



Twin Falls City Council Agenda

Monday, April 2, 2018, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

****AMENDED****

Members: Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Chris Talkington, Gregory Lanting, Christopher Reid, Ruth Pierce

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) CONSIDERATION OF AMENDMENTS TO AGENDA
- 4) PROCLAMATIONS
 - a) Primary Immunodeficiency Awareness Month - Request made by Stacy and Abigail McClintock
 - b) Child Abuse Prevention Month – Request made by Abigail Greenfield, CSI, Head Start/Early Head Start
 - c) The Rotary Club Century of Service Day - Request made by Nancy Taylor, The Rotary Club.
 - d) Volunteer Appreciation Month - April 2018 - Request made by Jeanette Roe, Twin Falls Senior Center.
- 5) GENERAL PUBLIC INPUT
- 6) CONSENT CALENDAR
 - a) Request to approve the Accounts Payable for March 20-April 1, 2018.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - b) Request to approve the March 19, 2018, City Council Minutes.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - c) Request to approve the Joseph T. Rasch Scholarship 5K Run/Walk from Hospice Visions, Inc. and Tammi Harr.
Purpose: Action By: Ryan Howe, Sergeant
 - d) Request to hold the "Kids to the Park Day" event at Dierkes Lake on Saturday, May 19, 2018.
Purpose: Action By: Justin Dimond, Sergeant

- e) Request to approve a Parks In Lieu Request for Alexa Lane Subdivision.

Purpose: Action By: Wendy Davis, Parks & Recreation Director

7) ITEMS OF CONSIDERATION

- a) Swearing in of four new Twin Falls Police Department Officers.

Purpose: Presentation By: Craig Kingsbury, Chief of Police

- b) Request and presentation from Twin Falls citizen Lindsay Jacobsen to amend City Code 6-3-4 to allow citizens to maintain or keep up to four (4) hen poultry without an Animal Permit.

Purpose: Action By: Lindsay Jacobsen

- c) Presentation of the 2017 Annual Report of the Urban Renewal Agency.

Purpose: Presentation By: Nathan Murray, Economic Development Director

- d) Request to adopt an ordinance for a **Zoning Title Amendment** to add Agritourism in the AG District 10-4-1.2(A) for permitted uses & (B) as allowed by Special Use Permit and to the SUI District 10-4-2.2(A) for permitted uses & 10-4-2.2(B) as allowed by Special Use Permit and to add to Twin Falls City Code; Title 10-Chapter 2 the definition of "Agritourism" c/o Scott Allen, JUB Engineers, Inc. on behalf of Kirk & Heidi Tubbs. (app. 2903)

Purpose: Action By: Rene'e V Carraway-Johnson, Zoning & Development Manager

- e) Request to adopt an ordinance for a **Zoning Title Amendment** to add "Wedding Chapels and/or Reception Halls, on 3 acres or more" by Special Use Permit within the SUI District; Title 10; Chapter 4; Section 2.2. BB55, LLC c/o Louise Ward (app. 2911)

Purpose: Action By: Rene'e V Carraway Johnson, Zoning & Development Manager

- f) Request to adopt an **Ordinance** for a Zoning District Change & Zoning Map Amendment from C-1 PUD to C-1 ZDA for Magic Valley Mall, LLC approximately 48 (+/-) acres on property located at 1485 Pole Line Road East. c/o Brent White on behalf of Magic Valley, LLC (app. 2919)

Purpose: Action By: Rene'e V Carraway-Johnson, Zoning & Development Manager

- g) Presentation and update for the City's Cross Connection Control Program.

Purpose: Discussion By: Jon Caton, Public Works Director, Rob Bohling, Waer Superintendent

- h) Request to approve the list of Surplus Equipment & Parts submitted by the Water Department.

Purpose: Action By: Jon Caton, Public Works Director

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

9) PUBLIC HEARINGS

- a) Request to consider disposing of a parcel of real property located at 324 Hansen Street East, by way of public auction.

Purpose: Action By: Mitch Humble, Deputy City Manager

10) ADJOURNMENT TO EXECUTIVE SESSION:

- a) § 74-206(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member, individual agent or public school student.

§ 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Leila Sanchez (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
 - wait to be recognized by the Mayor or Chairman
 - approach the microphone/podium
 - state their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning and Zoning shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. 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.
 4. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 5. A City Staff Report shall summarize the application and history of the request.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - 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 or Chairman. 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.
 8. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council or Planning & Zoning Commission, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor or Chairman may again establish time limits.
 9. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning and Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.

Office of the Mayor
City of Twin Falls, Idaho

Proclamation

Proclamation Primary Immunodeficiency Awareness Month

WHEREAS, Primary immunodeficiency diseases are disorders in which part of the body's immune system is missing or does not function properly; and

WHEREAS, These disorders are caused by intrinsic or genetic defects in the immune system, many of which require chronic replacement therapy consisting of immune globulin administration, gamma interferon, antibiotics, bone marrow/stem cell transplantation, or gene therapy to protect individuals from frequent life-threatening infections and debilitating illnesses; and

WHEREAS, There is a 12.4 – year delay from the onset of symptoms to diagnosis resulting in permanent functional impairments; and

WHEREAS, The public and the medical community know little about primary immunodeficiency diseases that may affect as many as 250,000 people in the United States, and

WHEREAS, Those who suffer from primary immunodeficiency diseases and their families can rely on the Immune Deficiency Foundation to provide advocacy, education, and research to improve the diagnosis and treatment of primary immunodeficiency diseases; and

WHEREAS, The education of healthcare professionals to reduce delays in diagnosis and widespread public support is needed to understand primary immune deficiency diseases; find cures and provide access to all available life-saving therapies

NOW THEREFORE, I Shawn Barigar, Mayor of the City of Twin Falls, do hereby do proclaim the month of April 2018 as

PRIMARY IMMUNODEFICIENCY AWARENESS MONTH

and urge all citizens to learn everything they can about primary immune deficiency diseases and to aid and support to the best of their ability those who are affected by them.

In witness whereof I have hereunto set my
hand and caused this seal to be affixed.

Mayor Shawn Barigar

Deputy City Clerk Leila A. Sanchez

Date: April 2, 2018

Office of the Mayor
City of Twin Falls, Idaho

Proclamation

Child Abuse Prevention Month

Whereas, child abuse is a serious and growing problem affecting more than 3.4 million of our nation's children annually and thousands of children locally; and

Whereas, this societal malignancy called child abuse respects no racial, religious, class or geographic boundaries, and, in fact, has been declared a national emergency; and

Whereas, Magic Valley Prevention Coalition through its support of parent aide programs, parenting classes, educational programs, and community service activities is making significant progress in stopping this crime against children and families.

Now, Therefore I, Shawn Barigar, Mayor of Twin Falls, Idaho, do hereby proclaim the month of April 2018 as

Child Abuse Prevention Month

and urge citizens to use this time to better understand, recognize and respond to this grievous problem. I would like to congratulate the Magic Valley Prevention Coalition working in collaboration with the Idaho Children's Trust Fund for their continued success in helping families break the cycle of child abuse and neglect.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Mayor Shawn Barigar

Deputy City Clerk Leila A. Sanchez

Date: April 2, 2018

Office of the Mayor
City of Twin Falls, Idaho

Proclamation

Century of Service Day

WHEREAS, The Rotary Club of Twin Falls was chartered by Rotary International on April 1, 1918; and

WHEREAS, The Rotary Club of Twin Falls is the first, and oldest, service club in Twin Falls; and

WHEREAS, The Rotary Club of Twin Falls' members have volunteered countless hours of service to the community in the past 100 years; and

WHEREAS, The Rotary Club of Twin Falls has donated hundreds of thousands of dollars to make our community a better place to live. Projects include: Harry Barry Park, Buzz Langdon Visitor Center, Centennial Park and Pavilion, CSI Fitness Trail, Downtown Commons, and Sunway Soccer Park Trees; and

WHEREAS, Proceeds from the Rotary Club of Twin Falls' major fundraisers, *Death by Chocolate* and *Ice Cream Funday*, have provided thousands of dollars for local nonprofits that enrich our community and serve our citizens; and

WHEREAS, The Rotary Club of Twin Falls' members are committed to "*Service Above Self*"; and

WHEREAS, The Rotary Club of Twin Falls' members uphold the highest standards in business, goodwill and community service; and

NOW, THEREFORE, I, Shawn Barigar, Mayor of the City of Twin Falls, do hereby proclaim April 1, 2018, as

Century of Service Day

in the City of Twin Falls, State of Idaho.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Mayor Shawn Barigar

Deputy City Clerk Leila A. Sanchez

Date: April 2, 2018

Office of the Mayor
City of Twin Falls, Idaho

Proclamation

Volunteer APPRECIATION MONTH – April 2018

Show your appreciation - Open your heart- Do your part – Volunteer, Share & Care

WHEREAS, volunteers have contributed and continue to contribute immensely to the life and vibrancy of this community, and most importantly are dynamic members of this community; and,

Volunteers have chosen to take time out of their demanding lives to help make the City of Twin Falls a better place to live, and make a significant contribution to bettering social, community and cultural conditions of the City of Twin Falls; and,

Through countless acts of kindness, generosity, and service, Americans recognize that we are all bound together -- that we move this country forward by giving of ourselves to others and caring for those around us. Every day, Americans carry forward the tradition of service embedded in our character as a people; and,

As we celebrate National Volunteer Week - April 15-21st, 2018, we embrace our shared responsibility to one another and recommit to the task of building a more perfect Union; and

Their contributions, past and present, warrant appreciation and recognition, and their stories deserve to be told; and,

The health and well-being of seniors is in the interest of all and further adds to the health and well-being of the community; and,

The knowledge and experience Volunteers pass on to us continues to benefit all.

