surcharge threshold	Level 3: NOV/AO/JA	YES

Surcharge Program Overview

Surcharge Program Overview

The surcharge model establishes two very distinct limits:

1. Surcharge Threshold

This limit is based on current permit limits.

Exceedances of these limits will trigger significant surcharge rates, but will NOT trigger violations.

2. Compliance Limit

This limit is set at 1.4x current permit limits for BOD/TSS and 1.2x current permit limits for flow.

- Exceeding this limit WILL trigger violations, corresponding enforcement action, and increased surcharge rates. Discharge violations at this level ARE significant and warrant enforcement action.

Surcharge Program Overview

Pollutant	1.0 - 1.2x the Surcharge Threshold	1.2 - 1.4x the Surcharge Threshold	Enforcement Limit
BOD	5x the billing rate	10x the billing rate	15x the billing rate
TSS	5x the billing rate	10x the billing rate	15x the billing rate
FOG	\$20 per mg/L over Surcharge Threshold	\$40 per mg/L over Surcharge Threshold	\$60 per mg/L over Enforcement Limit
Flow	10x the billing rate		15x the billing rate
Metals	\$10 x % over the surcharge threshold, up to 1.2x the surcharge threshold (<i>ex: lead limit is 0.9 mg/l; discharge of 1.08 mg/l is 120% over limit and would incur a fine of \$10x120 = \$1,200</i>)		\$20 x % over the surcharge threshold, above 1.2x the surcharge threshold (<i>ex: lead limit is 0.9 mg/l; discharge of 1.8 is 200% over limit and would incur a fine of: \$10X120 + \$20x80 = \$2,800</i>)
pH	\$25 for every 0.1 standard pH unit outside permit limit, up to ± 0.5 standard units outside of permit limit \$50 for every 0.1 standard pH unit outside permit limit, above ± 0.5 standard pH units outside of permit limit		

Surcharge Program Overview

TABLE 1: ADMINISTRATIVE FINES: VIOLATIONS

Any pollutant parameter violation	\$250
Second violation of same pollutant parameter	\$500
Third violation of same pollutant parameter	\$750
Additional violation(s) of same pollutant parameter	\$1,000

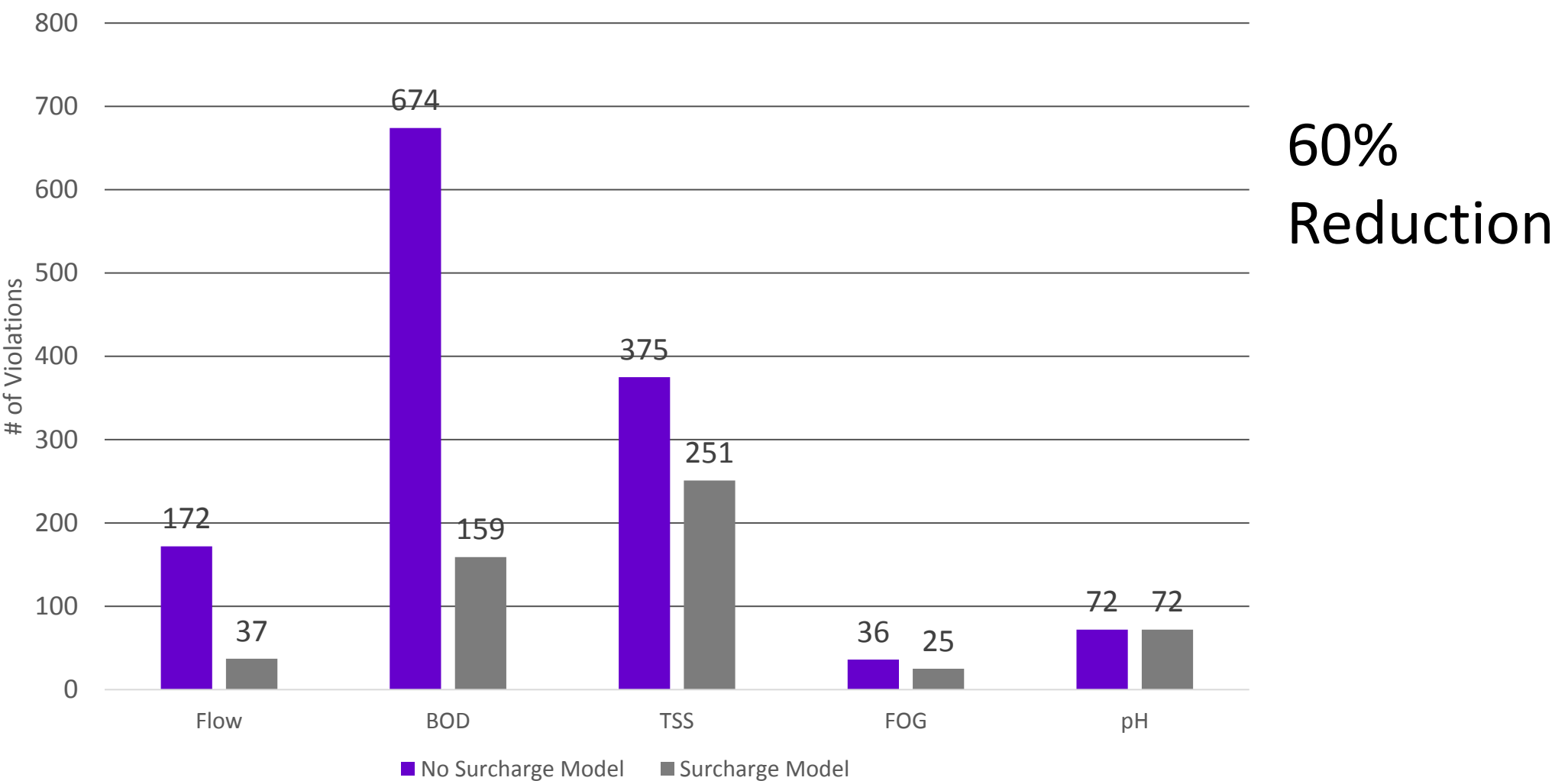
**note: Violations accrued during a month*