THEREFORE, I, Shawn Barigar, Mayor of Twin Falls, proclaim the month of April

VOLUNTEER APPRECIATION MONTH

in Twin Falls, Idaho, and urge all citizens to recognize and celebrate the accomplishments of our local Volunteers.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Mayor Shawn Barigar

Deputy City Clerk Leila A. Sanchez

Date: April 2, 2018



Twin Falls City Council Minutes

Monday, March 19, 2018, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Vice Mayor Nikki Boyd, Councilmembers Greg Lanting, Chris Talkington, Suzanne Hawkins, and Ruth Pierce

Absent: Mayor Shawn Barigar, Councilmember Christopher Reid

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, Deputy City Manager Brian Pike, City Attorney Fritz Wonderlich, Deputy City Attorney Shayne Nope, Zoning and Development Manager Renee Carraway-Johnson, Chief of Police Craig Kingsbury, Lt. Craig Stotts, Lt. John Wilson, Senior Planner Jonathan Spendlove, Deputy City Clerk Sharon Bryan

Vice Mayor Boyd called the meeting to order at 05:01: PM

A quorum was present.

2) PLEDGE OF ALLEGIANCE

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

3) CONSIDERATION OF AMENDMENTS TO AGENDA

None

4) PROCLAMATIONS

a) Fair Housing Month Proclamation - Request made by Mitch Humble, City of Twin Falls

Vice Mayor Boyd read proclamation and presented it to City Manager Rothweiler.

Councilman Talkington read proclamation from Tom Mikesell in observance of March 29, 2018 as "Welcome Home Vietnam Veteran's Day".

5) GENERAL PUBLIC INPUT

None

6) CONSENT CALENDAR

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. 5 to 0.

- a) Request to approve the Accounts Payable for March 13-19, 2018.
- b) Request to approve the March 12, 2018, City Council Minutes.
- c) Request to approve an Alcohol License transfer of ownership - Hotel Management Services, LLC dba La Quinta Inn, 539 Pole Line Road, Twin Falls, Idaho on the condition they receive their State Alcohol License.
- d) Request to accept the Improvement Agreement for the purpose of developing **Sundance Subdivision Number 1, a PUD.**
- e) Request to approve a Trust Agreement for **Sundance Subdivision No. 1, a PUD**, placing all Lots and Tracts in trust.
- f) Request to approve a Curb-Gutter & Sidewalk Improvement Deferral Agreement – 659 Mae Dr. for Perry C. Dangerfield.
- g) Request to approve a **PUD Agreement** between the City of Twin Falls and Sundance Partners, LLC.
- h) Request to approve the **Final Plat** for Sundance Subdivision Phase 1, a PUD, 8.81 (+/-) acres, consisting of 38 single-family residential lots located on the south side of the 2900 block of 3600 North Road and 1,300 (+/-) feet west of Blue Lakes Boulevard South. c/o Tim Vawser/EHM Engineers, Inc.
- i) Approval of Findings of Fact & Conclusions of Law:

Bybee, Ryan-Vacation	John Lucas-ZDC
Bybee, Ryan-ZDC	Magic Valley
Mall-ZDA	
CSI-PUD Amendment	Breckenridge, Katie-Annex &
ZDC Casper, Craig-ZDC	

7) ITEMS OF CONSIDERATION

- a) Presentation of a donation to the Archway Project by the Twin Falls Western Days Committee.

Twin Falls Western Days Committee Chair Stan Crowley presented a check to the Archway Project in the amount of \$10,000.

Kathy Marcus, Archway Project Facilitator and City Council thanked Twin Falls Western Days Committee.

- b) Presentation of **Certificates of Appreciation** to Tom Frank, Kevin Grey and Steve Woods for serving on the Planning & Zoning Commission.

Zoning & Development Manager Carraway-Johnson presented Certificates of Appreciation to Tom Frank, Kevin Grey and Steve woods for serving on the Planning and Zoning Commission.

City Council thanked them for their services.

- c) Presentation of POST Advanced Certificates to Officers Morgan Waite, Adam Dixon, Josh Hayes, Asmir Kararic, and Sergeant Justin Dimond, and the Supervisor Certificate to Sergeant Dusty Solomon.

Chief of Police Kingsbury, Lt. Stotts, Lt. Wilson, Captain Hicks and Vice Mayor Boyd presented POST Advanced Certificates to Officers Morgan Waite, Adam Dixon, Josh Hayes, Asmir Kararic and Sargent Justin Dimond and Supervisor Certificate to Sergeant Dusty Solomon.

- d) Request to appoint Mike Mason to the Twin Falls Authority to serve as a commissioner for a five-year term.

City Manager Rothweiler asked for City Council approval to appoint Mike Mason to the Twin Falls Housing Authority to serve as a Commissioner for a five-year term.

MOTION:

Councilmember Lanting moved to approve the appointment of Mike Mason to the Twin Falls Housing Authority commission for a five-year term. Councilmember Talkington seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- e) Request to waive the Non-Conforming Building Expansion Permit Process for a residential home located at 469 Adams Street. (App. 2933)

Senior Planner Spendlove reviewed the request.

Discussion ensued on the following:
Alley ways

MOTION:

Councilmember Lanting moved to approve the request to waive the Non-Conforming Building Expansion Permit process for a residential home located at 469 Adams Street. Councilmember Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- f) Request to **adopt an ordinance** for Annexation with a Zoning District Change and Zoning Map Amendment from R-1 VAR CRO to R-4 CRO for Parcel 2, TBS Conveyance Plat, consisting of 13.43 (+/-) acres, located at the south east corner of Canyon Falls Drive and Harrison Street. c/o Rob Struthers on behalf of Katherine Breckenridge (app. 2920)

Zoning & Development Manager Carraway-Johnson reviewed ordinance.

MOTION:

Councilmember Talkington made a motion to suspend the rules and place Ordinance 2018-004 on third and final reading by title only. The motion was seconded by Councilmember Pierce. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

Deputy City Clerk Bryan read the ordinance by title only:

ORDINANCE NO. 2018-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ANNEXING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFORE, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT

MOTION:

Councilmember Lanting made a motion to adopt Ordinance 2018-004. Councilmember Talkington seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

- g) Request to **adopt an ordinance** for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for a .22 (+/-) acre tract and a 15' easement located at the southeast corner of Canyon Falls Road and Harrison Street. c/o Ryan Bybee (app. 2908)

Zoning & Development Manager Carraway-Johnson reviewed Ordinance.

Discussion ensued on the following:
15 foot easement.
Drive Up

MOTION:

Councilmember Hawkins made a motion to suspend the rules and place Ordinance 2018-005 on third and final reading by title only. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

Deputy City Clerk Bryan read the ordinance by title only:

ORDINANCE NO. 2018-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFORE, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT

MOTION:

Councilmember Lanting made a motion to adopt Ordinance 2018-005. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

- h) Request to **adopt an ordinance** to Vacate a 15' x 264; 3,960 sq. ft. public utility easement located at the southeast corner of Canyon Falls Drive and Harrison Street. c/o Ryan Bybee (app. 2908)

Zoning and Development Manager Carraway-Johnson reviewed Ordinance.

MOTION:

Councilmember Lanting made a motion to suspend the rules and place Ordinance 2018-006 on third and final reading by title only. The motion was seconded by Councilmember Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

Deputy City Clerk Bryan read the ordinance by title only:

ORDINANCE NO. 2018-006

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS IDAHO, VACATING THE EASEMENT DESCRIBED BELOW.

MOTION:

Councilmember Talkington made a motion to adopt Ordinance 2018-006. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

City Manager Rothweiler reminded City Council that the March 26, 2018 Council meeting has been cancelled. The next City Council meeting will be April 2, 2018 started at 5:00 PM.

Councilmember Hawkins gave a report on National Library Week.

Vice Mayor Boyd reported on Meals on Wheels.

9) PUBLIC HEARINGS: None

10) ADJOURNMENT

The meeting adjourned at 05:59: PM



Date: Monday, April 2, 2018
To: Honorable Mayor and City Council
From: Ryan Howe, Sergeant

Request:

Request to approve the Joseph T. Rasch Scholarship 5K Run/Walk from Hospice Visions, Inc. and Tammi Harr.

Time Estimate:

This is a first-time event similar to several events previously held. Staff is requesting that this item be placed on the Consent Calendar.

Background:

The Joseph T. Rasch Run/Walk is a fundraising event with all proceeds going to a nursing scholarship in Joseph's name. On May 12, 2018, the event will start at 1770 Parkview Drive and will follow Parkview North until it reaches the Canyon Rim Trail. The event will then follow the trail east until the turnaround at 2.5K and return on the same route. The event will begin at 10:00 a.m. and should conclude at 12:00 p.m.

The event organizers will provide volunteers along the route to assist with safety for the runners and walkers.

Approval Process:

Consent of the Council

Budget Impact:

There is no budget impact.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Twin Falls Police Department Staff and several relevant City Staff Members have approved this application request. Staff recommends that the City Council approve the Special Event Application based on the information provided.

Attachments:

None



Date: Monday, April 2, 2018
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

Request:

Request to hold the "Kids to the Park Day" event at Dierkes Lake on Saturday, May 19, 2018.

Time Estimate:

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

Background:

The City of Twin Falls Department of Parks and Recreation is requesting to hold the "Kids to the Park Day" event at Dierkes Lake on Saturday, May 19, 2018. This event is scheduled to start at 10:00 a.m. and conclude at 2:00 p.m.

This will be the first time this event has been held by the Department of Parks and Recreation; however, this is a nationally scheduled day of outdoor play celebrated by parks, towns, and cities throughout the country. The event will have multiple activities for children, to include: kayaking, rock climbing, archery, fishing, hiking, and many other activities.