TABLE 2: ADMINISTRATIVE FINES: SURCHARGING

Consecutive Days of Surcharging 3-5	\$750
Consecutive Days of Surcharging 5+	\$1,000

**note: Violations accrued during a month and each consecutive day after 5 will be fined \$1,000 and a compliance schedule will be considered*

Reduction in Violations: Current Program vs. Surcharge Program (based on previous 6 Years)



Surcharge Case Studies:

Minor Permit Exceedance Model

Parameter	Permit Limit	Actual Discharge	1.2 X Limit	1.4 X Limit
Flow	0.800	0.564	0.960	
TSS	2,300	2,963	2,760	3,220
BOD	2,300	1,947	2,760	3,220

Current ERP:

Fine w/o Adm: \$717.18

Fine w/Adm: \$717.18

Violation: Minor

Proposed Surcharge ERP:

Fine: \$1,310.85

Violation: No

Major Permit Exceedance Model

Parameter	Permit Limit	Actual Discharge	1.2 X Limit	1.4 X Limit
Flow	0.800	0.649	0.960	
TSS	2,300	2,146	2,760	3,220
BOD	2,300	3,891	2,760	3,220

Current ERP:

Fine w/o Adm: \$1,888.75

Fine w/Adm: \$1,988.75

Proposed Surcharge ERP:

Fine: \$2,649.75

Violation: Major

Violation: Yes

Extreme Permit Exceedance Model

Parameter	Permit Limit	Actual Discharge	1.2 X Permit Limit	1.4 X Permit Limit
Flow	0.800	0.825	0.960	
TSS	2,300	18,500	2,760	3,220
BOD	2,300	9,000	2,760	3,220

Current ERP:

Fine w/o Adm: \$28,064.30

Fine w/Adm: \$28,264.30

Violation: YES

Proposed Surcharge ERP:

Fine: \$78,720.00

Violation: Yes



Questions?

ch2m.
SM



Date: April 10, 2017 City Council Meeting

To: Honorable Mayor and City Council

From: Jon Caton, P.E., Public Works Director

Request:

Staff will provide an update on the winter road damage and will be requesting the use of Street Reserves to repair a portion of the winter road damage.

Time Estimate:

The presentation will take approximately 25-30 minutes plus time for Council Q & A.

Background:

This past winter was extraordinary, the amount of moisture and extreme temperature swings created a radical freeze/thaw effect. Because of these conditions, city roads sustained significant and prolific damage. The purpose of the presentation is to provide a picture on the amount of damage and its financial impact, and to ask Council for permission to use Street Reserves to repair a portion of the winter damage.

Approval Process:

The potential use of Street's Reserves would require council approval.

Budget Impact:

The winter damage far exceeds the available FY17 Streets road maintenance budget. Additional repair and/or rehabilitation will require the use of a portion of Streets' Reserves.

Currently, the Street Reserve Fund has approximately \$6,615,000. After setting aside \$700,000 for FY18 Canyon Springs Road Reconstruction, \$489,000 for 3 months of operations, and \$1,000,000 for emergencies, there would be approximately \$4.4 Million available for potential reconstruction projects.

The estimate for the recommended street projects is approximately \$4,376,000. See attached presentation for the list of 12 projects and the estimate.

Regulatory Impact:

NA

Conclusion:

Staff recommends the use of up to \$4,400,000 of Street Reserves to be used for roadway maintenance, rehabilitation and reconstruction.