The event will have amplified sound and music through the department's public address system.

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. Therefore, there is no budget impact.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council approve the Special Event Application submitted for the "Kids to the Park Day" event based on the information provided.

Attachments:

None



Date: Monday, April 2, 2018
To: Parks and Recreation Commission
From: Wendy Davis, Parks & Recreation Director

Request:

Request to approve a Parks In Lieu Request for Alexa Lane Subdivision.

Time Estimate:

Background:

Alexa Lane Subdivision is a 1.567 acre subdivision located on 3rd Ave East between Madrona and Locust St. Developer intends to put 4 or 5 duplexes on the lot, creating 8-10 new households. (see attached vicinity map).

This development is a small development in close proximity to Harmon Park. Due to the size of the development and the proximity to a large community park, a parks in lieu contribution seems appropriate.

In accordance with City Code Section 10-12-3-11 Section F: The city council may, at their discretion, approve and accept cash contributions in lieu of park land with improvements, which contributions shall be used for park land acquisition and/or park improvements within the boundaries of the arterial streets in which the development is located. In the event that no such facilities or needs are so located, the director may propose a budgeted expenditure to apply the funds to needs identified at any such facility existing within one mile of the boundaries of the project from which the funds originated. If the director determines that no reasonable use exists within the extended geographical area, the director shall, with the approval of the parks and recreation commission, propose to the city council a specific application for the funds which need not be limited geographically, and may include such use as future land acquisition. The fee structure for cash contributions for acquisition of park land shall be the appraised value of the required land area at the time of the application. The development may qualify for a 50% reduction on their cash contribution in lieu of park land if the development met all criteria to be called an "in fill" development. The appraisal shall be submitted by a mutually agreed upon appraiser and paid for by the applicant. The fee structure for park improvements, including all costs of acquisition, construction and all related costs, shall be based upon the estimated costs of an approved improvement provided by a qualified contractor and/or vendor. (Ord. 2954, 11-3-2008)

Approval Process:

A simple majority will approve this request.

Budget Impact:

If approved, the parks in lieu contribution will allow for some improvements to Harmon Park.

Regulatory Impact:

Approval will allow developer to move forward.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends and Parks and Recreation Commission supports the approval of this request.

Attachments:

1. Alexa Lane Parks in Lieu Application

Date: December 22, 2017

PARKS IN LIEU CONTRIBUTION APPLICATION-2014

Subdivision Name: Alexa Lane Subdivision

Number of Dwelling/Household Units/Acres: 5 – duplex lots w/ 1 existing single family/ 9 new dwelling units

Developer: Chris Jones – Eagle Financial, LLC

Address/Phone #: 510 2ND Avenue South, Twin Falls, Idaho 83303-2538

Appraiser: _____

Address/Phone #: _____

As per Twin Falls City Code Title 10; Chapter 12; Section 3.11 ...” No residential plat shall be approved unless it includes provision for parks and stormwater retention/detention. “... The city council may, at their discretion, approve and accept cash contributions in lieu of developed park land with improvements. “

The following items shall be included with this Parks in Lieu Contribution application. It is the responsibility of the developer to see that all required information is provided to the city at the time of submittal of the Parks in Lieu Contribution application. An incomplete application will not be accepted by the City Administrator.

The City of Twin Falls allows two (2) different types of requests for Parks In Lieu cash contributions, as per TF City Code 10-12-3.11. Please mark an **X** by the type of request you are going to use; #1 or #2:

1. I am requesting approval of a Parks In Lieu contribution without walking/bicycle trails, using the following Contribution Formula:

(a) Determine the per acre appraised value of the Land in the development.

See 10-12-3-11 (F). Appraisal value of the Land:

(L) 92,000

(b) The current Park Development cost is \$31,700 per acre.

(PD) \$31,700

(c) Total the number of Household units in the development.

(H) 9 new

1-The proposed Cash Contribution using #1: (L+PD)(H)(.01)

(CC) \$11,133

Note: Lots large enough for duplex or larger multi-family units shall be identified as intended for development as single household dwelling units on the preliminary plat otherwise the maximum density will be used to determine number of household units/single family dwellings for the purpose of this application.

The City of Twin Falls allows for a 50% reduction in the cash contribution, as per 10-12-3.11(G), subject to meeting ALL FIVE (5) CRITERIA:

1. The number of household units must be eight (8) or less per acre, as identified on the preliminary plat.
2. Development shall be located within city limits.
3. Development shall not border an arterial street.
4. Development shall not border the city limits.
5. Development must not have been converted from agricultural land. (Ord. 3034, 7-16-2012)

If development qualifies for the 50% reduction, divide Cash Contribution (CC) amount by two (2). \$5,566.50

2. _____ I am requesting approval of a Parks In Lieu mixed contribution consisting of cash and developed walking/bicycle trails, using the following Contribution Formula:

(a) Determine the per acre appraised value of the Land in the development.
See 10-12-3-11 (F). Appraisal value of the Land: (L) _____

(b) The current Park Development cost is \$31,700 per acre. (PD) \$31,700

(c) Total the number of Household units in the development. (H) _____

Note: Lots large enough for duplex or larger multi-family units shall be identified as intended for development as single household dwelling units on the preliminary plat otherwise the maximum density will be used to determine number of household units/single family dwellings for the purpose of this application.

(d) Developed Trail Cost:
i. Cost of land underneath the trail (per square foot): (A) _____
ii. Cost to develop the trail (per square foot): (B) _____

Developed Trail Cost = (A + B) (total trail cost per square foot): (TC) _____

(e) Land Portion = (L)(H)(0.01) – (TC) (LP) _____

Note: Land portion cannot be less than 50% of (L)(H)(.01).

(f) Park Improvement Portion = (31,700)(H)(.01): (PIP) _____

(g) Land Portion + Park Improvement portion (LP + PIP) = _____

2-The proposed Cash Contribution using #2: (CC) \$ _____

Note: Lots large enough for duplex or larger multi-family units shall be identified as intended for development as single household dwelling units on the preliminary plat otherwise the maximum density will be used to determine number of household units/single family dwellings for the purpose of this application.

Parks In Lieu contribution must be made prior to final plat recordation.

PRIOR TO SUBMITTAL OF THIS APPLICATION HAVE YOU:

... Talked to the Parks & Recreation Department about the requirements?

... Enclosed a copy of the appraiser's value for the land.

... Enclosed a copy of bid/material costs to construct walking path/bike trail.

Date Submitted: _____

City Council Agenda Date: _____

Application accepted by City Administrator: _____

Engineering Approval: _____

RESTRICTED
REAL ESTATE APPRAISAL REPORT
OF

1.567 ACRES; 68,259 S.F. OF RESIDENTIAL BARE LAND
1704 THIRD AVENUE EAST
TWIN FALLS, IDAHO 83301

PRESENTED TO

CHRIS JONES
510 SECOND AVENUE SOUTH
TWIN FALLS, IDAHO 83301

AS OF

DECEMBER 14, 2017

PREPARED BY

*DOUGLAS D. VOLLMER, SRA, SRPA
AMERICAN REAL ESTATE & APPRAISAL LLC
210 SIXTH AVENUE EAST
POST OFFICE BOX 566
TWIN FALLS, IDAHO 83303-0566
(Telephone 208 734-5650)*



AMERICAN REAL ESTATE & APPRAISAL, LLC

December 20, 2017

210 6th AVE. EAST
POST OFFICE BOX 566
TWIN FALLS, IDAHO 83303-0566
TELEPHONE (208) 734-5650

TAX ID #20-5982664

DOUGLAS D. VOLLMER, SRPA, SRA
REAL ESTATE BROKER AND APPRAISER

Chris Jones
510 2nd Ave S
Twin Falls ID 83301

STATEMENT

PROFESSIONAL SERVICES:

APPRAISAL FEE.	.\$1,400.00
PAID-CK#5860	<u>-1,400.00</u>
	\$ -0-

Thank You!

PROPERTY ADDRESS

1.567 ac. residential bare land
1704 3rd Ave E
Twin Falls ID 83301

TERMS: Accounts are due on receipt of appraisal. **FINANCE CHARGE** is computed by a "periodic rate" of 1.5% per month, (minimum \$1.00) which is an **ANNUAL PERCENTAGE RATE OF 18%** applied to the previous balance without deducting current payments and/or credits appearing on this statement.

American Real Estate & Appraisal LLC

210 Sixth Avenue East * P.O. Box 566 * Twin Falls, Idaho 83303-0566

Douglas D. Vollmer, SRA, SRPA
Real Estate Broker and Appraiser

Owned and Operated Since 1973
(208)734-5650 Fax (208)734-5653

December 18, 2017

Chris Jones
510 Second Avenue South
Twin Falls, Idaho 83301

RE: 1.567 acres; 68,259 s.f. of Residential Land
1704 Third Avenue East
Twin Falls, Idaho 83301

Dear Mr. Jones:

In accordance with your authorization, I have performed a Restricted Appraisal Report of the property referenced above in Twin Falls, Idaho.

The Restricted Appraisal Report is intended to comply with the reporting requirements set forth under all of Standards Rule 2-2(B) of the 2016-2017 Uniform Standards of Professional Appraisal Practice for a restricted appraisal report. As such, it presents only minimal discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the opinion of value. Supporting documentation concerning the data, reasoning, and analysis is retained in our file. The depth of discussion contained in this report is specific to your needs and for the intended use as indicated below. We are not responsible for unauthorized use of this report.

As a result of my analyses and studies made, and subject to the Assumptions and Limiting Conditions included within this report, I have established an opinion that as of December 14, 2017, the estimated market value for the subject property, according to its zoning restrictions and "as is", was estimated to be:

NINETY-TWO THOUSAND DOLLARS

(\$92,000.00)

Thank you for this opportunity to be of service to you.