Attachments:

Power Point Presentation "2017 Winter Road Damage Assessment"

2017 WINTER ROAD DAMAGE REPORT

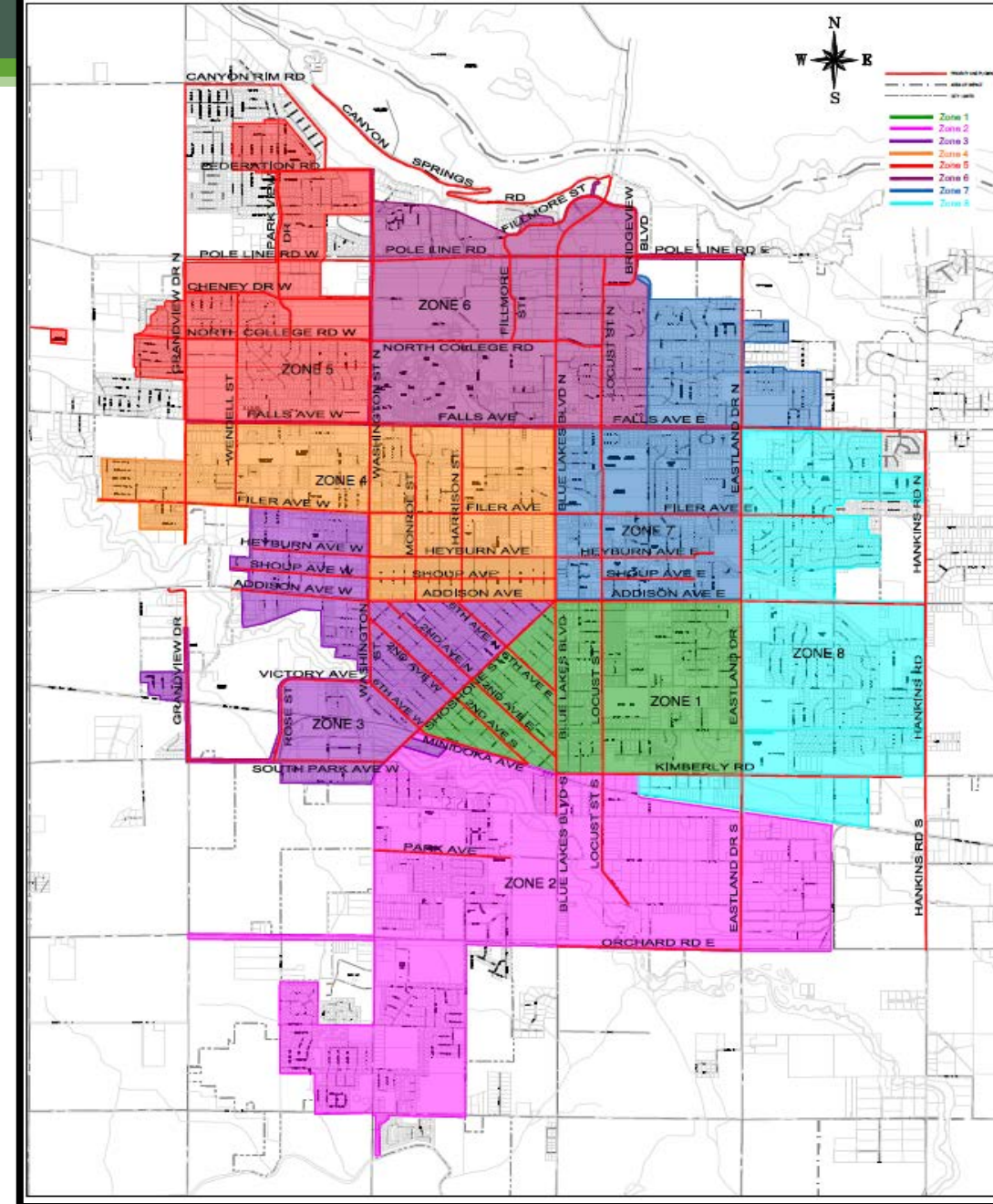


Purpose

- Brief Overview of Zone Maintenance
- Review Asphalt Pavement Life Cycle, Pavement Condition Index, & Existing Pavement Condition
- Review Pavement Treatment Types, Costs and Life Cycle
- Winter Damage Assessment
- Prioritized Project Proposal for this Summer/Fall

What is Zone Maintenance?