Sincerely,



Douglas D. Vollmer, SRA, SRPA

CLIENT AND INTENDED USERS

Chris Jones
510 Second Avenue South
Twin Falls, Idaho 83301

The Restricted Use Appraisal Report limits the use of the report to the client and the appraiser's opinions and conclusions set forth in the report may not be understood properly without additional information in the appraiser's workfile.

APPRAISER

Douglas D. Vollmer, SRA, SRPA
Certification No. CGA-53, State of Idaho
Certification No. A.0000610-CG, State of Nevada

COMPETENCY PROVISION AND APPRAISER DISCLOSURES

The appraiser has completed numerous land and commercial appraisals on similar properties over the past several years in the Magic Valley area. It is noted that although I own an interest in several properties in the area, it has not influenced my impartiality. I have not performed any services on the subject in the past 3 years.

SUBJECT

1.567 acres; 68,259 s.f. of Residential Bare Land
1704 Third Avenue East
Twin Falls, Idaho 83301

PURPOSE OF THE APPRAISAL

The purpose of this appraisal was to estimate the market value opinion of the fee simple estate of the subject property. (See Definition for Fee Simple Estate in Addendum.)

INTENDED USE OF REPORT

For the sole purpose of estimating a market value for rendering a decision relative to a financial transaction. (See Definition for Market Value in Addendum.)

INTEREST VALUED

Fee Simple Estate (See Definition in Addendum.)

EFFECTIVE DATE OF VALUE

December 14, 2017

DATE OF REPORT

December 18, 2017

**The acceptance and/or use of the appraisal report by the client or any third party constitutes acceptance of the Assumptions and Limiting Conditions set forth in the following paragraphs and in the Addendum. The appraiser's liability extends only to the specified client, not to subsequent parties or users. The appraiser's liability is limited to the amount of the fee received for the services rendered.*

1704 3rd Ave. E(1.567 Ac. Res. Land)-17, Twin Falls, Id





Date: Monday, April 2, 2018
To: Honorable Mayor and City Council
From: Craig Kingsbury, Chief of Police

Request:

Swearing in of four new Twin Falls Police Department Officers.

Time Estimate:

Approximately 20 minutes.

Background:

On March 5, 2018, the following four individuals were hired by the Twin Falls Police Department as full-time Police Officers:

Eric Barzee was born and raised in Idaho Falls, Idaho, and graduated from Idaho Falls High School. He attended Idaho State University part time while working at a building materials center. He enrolled full time in the ISU Law Enforcement Program in January 1998 and then moved to the Twin Falls area soon after graduating from that program.

Eric began his law enforcement career in January 1999 with the Buhl Police Department where he worked for four years. Eric was then employed by the TFPD from January 2003 until May 2016. During that time, he served as a Patrol Officer, Field Training Officer, SWAT Team Member, and for six years he served in the Criminal Investigation Division as a Case Detective.

In May 2016, Eric and his family moved to the Boise area and Eric worked with the Office of the Attorney General as an investigator assigned to the Medicaid Fraud Control Unit. After a short stint in Boise, Eric and his wife decided they wanted to be back home in Twin Falls. Eric expressed interest in coming back to the TFPD, applied, and was rehired.

Eric and his wife Danielle have two boys, Morgan and Brody.

Scott Jackson is originally from Jerome and moved to Twin Falls at a young age. Scott graduated from Lighthouse Christian School. He went onto further his education at Boise State University. Scott plans to continue working toward attaining his Bachelor's Degree in Criminal Justice.

Prior to being employed with the TFPD, Scott worked with the Kickback Rewards Systems as a Case Manager for the past three years while attending BSU.

Austin James was born and raised in Sacramento, California. He graduated from high school in 2013 and went on to further his education at BYU Idaho where he studied Bio-Neuro Science and Sociology.

While attending BYU Idaho and holding down employment, Austin attended a POST Reserve Academy where he was selected as class president. After graduating from the Academy, Austin became a Reserve Officer with the Rexburg Police Department, where he completed his field training before being hired by

the TFPD.

Austin is the third member of his family to be in law enforcement.

Kayla Schafer was born in Waukesha, Wisconsin, and is the fourth of six kids. She graduated from Waukesha High School in 2009. Kayla went on to become a certified Firefighter and EMT and worked at Waukesha's paid on-call fire department for two and one-half years.

Kayla spent the next five years traveling and spent time living in Wyoming and then Arkansas where she earned her Associate's Degree from Arkansas Tech University in 2016. She also obtained her Wilderness EMT license in 2016 and used it to work as a backpacking guide in California, which convinced her to relocate to Boise, Idaho, in January 2018 in order to be closer to the mountains.

Prior to being hired by the TFPD, Kayla was working as a medical transporter in Boise.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Chief Kingsbury would like to have Officers Barzee, Jackson, James and Schafer sworn in before the City Council, with Mayor Shawn Barigar administering the Oath of Office on April 2, 2018.

Attachments:

None



Date: Monday, April 2, 2018
To: Honorable Mayor and City Council
From: Sean Standley, Code Enforcement Coordinator

Request:

Request and presentation from Twin Falls citizen Lindsay Jacobsen to amend City Code 6-3-4 to allow citizens to maintain or keep up to four (4) hen poultry without an Animal Permit.

Time Estimate:

The request and presentation will take approximately 5 minutes, additional time may be needed for questions and answers.

Background:

Current City Code states that citizens must apply for and be granted an Animal Permit to keep or maintain poultry.

The process takes a lot of time including citizens contacting every property owner within 300 feet of where poultry will be maintained and 75% of those must agree. Current City Code allows up to four dogs and four cats and 3 rabbits without a permit. This request would be consistent with other City Codes regarding animals. Code Enforcement receives many complaints regarding Roosters inside City Limits and our current code does not exclude Roosters.

Approval Process:

Council direction and to meet at a later date with an amended ordinance.

Budget Impact:

Currently 10% of the 2018 Animal Permits fall in the category of 4 poultry or less. Revenue generated from these permits would not be collected.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

City Staff recommends an amendment to City Code 6-3-4 to allow up to four (4) hen poultry without an

Animal Permit. City Staff also recommends to exclude Roosters within the corporate limits of the City.

Attachments:

1. 6-3-4

6-3-4: PERMITS REQUIRED:

It shall be unlawful to keep or maintain any horses, mules, donkeys, cows, sheep, goats, poultry or rabbits (more than 3 rabbits), or any other animals except dogs, cats or other animals kept inside a residence or place of business at all times in the City limits without first obtaining a permit from the City Clerk, which permit shall be granted subject to the applicant meeting the following specifications:

- (A) To maintain or keep poultry or more than three (3) rabbits, the applicant must have at least five thousand (5,000) square feet of real property for each twenty five (25) fowl or for more than three (3) and up to twenty five (25) rabbits and in no event shall the fowl or poultry or rabbit run or enclosure be less than forty feet (40') from a dwelling other than that of the applicant. The City Council may, at the request of the applicant, grant a variance from the minimum five thousand (5,000) square feet of real property requirement for the maintenance or keeping of each twenty five (25) fowl.

- (B) To maintain or keep one cow, one horse, one sheep or one goat, or any other animals except dogs and cats, the applicant must have at least one acre of real property and at least ten thousand (10,000) square feet of real property or pasture land devoted exclusively for the use of each animal. Fences enclosing such animals must be so constructed so as to prevent the animals from going upon the property of adjoining property owners in any manner whatsoever. Applicants in compliance with this Section prior to its amendment shall be give a period of five (5) years to come into compliance with the minimum square footage requirements.

- (C) Approval of the City Sanitation Inspector.



Date: Monday, April 2, 2018
To: Honorable Mayor and City Council
From: Nathan Murray, Economic Development Director

Request:

Presentation of the 2017 Annual Report of the Urban Renewal Agency.

Time Estimate:

4 minutes.

Background:

Title 50, Chapter 2006(c) requires that Urban Renewal Agencies operating in Idaho prepare an annual report by March 31st of each year regarding its activities and finances for the preceding calendar year. It was presented and approved by the Agency board on March 12th.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

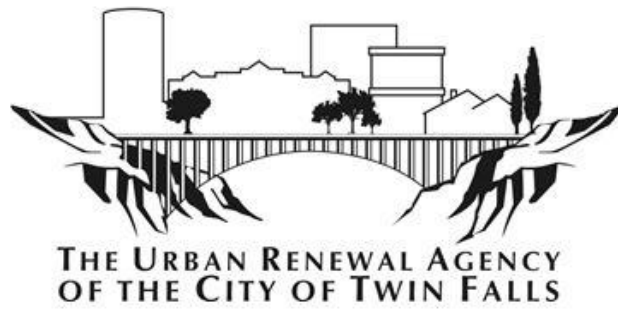
N/A

Conclusion:

Following presentation, the report will be filed with the City Clerk and published in the Times-News. Completion of this process will have the Agency in compliance with the statutory requirements for reporting.

Attachments:

1. 2017 TFURA Annual Report



2017 Annual Report

Board of Commissioners

January – June 2017

Dan Brizee - Chair
Dexter Ball – Vice Chair
Neil Christensen – Secretary
Perri Gardner
Bob Richards
Gary Garnand
Brad Wills

July – December 2017

Dan Brizee - Chair
Dexter Bell – Vice Chair
Neil Christensen - Secretary
Perri Gardner
Gary Garnand (replaced by Rudy Ashenbrenner in Oct '17)
Suzanne Cawthra
Brad Wills

Staff

Nathan Murray – Executive Director
Lorrie Bauer- Administrative
Jesse Schuerman- Engineer
Brent Hyatt- Finance

This Annual Report is prepared pursuant to Title 50, Chapter 2006 (c) Idaho Code:

An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. The agency shall be required to hold a public meeting to report these findings and take comments from the public. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk or county recorder and in the office of the agency.

Agency Activities for 2017

Main Avenue

After several months of planning and public input, the Twin Falls Urban Renewal Agency (TFURA) began reconstruction of a five-block section of Main Avenue between Fairfield and Jerome Streets. Construction began February 17, 2017, with the removal of trees and was substantially complete by December 1, 2017, for the Downtown Festival of Lights Parade.



Construction moved northwest to southeast along Main with ribbon cuttings being held at the completion of each block. Crews removed everything between the building faces and replaced old, subgrade utilities. A new pedestrian friendly corridor was then reconstructed with wider sidewalks, trees, festival street areas, furniture, lighting, and pavement.

Guho Construction performed the contracting duties for the project and completed their work under budget at a final cost of approximately \$6.2m.

Downtown Commons

Related to the Main Avenue Redesign Project, and the downtown renaissance, is a new half-acre plaza on the northwest corner of Main and Hansen known as the Downtown Commons. Final plans for the plaza were completed in summer '17 and were soon sent out to bid. In December '17, when construction of City Hall was complete, Starr Corporation began construction of the Downtown Commons. Construction is advancing at a rapid pace and the plaza is expected to be complete and dedicated in July '18.



Downtown Alleyway Utilities

To continue support of the downtown infrastructure, the TFURA started and completed a joint utility project at a cost of approximately \$1.3m. The project extended through the alleyway parallel to 2nd Ave East for a four block section and updated dry utility conduits (fiber optic, streetlights, and sprinkler wire control) along with sewer and water upgrades. This project was one of many planned to be carried out over the next five years before the closing of RAA #4-1.

Gemstone Climbing

The property located at 135 5th Ave S, sold by the URA in 2016 to the entity known as Gemstone Development, LLC, was transformed from a vacant lot to a new 12,500 square foot rock climbing facility.

In addition to selling the property for \$1, the TFURA followed up with paving of an unfinished section of adjacent alleyway, reconstructing a portion of the adjacent sidewalk and planting new trees. The facility is a great addition to the community.



C3 Call Center

The property owned by the TFURA at 851 Pole Line Road was sold in November at a price of \$2.05m. The building, purchased by the agency in 1998 to entice Dell Computers to come to the community, was operating as a successful call center and it was deemed best to be sold to private sector owners. The proceeds have been added to the agency's general fund and the TFURA no longer has obligations for ongoing maintenance of the building and off-site parking.

Historic Ballroom

In September, the TFURA purchased the property at 219 Shoshone St N with the intent to support the project planned for next door at 205 Shoshone St N (the Historic Ballroom). The Historic Ballroom was being renovated at a cost of approximately \$4m with new ground level restaurant and retail space and updated offices on the second floor.

The site at 219 Shoshone has been razed and will be converted to a small plaza area between the restaurant and the alley. Razing of the building, and updating sidewalk next to the ballroom, helped facilitate the investment in the ballroom and make utility upgrades more affordable. The project is expected to be completed in spring 2018.

160 Main Avenue S



In December, the TFURA purchased the old Idaho Department Store located on the southwest corner of Hansen Street and Main Avenue. The building had been for sale for a time and was soon to be vacated by the tenant. Given the history of the building, its proximity to the Downtown Commons and its underutilization, the TFURA authorized the building purchase to help facilitate a housing project in downtown. A Request for Proposal

has been issued and it is anticipated that sometime in 2018 a project begins to rehab the building to include new residential units in downtown Twin Falls.

Financial Statements

Table 1
Statement of Net Position
As of September 30, 2017 and 2016

			Percentage Change
	2017	2016	2017-2016
Current & Other Assets	\$ 10,910,590	\$ 7,613,235	43.3%
Capital Assets	25,798,953	20,950,313	23.1%
Total Assets	36,709,543	28,563,548	28.5%
Long-term Debt Outstanding	67,742,458	62,114,161	9.1%
Other Liabilities	3,503,408	1,658,683	111.2%
Total Liabilities	71,245,866	63,772,844	11.7%
Net Investment in Capital Assets	15,512,646	11,532,950	25.2%
Restricted and Unrestricted	(50,048,969)	(46,742,246)	7.1%%
Total Net Position	\$ (34,536,323)	\$ (35,209,296)	(1.9%)

Statement of Net Position

The Statement of Net Position reports on the assets and liabilities of the Agency. Notable changes in Net Position values are typically the result of large debt service payments; the timing of large public improvement projects; or the purchase, sale, or contribution of capital assets. This year, most of the increase in total assets can be attributed to construction activity for the Main Avenue renovation. The Agency is inventorying project costs and then will reflect those costs as a contribution to the City the year the development is completed. This year, construction in progress increased by around \$5,000,000 mainly due to the construction activity downtown.

Table 2
Statement of Activities
For Years Ended September 30, 2017 and 2016

			Percentage Change
	2017	2016	2017-2016
Charges for Services - Rent	\$ 452,148	\$ 442,258	2.2%
Property Tax Increment	9,795,235	8,719,955	12.3%
Capital Contributions	120,000		
Other Income and Sale of Assets	(5,848,243)		
Investment Earnings	66,818	20,808	221.1%
Total Revenue	4,585,958	9,183,021	(16.4%)
General Government	412,589	231,690	78.1%
Rental Property Expenses	263,945	255,612	3.3%
Community Development	654,796	27,358,915	(97.6%)
Interest on Long-Term Debt	2,581,655	2,630,021	(1.8%)
Total Expenses	3,912,985	30,476,238	(83.7%)
Increase (Decrease) in Net Assets	672,973	(21,293,217)	(103.25%)
Net Position - Beginning	(35,209,296)	(13,916,079)	153.0%
Net Position - Ending	\$ (34,536,323)	\$ (35,209,296)	(1.9%)

Statement of Activities

The Statement of Activities reports on the Agency's operating revenues and expenditures.

Revenues

Property tax increment increased by 12.3%. \$500,000 of that increase is attributed to the first years property taxes now coming from Clif Bar. The City had owned a pre-treatment facility used to treat processing waste from Lamb Weston prior to its entering the main wastewater treatment plant. The facility was aging and headed for major repairs. Through mutual agreement, the City sold the processing plant to the Agency and the Agency then resold the pre-treatment plant to Lamb Weston for \$1, charging the Company with the care and operational expenses going forward. That transaction created a \$6,000,000 loss to the Agency and is included in the Sale of Assets category above.

Expenses

In 2016 and 2017, the agency was involved with finishing up the construction projects at Clif Bar and beginning work on the reconstruction of Main Avenue. Expenditures for the Main Avenue project were \$4,800,000 and \$1,200,000 for 2017 and 2016 respectively. Clif Bar expenditures were \$600,000 and \$7,700,000 for the same periods. All these costs were inventoried as work in process rather than as expenses. In the near future, the Agency will recognize the cumulative costs as an investment in the development of the community.



Public Meeting: **MONDAY APRIL 02, 2018**

To: Honorable Mayor and City Council

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

CONSIDERATION ITEM

Request: For The City Council's Consideration To Adopt An Ordinance for a **Zoning Title Amendment** to add "Agritourism" in the AG District 10-4-1.2(A) for permitted uses & (B) as allowed by Special Use Permit and to the SUI District 10-4-2.2(A) for permitted uses & 10-4-2.2(B) as allowed by Special Use Permit and to add to Twin Falls City Code; Title 10-Chapter 2 the definition of "Agritourism". c/o Scott Allen, JUB Engineers, Inc. on behalf of Kirk & Heidi Tubbs (app. 2903)

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.

History:

On **November 14, 2017,** the Planning & Zoning Commission held a public hearing on this request. There was one person who spoke in support of the request. Upon conclusion of the public hearing and considerable commission discussion Commissioner Dawson made a motion to recommend approval subject to removing the minimum 10 (+/-) acre active farm limitation from the proposed amendment and that the distance from residential property requiring a Special Use Permit be reduced from 750' to 300 ft. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

On **December 11, 2017,** the City Council held a public hearing on this request. There was one person who spoke in support of the request. Upon conclusion of the public hearing and considerable discussion, Councilmember Talkington made a motion to approve the request as presented with the Commission recommendations. Councilmember Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE 10-2-1 BY ADDING A DEFINITION FOR “AGRITOURISM”; AMENDING TWIN FALLS CITY CODE 10-4-1.2 TO ADD AGRITOURISM AS PERMITTED AND SPECIAL USES IN THE AG AGRICULTURE DISTRICT; AND AMENDING TWIN FALLS CITY CODE 10-4-2.2 BY ADDING AGRITOURISM AS A PERMITTED AND SPECIAL USE WITHIN THE SUI SUBURBAN-URBAN INTERFACE ZONING DISTRICT.

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

Section 1: That Twin Falls City Code 10-2-1 is amended as follows:

“10-2-1: DEFINITIONS: ...

AGRITOURISM ACTIVITY: An accessory use/secondary activity carried out on an active farm or ranch that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities including, but not limited to, farming, ranching, historic, cultural, on-site educational farming programs, recreational farming programs that may include on-site hospitality services, guided and self-guided tours, bed and breakfast accommodations, farm animal petting zoos, short term farm festivals, corn mazes, “harvest-your-own” events, hayrides, barn parties, horseback riding, fee fishing and camping. An activity is an Agritourism activity whether or not the participant paid to participate in the activity.”

Section 2: That Twin Falls City Code 10-4-1.2 is amended by the addition of Agritourism as permitted and special uses as follows:

“10-4-1: AG, AGRICULTURAL DISTRICT: ...