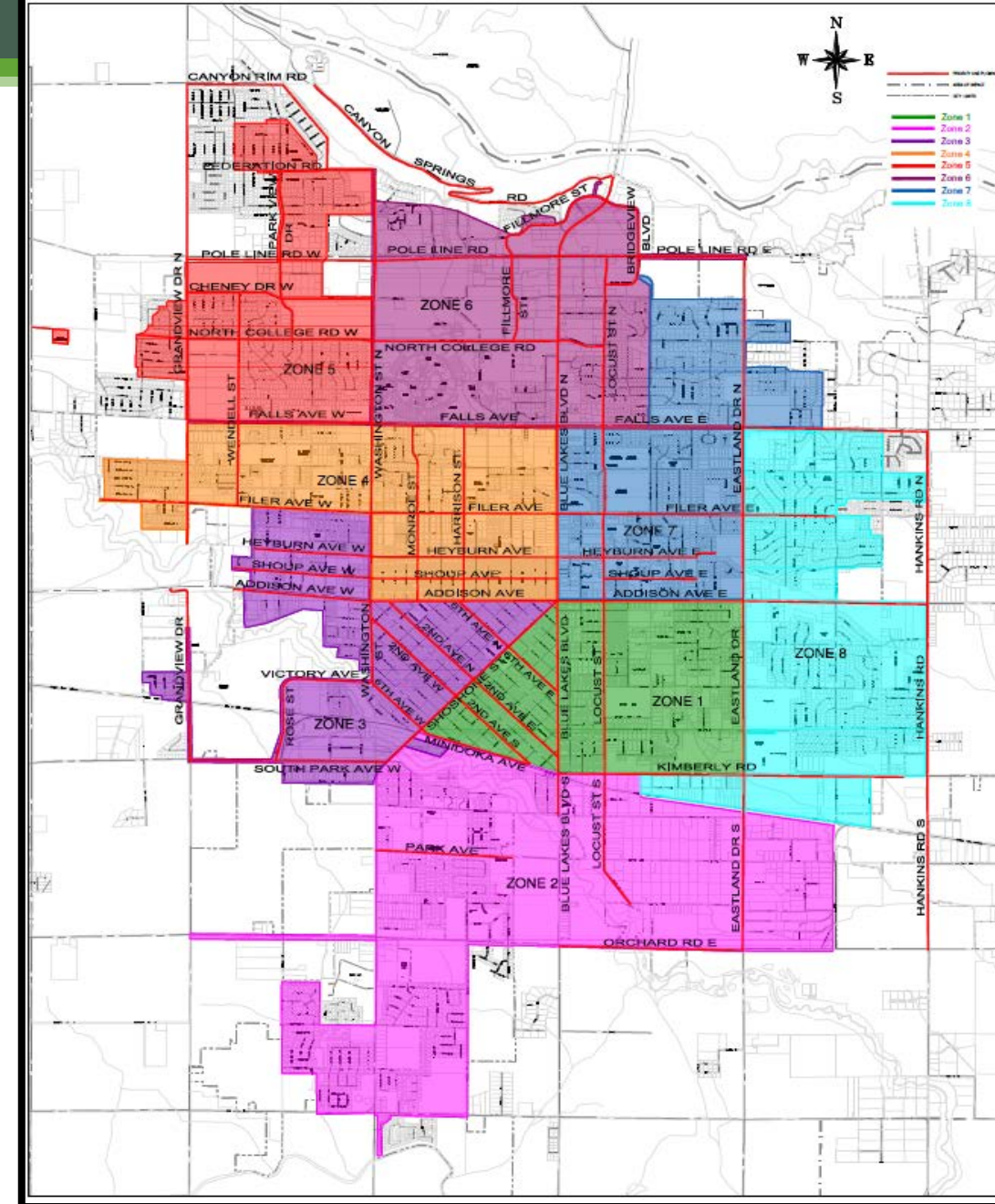
- Approximately 40% of the annual Water, Sewer and Streets Budget
- Preventative maintenance program focused on Utility Maintenance, Pavement Preservation & Accessibility
- 8 “equally” sized zones consisting of approximately 78 lane miles each
- Each year construction efforts are primarily focused in a single zone*



Zone Maintenance Map

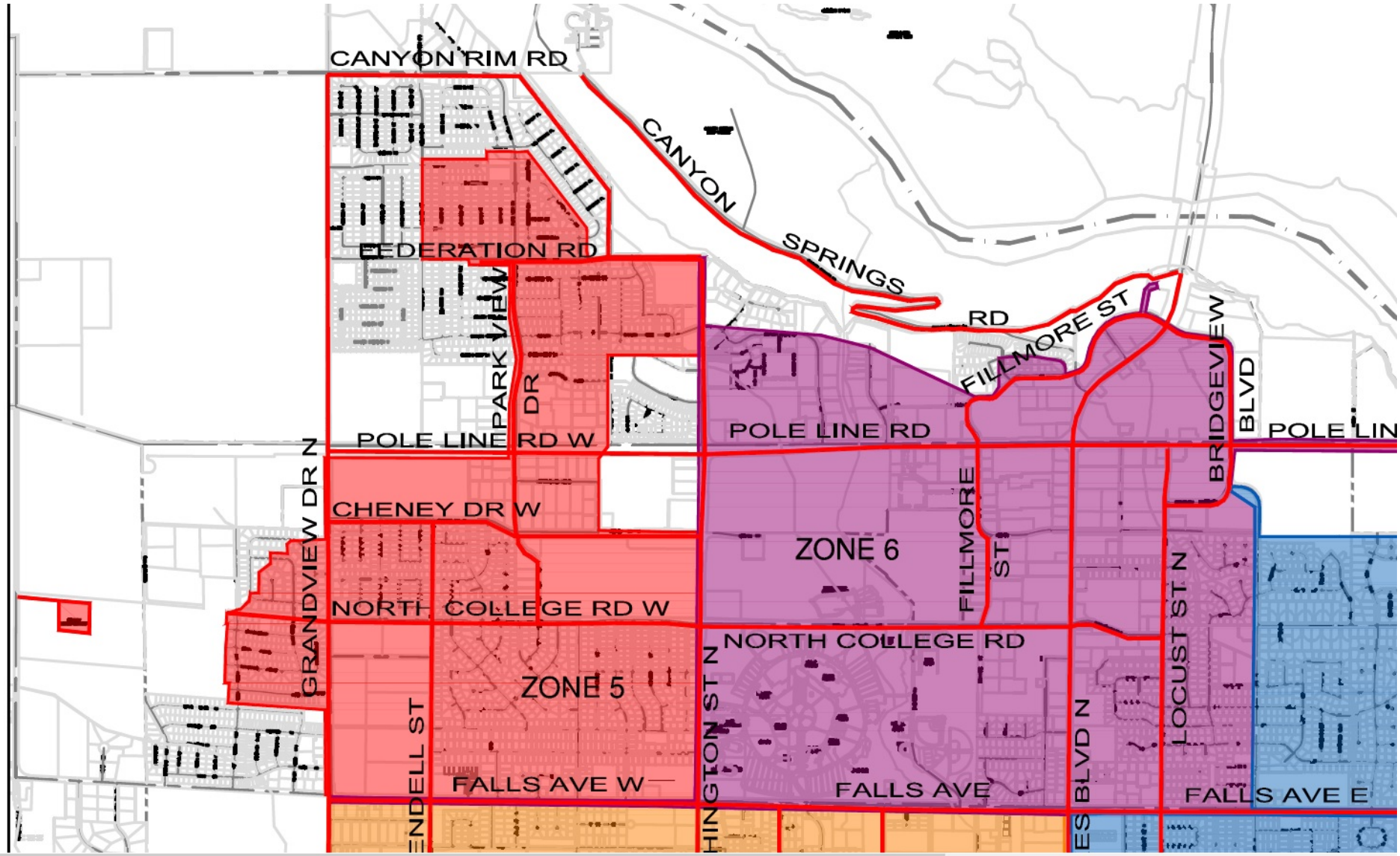
Zone Maintenance Goals

- Preserve our Roadways and provide a safe accessible community for our Citizens
- It allows Public Works & Engineering to efficiently sequence work with coordinated planning and maintenance activity
- Perform underground utility maintenance prior to surface repair
- Seal coat an entire zone of paved roadways (approximately 78 lane miles)
- Overlay 1 lane mile
- Replace 1 mile of sewer and water main
- Follow the seal coat with sewer manhole rehabilitation
- Seal coat overlay 1 year later



Zone Maintenance Map

Zone 5 Seal Coat Map



2017 Seal Coat Map



Pavement Condition Index (PCI) & Pavement Distresses

- LOAD RELATED: Rutting, Alligator Cracking, Shoving/Wash-boarding, Longitudinal, Transverse, etc.
- CLIMATE RELATED: Block Cracking (not limited to wheel path), Weathering/Raveling, Reflective Cracking, Thermal Cracking
- Other: Bleeding, Depressions, Utility Cut Failures, etc.