10-4-1.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms-plants and trees.
 - c. Intensive agricultural units of five (5) acres or more without residential facilities.
 - d. Agritourism Activities located more than 750’ from residentially zoned property or residential uses.

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the Comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Agricultural:
 - a. Farms-Fish
 - b. Agritourism Activities within 750' of any residentially zoned property or residential uses, or any Agritourism activity involving outdoor amplified sound or music.

Section 3: That Twin Falls City Code 10-4-2.2 is amended by the addition of Agritourism as permitted and special uses as follows:

“10-4-2: SUI, SUBURBAN URBAN INTERFACE: ...

10-4-2.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms-plants and trees.
 - c. Intensive agricultural units of five (5) acres or more without residential facilities.
 - d. Agritourism Activities located more than 750' from residentially zoned property or residential uses.

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the Comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

2. Agricultural:
 - a. Farms-Fish
 - b. Agritourism Activities within 750' of any residentially zoned property or residential uses, or any Agritourism activity involving outdoor amplified sound or music.

PASSED BY THE CITY COUNCIL _____, 2018

SIGNED BY THE MAYOR _____, 2018

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, _____, 2018



Public Meeting: **MONDAY APRIL 02, 2018**

To: Honorable Mayor and City Council

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

CONSIDERATION ITEM

Request: Consideration To Adopt An Ordinance for a **Zoning Title Amendment** to add "Wedding Chapels and/or Reception Hall, on 3 acres or more" by Special Use Permit within the SUI District; Title 10; Chapter 4; Section 2.2. BB55, LLC c/o Louise Ward (app. 2911)

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.

History:

Dec 12, 2017 the Planning & Zoning Commission held a public hearing on this request. There was no public comment and upon conclusion of the public hearing and commission discussion Commissioner Woods made a motion to recommend approval of the request to City Council, as presented. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

January 8, 2018 the City Council held a public hearing on this request. There was no public comment and upon conclusion of the public hearing and council discussion, Councilmember Lanting made a motion to approve the request as presented. Councilmember Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE 10-4-2.2 BY ADDING “WEDDING CHAPELS AND/OR RECEPTION HALLS” BY SPECIAL USE PERMIT WITHIN THE SUI ZONING DISTRICT.

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

That Twin Falls City Code 10-4-2.2 is amended as follows:

“10-4-2: SUI, SUBURBAN-URBAN INTERFACE DISTRICT:

...

10-4-2.2: USE REGULATIONS:

...

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

...

5. Public Assembly:

- a. Auditoriums
- b. Religious facility.
- c. Schools – public.
- d. Wedding Chapel and/or Reception Hall with 3 acres or more.

PASSED BY THE CITY COUNCIL _____, 20____

SIGNED BY THE MAYOR _____, 20____

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, _____, 20____



Public Meeting: **MONDAY APRIL 2, 2018**

To: Honorable Mayor and City Council

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

CONSIDERATION ITEM

Request: Consideration To Adopt an Ordinance for a **Zoning District Change & Zoning Map Amendment** from C-1 PUD to C-1 ZDA for Magic Valley Mall, LLC., approximately 48(+/-) acres, on property located at 1485 Pole Line Road East c/o Brent White on behalf of Magic Valley Mall, LLC (app. 2919)

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

History:

On **January 9, 2018**, the Planning and Zoning Commission held the public hearing on this request. A lengthy discussion amongst the Commissioners on the topics of conceptual plans, building elevations, development standards and materials ensued. The public hearing was opened and closed with no public comment. Commissioner Dawson made a motion to recommend approval of the request, as presented, to City Council and subject to the one condition, as listed. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

1. Subject to all future building being designed with first class architecture, materials and workmanship and are to harmonious and appropriate in appearance with the existing characteristic of the surrounding area.

On **February 5, 2018**, the City Council held a public hearing on this request. Presentations were given by the applicant's representative and by staff. There was no public input. Upon conclusion of the presentations, public hearing, and council deliberations -- Councilmember Talkington made a motion to approve the request, as presented with the condition 1, as recommended by the commission plus an additional condition, as follows:

1. Subject to all future building being designed with first class architecture, materials and workmanship and are to harmonious and appropriate in appearance with the existing characteristic of the surrounding area.
2. Subject to extended hours of retail operations permitted without a special use permit.

Councilmember Lanting seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion was approved 6 to 0.

Conclusion:

As Directed By The Council, Staff Has Prepared And Placed An Ordinance with a Zoning Development Agreement In Your Packets For Your Consideration.

Staff Recommends the City Council Adopt The Ordinance by a Third and Final Reading. Upon adoption, the ordinance may be published. Upon publication, the property may proceed with development as approved.

Attachments:

1. Ordinance with Legal Description & ZDA w/attachments
2. Zoning Map

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, **REZONING** CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFORE, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT

WHEREAS, Magic Valley Mall, LLC c/o Brent White has made application for rezoning of property located at 1485 Pole Line Road East; City of Twin Falls, and an amendment of the revised Area of Impact and Comprehensive Plan Land Use Map; and

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 9th day of January, 2018, to consider the Zoning Designation and necessary Zoning & Planning Map amendment upon a rezone of the real property below described, and an amendment to the revised area of Impact and Comprehensive Plan Land Use Map; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 5th day of February, 2018.

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

SECTION 1. The following described real property located at 1485 Pole Line Road East is the subject of a Zoning District Change and Zoning Map amendment from C-1 PUD to C-1 ZDA.

Lot 1,2,3,4 & 5; Block 1, Third Amended Magic Valley Mall, A Planned Unit Development, Twin Falls County, Idaho, According To The Official Plat Thereof Recorded in Book 22 of Plats, Page 47, Records of Twin Falls County, Idaho

"Exhibit A" (ZDA Document)

SECTION 2. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same area 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____

MAGIC VALLEY MALL ZDA

MIXED USE RESIDENTIAL & COMMERCIAL ZONING DEVELOPMENT AGREEMENT (Written Commitment Document)



This MIXED USE RESIDENTIAL & COMMERCIAL ZONING DEVELOPMENT AGREEMENT (this "Agreement") is entered into as of the ____ day of _____ 2018, by and between the CITY OF TWIN FALLS, a Municipal Corporation of the State of Idaho ("City"); MAGIC VALLEY MALL LLC, a Utah limited liability company ("MVM"), whose address is 2733 Parleys Way, Suite 300, Salt Lake City, Utah 84109; and MAGIC VALLEY MALL II LLC, a Utah limited liability company ("MVMII"), whose address is 2733 Parleys Way, Suite 300, Salt Lake City, Utah 84109. City, MVM, and MVMII may hereafter be referred to individually as "Party" and collectively as "Parties".

RECITALS

WHEREAS, MVM and MVMII are developers of a regional shopping center in the City of Twin Falls, State of Idaho, on that certain real property depicted on Exhibit "A" attached hereto and legally described in Exhibit "B" attached hereto (the "Property");

WHEREAS, the Property has been developed in accordance with provisions of that certain C-1 Planned United Development Agreement dated February 6, 1984, and subsequent amendments or addendums thereto, between the Parties or their predecessors in interest;

WHEREAS, on February 5, 2018, the City Council held a public hearing regarding the MVMALL and MVMALL II's request to modify certain zoning and development requirements pertinent to the Property, and approved such request subject to the following conditions:

- (1) subject to all future buildings on the Property being designed with "First Class" architecture, materials, and workmanship; which to be harmonious and appropriate in appearance with the existing characteristics of the surrounding area; and
- (2) subject to Retail Trade operations on a 24 hour basis being a Permitted Use; and

WHEREAS, the Parties desire to establish and specifically describe such zoning and development requirements pertinent to all future development of the Property as were approved by the City Council.

AGREEMENT

NOW, THEREFORE the Parties agree as follows:

1. All future development and improvements of the Property shall conform to the standards and regulations of the Twin Falls City Code Title 10-Chapter 4-Section 8 (the "Code"), or as amended, and all references to other sections therein, except for the regulations, standards, and development criteria described in Sections 2, 3, and 4 of this Agreement, which shall be as set forth below. Notwithstanding anything to the contrary in the Code or other sections referenced therein, the regulations, standards and development criteria listed in Sections 2, 3, and 4 of this Agreement shall remain unchanged unless amended or modified in writing executed by both Parties, their successors or assigns.

2. USE REGULATIONS: Regulations set forth in Section 8.2 of the Code shall be modified to include the following:

(A). Permitted Uses:

1. Retail Trade: Alcoholic Beverages when consumed on the premises;
2. Retail Trade: 24 Hour Operation (Per City Council condition of approval);
3. Transportation: Parking Structures;
4. Miscellaneous: Drive-Thru Facilities;
5. Indoor recreation/entertainment facilities.

(B). Special Uses: No Change Requested.

(C). Prohibited Uses: No Change Requested.

3. PROPERTY DEVELOPMENT STANDARDS: Standards set forth in Section 8.3 of the Code shall be modified as follows:

(A). Lot Area: Modified as follows:

1. Residential Uses: No Minimum.

(B). Lot Occupancy: Modified as follows:

1. Residential Uses: No Maximum.

(C). Building Height: No change requested.

(D). Yards: Replaced as follows:

1. Commercial Uses and Residential Uses:

- a. Front Yards: A building setback of thirty-five feet (35') *from property line* shall be maintained on major arterials and fifteen feet (15') on all other streets. The Pole Line Road property frontage between Locust Street and Bridgeview Boulevard shall require a building setback of twenty feet (20') *from property line* in order to mitigate the effects of the natural steep slope on ADA accessibility. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:

- (1). A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty-five feet (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy.

Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.

- (2). Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of twenty feet (20') or the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission.

b. Side and Rear Yards: No property line setbacks are required on side yard or rear yards.