Pavement Distresses

Rutting



Pavement Distresses

Block Cracking



Pavement Distresses

Alligator Cracking



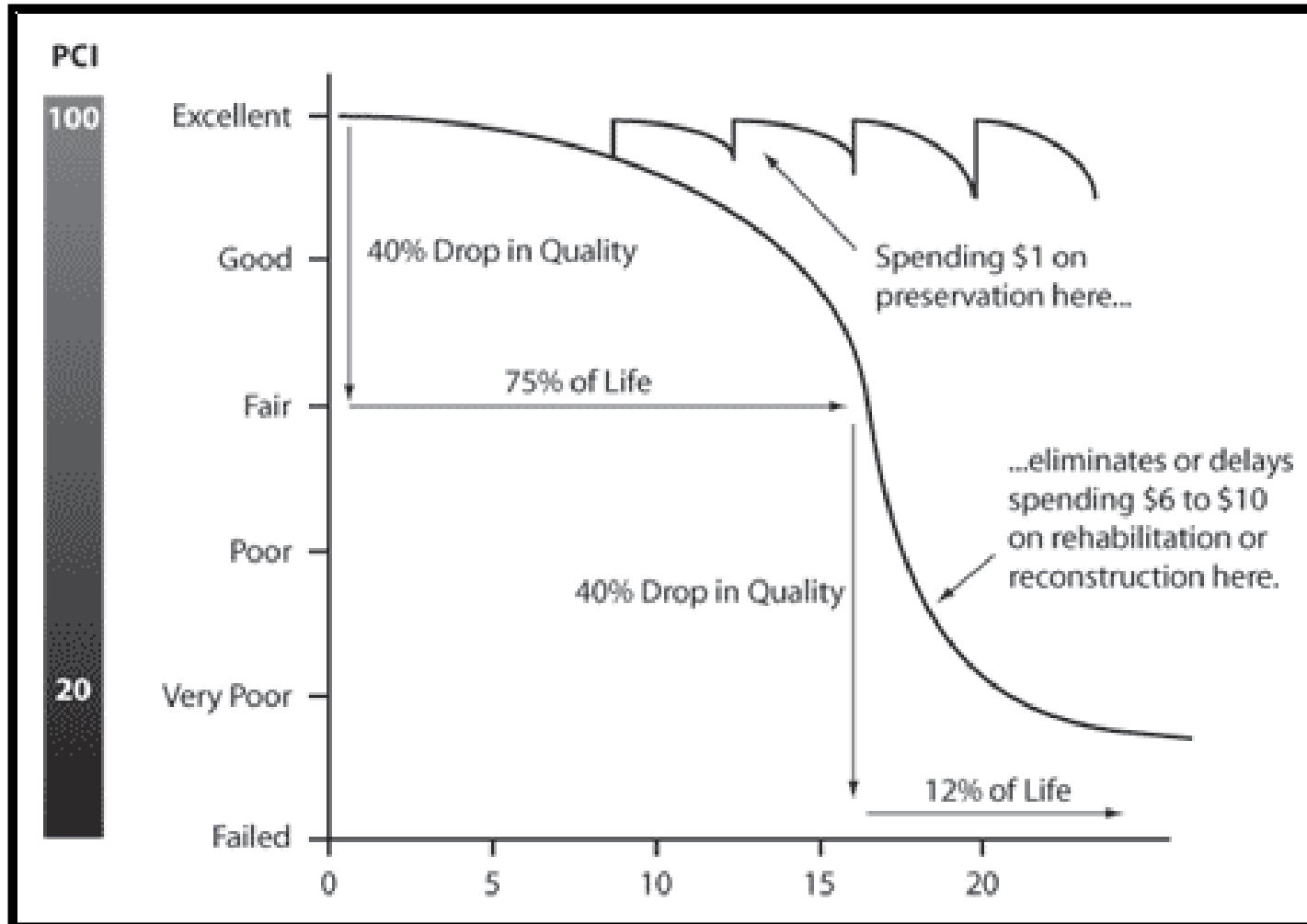
This map displays a residential area with a grid of streets. Major thoroughfares include North College Rd running horizontally across the middle, Pole Line Rd running horizontally at the top, and Grandview Dr running vertically on the left. Other streets shown include Bradley St, Cheney Dr, Sparks St, and Falls Ave. The map is overlaid with several colored lines and numbers, likely representing different planning or zoning districts. Green lines and numbers are prominent in the upper left and middle sections. Yellow lines and numbers are seen in the middle and lower right. Red lines and numbers are concentrated in the lower left and middle right. Blue lines and numbers are visible in the lower right. Lot numbers are printed throughout the map, often within the colored areas. The map also shows some larger, uncolored areas, possibly parks or undeveloped land, and a few buildings or structures.



FOG Seal (above) is a great application for extending the life of roadways in relatively good condition. Chip Seal (right) adds life and is a good solution for arterials and collectors.



Asphalt Pavement Life Cycle



Pavement Treatment Types

<u>Pavement Rehab.</u>	<u>PCI Points</u>	<u>Added Life</u>	<u>Unit Cost/SY)</u>	<u>Life Cycle Cost Ratio</u>
Fog Seal	< 80	3 to 5 yrs.	\$ 0.37	\$ 1.00
Slurry Seal	65 - 79	5 to 8 yrs.	\$ 1.28	\$ 2.09
Chip Seal	Collectors / > 65	8 yrs.	\$ 1.95	\$ 1.98
Overlay	64 - 50	10 to 15 yrs.	\$ 20.25	\$ 11.00
Asphalt Reconstruct	> 50	20 yrs.	\$ 84.38	\$ 34.37
Concrete Reconstruct	> 50	30 yrs.	\$ 102.00	\$ 27.70
			Unit Cost/ton	
Dust Guard	Gravel Strs. /alleys	1 year	\$ 87.78	NA

Winter Damage Assessment

- Over 9 million dollars in winter damage this past season alone
(See GPS Map)