(E). Access: No Change Requested

(F). Landscaping: Additional standards set forth hereafter.

1. Arterial Landscaping to be modified as follows:

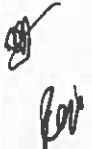
- a. Perimeter/Frontage landscaping shall be an average depth of thirty (30) feet, with no area having a depth less than fifteen (15) feet, measured from back of Curb. If, by requirement of governmental authority, curbs are relocated reducing the landscaped area, the required depth will be reduced by the same distance or measurement.

(G). Off Street Parking: Modified as follows:

1. Commercial Uses shall be parked at an overall ratio of three and one-half (3.5) spaces per one thousand (1,000) square feet of gross floor area.
 - a. Common areas are exempt from the parking ratio calculation. Examples of common areas are as follows: access areas, foyers, hallways, pathways, stairways, vestibules.
 - (1). If any portion of the aforementioned areas are used for retail trade purposes, that specific square footage shall be counted towards the overall parking ratio.
2. Residential Units shall provide two (2) parking space for each dwelling unit.
 - a. One of the parking spaces may be attributed to shared or joint use with surrounding businesses or common parking area and may be counted for the purposes of required parking ratios listed in Section 3-(G)-1 above. In this event, a cross-use agreement duly signed and recorded by applicable parties shall be required.
3. All other parking regulations found in current City Code, or as amended, shall still apply.

(H). Signs: Modified to include the following:

1. Monument signs as depicted and described in Exhibit "A" shall be allowed as currently installed.



2. Pennant signs of the general size and number in Exhibit "A" shall be allowed without permit within the development in the following manner:

- a. Maximum size of each pennant: 32.6 sq ft;
- b. Maximum Height: 17 ft;
- c. Maximum of thirty (30) pennant signs shall be allowed on the subject property.

3. Existing signage which does not meet current City Code Title 10 Chapter 9 shall be considered legal non-conforming.

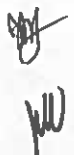
- a. Such signage, excepting Pennant Signs, shall be counted toward the total maximum square footage as listed in their respective category, or similar category, as assigned by the Zoning Administrator.

4. Any new signage shall meet current City Code or as amended.

(I). Walls, Fences, Hedges, Trees, Shrubs, and Landscaping Structures: no change requested.

4. OTHER SITE DEVELOPMENT CRITERIA: If applicable, the following criteria shall apply to the future development of the Property:

- 1. Density: No change requested.
- 2. Building Coverage – The conceptual plan on Exhibit "A" portrays existing buildings. This should not prohibit new buildings within the development which follow criteria as listed in this Agreement, or in the base C-1 Zoning code.
- 3. Lot Width: No change requested.
- 4. Lot Depth: No change requested.
- 5. Multi-Use Transportation Access and Pathways: No change requested.
- 6. Screening: No change requested.
- 7. Primary Building materials: No Change requested.
- 8. All future buildings to be designed with "First Class" architecture, materials, and workmanship; and are to be harmonious and appropriate in appearance with the existing characteristics of the surrounding area. (Per City Council condition of approval)



5. MISCELLANEOUS:

- (A). Agreement Appurtenant; Runs with the Land. This Agreement is a covenant appurtenant. This Agreement shall inure to and bind the successors and assigns of the Parties, and shall constitute a covenant running with the land.
- (B). Amendments. This Agreement may be amended, modified, in whole or in part, only by the agreement of the Parties hereto and their successors or assigns. No such amendment, or modification, shall be effective until a written instrument setting forth its terms has been executed.
- (C). Severability. Invalidation of any provision set forth in this Agreement by judgment or court order shall in no way affect all other provisions, which shall remain in full force and effect.
- (D). Agreement Construction. Both Parties to this Agreement have been represented by legal counsel, or have had the opportunity to consult legal counsel, in the course of negotiating and preparing this Agreement. Accordingly, in all cases, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against either party, regardless of which party caused its preparation.
- (E). Remedies; Attorneys Fees. In the event of a breach by either Party, the non-breaching Party shall have all remedies available at law or in equity, including but not limited to, injunctive or other equitable relief. In any suit, action, or appeal therefrom to enforce or interpret this Agreement, the prevailing Party shall be entitled to recover its costs incurred, therein, including reasonable attorneys fees and costs (and including reasonable attorneys fees and costs during any appeal or bankruptcy proceeding).
- (F). Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute but one and the same agreement. Delivery of an executed counterpart of a signature page to this Agreement via electronic transmission shall be as effective as delivery of an original signed copy.

[Signature page to follow]



IN WITNESS WHEREOF, this Agreement has been executed on the day and year first above written.



City:

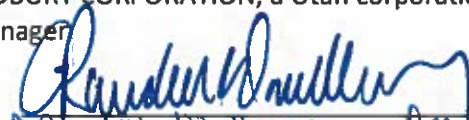
City of Twin Falls, a Municipal Corporation
By: Mayor

MVM:

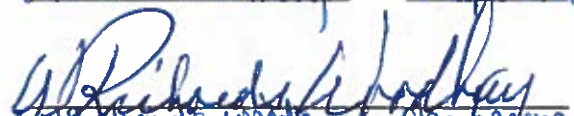
MAGIC VALLEY MALL LLC, a Utah limited liability company

By: WOODBURY CORPORATION, a Utah corporation,
Its Manager

By:


D. Randall Woodbury, Its: President

By:

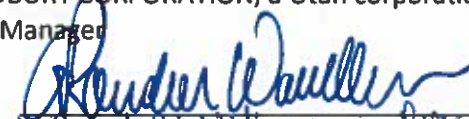

W. Richards Woodbury, Its: Chairman

MVMII:

MAGIC VALLEY MALL II LLC, a Utah limited liability company

By: WOODBURY CORPORATION, a Utah corporation,
Its Co-Manager

By:


D. Randall Woodbury, Its: President

By:


W. Richards Woodbury, Its: Chairman

ACKNOWLEDGMENTS

STATE OF _____ }
COUNTY OF _____ }

On this ____ day of _____ 2018, before me, a Notary Public in and for the said County and State, personally appeared Mr. Shawn Barigar, Mayor of Twin Falls, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunder set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC

Residing At: _____

My Commission Expires: _____

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

On the 9th day of March 2018, before me personally appeared D. Randall Woodbury, to me personally known, who being by me duly sworn did say that he is the President of WOODBURY CORPORATION, a Utah corporation, the Manager of MAGIC VALLEY MALL LLC, a Utah limited liability company, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of such company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.



Tiffany Steele
Notary Public

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 12th day of March 2018, before me personally appeared W. Richards Woodbury, to me personally known, who being by me duly sworn did say that he is the Chairman of WOODBURY CORPORATION, a Utah corporation, the Manager of MAGIC VALLEY MALL LLC, a Utah limited liability company, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of such company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.



Tiffany M. Steele
Notary Public

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 9th day of March 2018, before me personally appeared D. Randall Woodbury, to me personally known, who being by me duly sworn did say that he is the President of WOODBURY CORPORATION, a Utah corporation, a Co-Manager of MAGIC VALLEY MALL II LLC, a Utah limited liability company, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of such company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.



Tiffany M. Steele
Notary Public

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 12th day of March 2018, before me personally appeared W. Richards Woodbury, to me personally known, who being by me duly sworn did say that he is the Chairman of WOODBURY CORPORATION, a Utah corporation, a Co-Manager of MAGIC VALLEY MALL II LLC, a Utah limited liability company, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of such company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.