Winter Operation & Maintenance Costs

OVERTIME			
DATE	BUDGET	SPENT	BALANCE
3/7/2017	\$ 18,000.00	\$ 15,631.69	\$2,368.31
2016	\$ 18,000.00	\$ 6,129.29	
2015	\$ 18,000.00	\$ 11,900.76	
2014	\$ 15,000.00	\$ 12,219.23	
2013	\$ 14,000.00	\$ 13,237.12	
SNOW/ICE CONTROL - MATERIALS ONLY (salt/liquid deicer)			
DATE	BUDGET	SPENT	BALANCE
3/7/2017	\$ 10,000.00	\$ 22,721.44	<\$12,721.44>
2016	\$ 10,000.00	\$ 8,722.01	
2015	\$ 16,000.00	\$ 13,742.08	
2014	\$ 16,000.00	\$ 7,467.26	
2013	\$ 16,000.00	\$ 11,869.23	
FUEL COST DECEMBER, JANUARY and FEBRUARY ONLY			
DATE	BUDGET	SPENT	BALANCE
3/7/2017	\$ 46,638.00	\$ 18,149.92	\$24,098.42
2016	\$ 78,000.00	\$ 4,184.80	
2015	\$ 78,000.00	\$ 6,843.70	
2014	\$ 78,400.00	\$ 7,454.27	
2013	\$ 88,400.00	\$ 11,096.88	

Recommended Street Projects

Location	Begin	End	Rebuild Cost	Mill/Inlay Cost	Deferred Reconstruct
Bitterroot	1900 block	2000 block	\$ 498,600.00	\$ -	\$ -
Butte	Rimview	Filer	\$ 208,900.00	\$ -	\$ -
Frontier	Falls	CSI	\$ 831,100.00	\$ -	\$ -
Sophmore	All		\$ 202,600.00	\$ -	\$ -
Bridgeview	Poleline	Madrona	\$ -	\$ 83,500.00	\$ -
C3 Parking Lot Rd.	Canyon Springs Rd.		\$ -	\$ 25,000.00	\$ -
Falls	Blue Lakes	Eastland	\$ -	\$ 537,250.00	\$ -
Falls Ave. ADA	Washinton	Blue Lakes		\$ 300,000.00	
Filer	Locust	Sunrise	\$ -	\$ 412,500.00	\$ -
Walnut	Willmore	Falls	\$ -	\$ 55,600.00	\$ -
Eastland	Poleline	Falls	\$ -	\$ 650,000.00	\$ -
Madrona	Stadium	Bridgeview	\$ -		\$ 2,000,000.00
Addison	Eastland	Hankins	\$ -		\$ 4,000,000.00
Locust	Falls	Poleline	\$ -	\$ -	\$ 4,500,000.00
CONTINGENCY (10%)			\$ 261,180.00	\$ 309,577.50	\$ 1,575,000.00
		subtotal:	\$ 2,002,380.00	\$ 2,373,427.50	\$ 12,075,000.00
		Total Rebuild & Inlay:	\$ 4,375,807.50		

Project Requirements and Priorities

- Budget cannot be exceeded
- Mindful of the pavement preservation philosophy-invest *correctly*
- Perform thorough preliminary engineering to identify as many “unknowns” as possible
- Construct the projects in phases
- Complete as much rehabilitation in order to limit interim repairs



Date: April 10, 2017 City Council Meeting

To: Honorable Mayor and City Council

From: Jon Caton, P.E., Public Works Director

Request:

Staff is requesting Council to review and award the 2017 Zone 7 Bid.

Time Estimate:

The presentation will take approximately 5-10 minutes plus time for Council Q & A.

Background:

This year we are performing utility work in Zone 7 and surface repair in Zone 5. The project being presented tonight is for the replacement of a waterline in Filer Avenue from Madrona to Sunrise. The project was formally bid and publicly opened on March 16th. Two bids were submitted:

Engineer's Estimate \$238,240.00

Mesquite Inc., \$242, 505.00

Idaho Materials Construction \$265,000

Approval Process:

Bid award requires Council Approval.

Budget Impact:

The scope of the work originally included a trench patch. Due to the existing condition of the remaining roadway, Staff recommends replacing all of the pavement in this location rather than a simple trench patch. If Street Reserve funds are approved for the use of repairing excessive winter road damage, Staff would remove the trench patch work by change order, thereby reducing the contract price by \$20K-\$30K.

Regulatory Impact:

NA

Conclusion:

Staff recommends awarding the Zone 7 Waterline Replacement project to Mesquite Inc., in the amount \$242, 505.00.

Attachments:

Zone 7 Bid Tab



March 20, 2017

To: Jon Caton, Public Works Director
City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

Re.: 2017 Zone 7 Water Improvement Project

Dear Sir;

This transmittal is a summary of the bid opening on March 16, 2017 for the above referenced project. Two bids were received and opened per the requirements. A bid summary has been tabulated for your reference. Results of the bids and the tabulation are summarized briefly below. Please refer to the attachment for a detailed summary.

<u>Contractor:</u>	<u>Grand Total</u>
Mesquite, Inc.	\$242,505.00
Idaho Materials & Construction	\$265,000.00

Both bid packages appear to be complete with bid bonds included. Public works licenses for the Contractors and all listed subcontractors were verified to be in place with the State of Idaho and active.

Based on the review of the submitted materials the lowest responsive bidder is **Mesquite, Inc.** for the amount of **\$242,505.00 (Two Hundred Forty Two Thousand Five Hundred and Five Dollars)**. Please feel free to contact me at 734-4888 if you have any questions or need further information regarding the project.

Sincerely,

Tim Vawser
EHM Engineers, Inc.

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • [208] 734-4888 • Fax [208] 734-6049
3501 W. Elder St., Suite 100 • Boise, Idaho 83705 • [208] 386-9170 • Fax [208] 386-9076

City of Twin Falls - 2017 Zone 7 Water Improvement Project

Filer Avenue Improvements

Bid Summary

City of Twin Falls

Bid Opening Results 3-16-2017



				Engineer's Estimate		Mesquite Inc.		Idaho Materials & Const.	
Bid Item	Description	Quantity	Units	Unit Price	Total	Unit Price	Total	Unit Price	Total
BASE BID									
1	Excavation (Roadway & Trench)	1190	LF	\$21.00	\$24,990.00	\$20.00	\$23,800.00	\$60.00	\$71,400.00
2	Grading	1190	LF	\$10.00	\$11,900.00	\$6.40	\$7,616.00	\$15.00	\$17,850.00
3	Type 1 - 3/4" Aggregate (To Finished Grade)	1042	CY	\$45.00	\$46,890.00	\$22.00	\$22,924.00	\$36.50	\$38,033.00
4	Plant Mix Pavement 3" Matt	1830	SY	\$18.00	\$32,940.00	\$16.50	\$30,195.00	\$15.50	\$28,365.00
5	10" Dia. Water Main Line	1138	LF	\$40.00	\$45,520.00	\$45.00	\$51,210.00	\$22.00	\$25,036.00
6	6" Dia. Water Main Line	40	LF	\$50.00	\$2,000.00	\$54.00	\$2,160.00	\$40.00	\$1,600.00
7	Remove & Reinstall Water Meter	3	EA	\$1,200.00	\$3,600.00	\$1,600.00	\$4,800.00	\$1,600.00	\$4,800.00
8	Fire Hydrant (As Defined)	1	EA	\$4,900.00	\$4,900.00	\$5,000.00	\$5,000.00	\$6,350.00	\$6,350.00
9	10" Tapping Tee	1	EA	\$2,200.00	\$2,200.00	\$2,500.00	\$2,500.00	\$1,550.00	\$1,550.00
10	Expose & Abandon Water Main w/ Blind Flange	2	EA	\$1,500.00	\$3,000.00	\$1,000.00	\$2,000.00	\$9,850.00	\$19,700.00
11	10"x10"x10" Tee	1	EA	\$1,300.00	\$1,300.00	\$2,000.00	\$2,000.00	\$850.00	\$850.00
12	10"x10"x6" Tee	5	EA	\$1,100.00	\$5,500.00	\$4,000.00	\$20,000.00	\$715.00	\$3,575.00
13	6"x4" Reducer	3	EA	\$500.00	\$1,500.00	\$1,200.00	\$3,600.00	\$474.00	\$1,422.00
14	10" Dia. 11 1/4 Degree Elbows	2	EA	\$850.00	\$1,700.00	\$1,400.00	\$2,800.00	\$595.00	\$1,190.00
15	6" R.W. Gate Valve	5	EA	\$1,000.00	\$5,000.00	\$1,700.00	\$8,500.00	\$1,150.00	\$5,750.00
16	10" R.W. Gate Valve	7	EA	\$1,800.00	\$12,600.00	\$2,400.00	\$16,800.00	\$1,150.00	\$8,050.00
17	Curb & Gutter w/ Base (Remove & Replace)	100	LF	\$55.00	\$5,500.00	\$40.00	\$4,000.00	\$65.00	\$6,500.00
18	Rock Excavation	50	SY	\$250.00	\$12,500.00	\$100.00	\$5,000.00	\$155.00	\$7,750.00
19	Catch Basin (Remove & Replace)	1	EA	\$2,500.00	\$2,500.00	\$4,000.00	\$4,000.00	\$2,850.00	\$2,850.00
20	12" Dia. C-900 Storm Drain (Remove & Replace)	20	LF	\$60.00	\$1,200.00	\$100.00	\$2,000.00	\$100.00	\$2,000.00
21	8" Dia. C-900 Storm Drain	20	LF	\$50.00	\$1,000.00	\$80.00	\$1,600.00	\$110.00	\$2,200.00
22	Traffic Control	1	LS	\$10,000.00	\$10,000.00	\$20,000.00	\$20,000.00	\$8,179.00	\$8,179.00
TOTAL				\$238,240.00		\$242,505.00		\$265,000.00	