Tiffany M. Steele
Notary Public

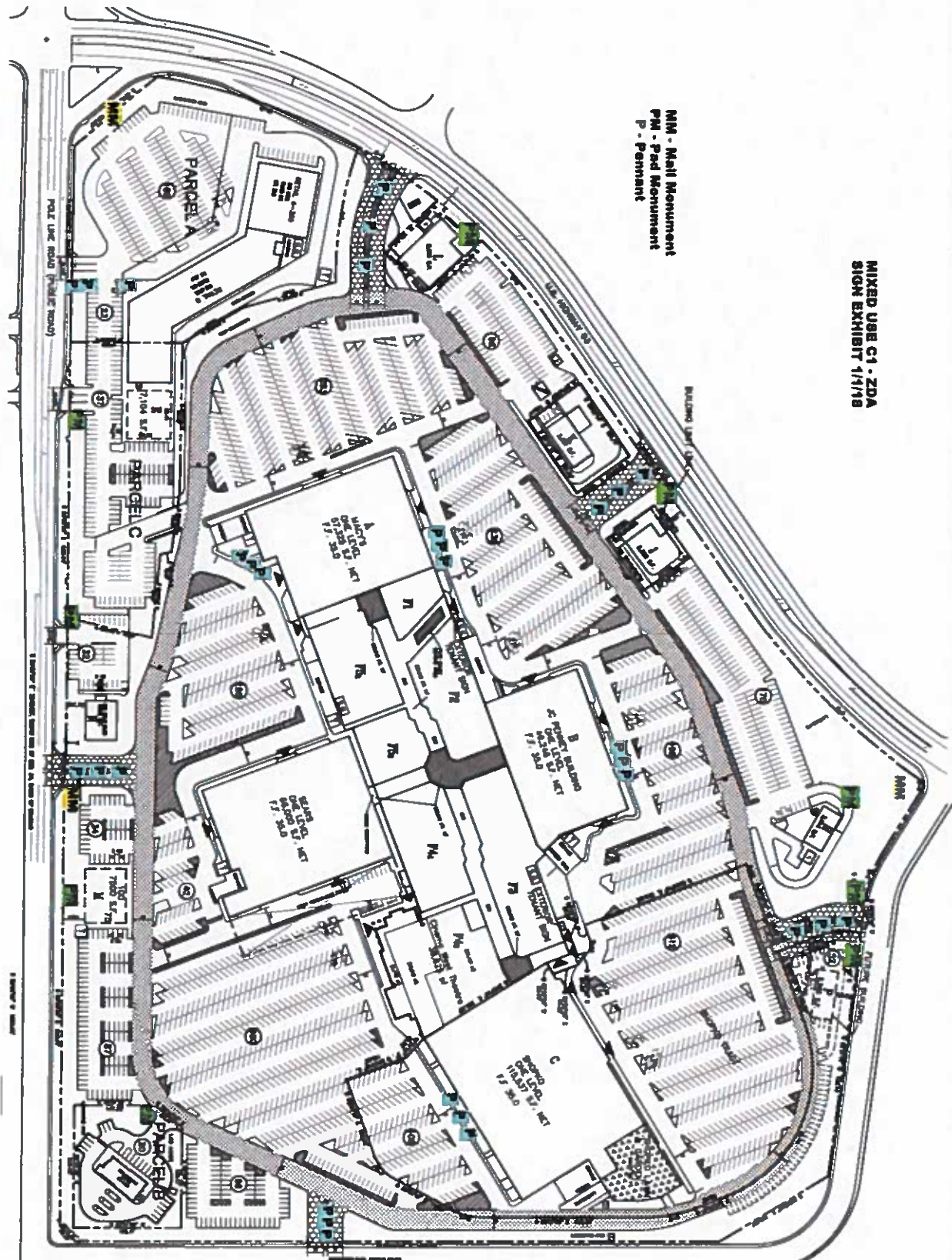
W

[illegible]

AN



Engineers, Planners/Surveyors/Planners



[End of Exhibit "A"]

[Handwritten signature]

EXHIBIT "B"
LEGAL DESCRIPTION OF THE PROPERTY

Lot 1, Block 1, Third Amended Magic Valley Mall Subdivision, A Planned Unit Development, Twin Falls County, Idaho, According To The Official Plat Thereof Recorded in Book 22 of Plats, Page 47, Records of Twin Falls County, Idaho.

Lot 2, Block 1, Third Amended Magic Valley Mall Subdivision, A Planned Unit Development, Twin Falls County, Idaho, According To The Official Plat Thereof Recorded in Book 22 of Plats, Page 47, Records of Twin Falls County, Idaho.

Lot 3, Block 1, Third Amended Magic Valley Mall Subdivision, A Planned Unit Development, Twin Falls County, Idaho, According To The Official Plat Thereof Recorded in Book 22 of Plats, Page 47, Records of Twin Falls County, Idaho.

Lot 4, Block 1, Third Amended Magic Valley Mall Subdivision, A Planned Unit Development, Twin Falls County, Idaho, According To The Official Plat Thereof Recorded in Book 22 of Plats, Page 47, Records of Twin Falls County, Idaho.

Lot 5, Block 1, Third Amended Magic Valley Mall Subdivision, A Planned Unit Development, Twin Falls County, Idaho, According To The Official Plat Thereof Recorded in Book 22 of Plats, Page 47, Records of Twin Falls County, Idaho.



Realtors / Brokers / Managers
Developers / Consultants / Architects

2733 East Parleys Way, Suite 300 / Salt Lake City, Utah 84109-1662

(801) 485-7770
Fax (801) 485-0209

March 12, 2018

Magic Valley Mall
c/o Brent White
1485 Pole Line Road East, Suite OFC
Twin Falls, Idaho 83301

RE: Magic Valley Mall ZDA – Mixed Use Residential & Commercial Zoning
Development Agreement

Dear Brent:

Enclosed is the original copy of the Magic Valley Mall ZDA. Please have the City of Twin Falls sign. Also, please e-mail me a copy of the fully executed and recorded document for our records at g_rusteika@woodburycorp.com.

If you have any questions, please call or e-mail me.

Respectfully,

A handwritten signature in blue ink that reads "G. Rusteika".

Gediminas Rusteika
Corporate Counsel, Woodbury Corporation
(801) 482-7589
g_rusteika@woodburycorp.com



Date: Monday, April 2, 2018
To: Honorable Mayor and City Council
From: Jon Caton, Public Works Director, Rob Bohling , Water Superintendent

Request:

Presentation and update for the City's Cross Connection Control Program.

Time Estimate:

30 minutes. 10 minutes to present and 20 minutes estimated for Council discussion, questions, comments, etc.

Background:

The City of Twin Falls has had a cross connection control ordinance since 1999. In September 2013, the Department of Environmental Quality (DEQ) conducted a Sanitary Survey of the City's Public Drinking Water System and identified the Cross Control Program as a "significant deficiency" to be remedied within 180 days. In response to this action, Robert Bohling, Water Superintendent, asked City Council on February 24, 2014, for approval to implement a Cross Connection Control Program (CCCP), which Council unanimously approved.

The goal and purpose of a CCCP is to establish and implement a "best practices" program that reduces the risk for potential backflow contamination. An effective Cross-Connection Control Program will not completely nor permanently eliminate the potential for contamination, it only reduces the risk. Therefore, the City of Twin Falls Ordinance 7-9-12 (E) establishes the following:

"...Where written notification of a deficiency is provided by the City, and the owner fails to take the required corrective action within ten (10) days after the date of mailing such notice, the city shall immediately discontinue water service unless the city, at the request of the owner, authorizes a longer time for completion..."

In 2014, the City of Twin Falls Water Department and DEQ recognized compliance is the goal but that it would not happen instantly or without education. Education included: 1) public education through commercials, movie house clips, water-bill stuffers, local media, City Fair Open House and a website porthole. 2) Industry involvement through education outreach with landscape companies, fire suppression companies and plumbing suppliers. 3) City sponsored annual backflow training to assist the industry with licensure. For the past 4 years, the Water Department has taken a gradually escalating enforcement approach:

2014 Council approved the implementation of the CCCP. Staff educated the public about the Cross-Connection Control Program requirements and requested those not in compliance, to voluntarily comply.

2015 Continue Public Education and begin mailing direct notifications to homeowners, businesses and industry; hosted annual backflow training to grow and improve the availability of quality privately owned testing companies.

2016 Continue Public Education and continue mailing direct notifications to homeowners, businesses

and industry; hosted annual backflow training to grow and improve the availability of quality privately owned testing companies.

2017 Continue Public Education and continue mailing direct notifications to homeowners, businesses and industry; hosted annual backflow training to grow and improve the availability of quality privately owned testing companies.

In 2017, 6,355 devices were tested and 97% passed, 1.5% were cleaned and/or repaired and 1.5% failed and are still out of compliance (87 devices). Currently, the City estimates there to be an additional 1,100 water services that either need to be tested or may be lacking a backflow prevention device.

This year, 2018, the Water Department intends to escalate the enforcement of the CCCP which may include discontinuing noncompliant water service connections. The goal is compliance and ideally services will not have to be discontinued. However, this will be the first year that the City intends to terminate water services for customers that are uncooperative or unwilling to comply. It is important to note that our city code allows, at the discretion of the city, a longer time for compliance. Additionally, the Water Department will be hosting a mandatory meeting for all licensed backflow testers the first week of April. The purpose of the meeting will be to explain the intent of Council, establish guidelines and to coordinate with testers for the potential of discontinued water services. This step of the enforcement program will require coordination and clear communication with all parties including: property owners, testing companies and City Staff. Prior to shut off, every effort will be made to notify and work with property owners, including at minimum, a direct mailing and a door hanger. In lieu of water service termination, property owners have the option of disconnecting their sprinkler systems if they choose. In these cases, they would mechanically disconnect their system and call the Water Department to verify. A second alternative, for people who may not have the financial means to comply, may apply to South Central Community Action Partnership (208) 733-9351 for financial assistance.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

Cross Connection Control is part of the City Code.

History:

N/A

Analysis:

N/A

Conclusion:

Just wanted to inform Council that this will be the first year that the Water Department intends to implement the phase of enforcement for the Cross Connection Control Program; which potentially includes the termination of non-compliant water services.

Attachments:

None



Date: Monday, April 2, 2018
To: Honorable Mayor and City Council
From: Jon Caotn, Public Works Director

Request:

Request to approve the list of Surplus Equipment & Parts submitted by the Water Department.

Time Estimate:

5 minutes

Background:

The Water Department has identified equipment and parts that no longer have value to the City and is requesting Council to declare these items "Surplus Materials". If Council approves this request, the Water Department will dispose of these items in ways that provide the greatest benefit to the city. In some cases this means items will be delivered to auction and other items may be sold specifically to other agencies. The surplus items are:

Large Items

Hydra-Stop machine 4"-12" (approx. 25 years old) City of Kimberly shows interest
Vac-tec Trailer, hydro excavation machine (2004 model)
US-Steel Tap Machine 4"-12" (98-99) model
Guillateen Pipe Saw (04)
Wachs Power Gate Valve Operator (04)
Spaulding Asphalt Reclaimer (02) tough condition

Small Items (less value)

3- pick-up bed auto cranes
Aladdin Steam Cleaner (87 model)
Quincy shop Air Compressor (dual electric motors compressors) old, but in good shape
2 – Stainless steel fresh water electric pumps
3 – 2" clean water pumps (8hp&11hp Honda motors)
1 – Manual ceiling chain hoist
2 – Briggs Stratton engines 10hp & 8HP (30+ years old)

Approval Process:

Requires Council Approval

Budget Impact:

N/A

Regulatory Impact:

This action meets the City's internal policy for surplus materials.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends approval of this request to declare surplus materials.

Attachments:

None



Date: Monday, April 2, 2018
To: Honorable Mayor and City Council
From: Mitch Humble, Deputy City Manager

Request:

Request to consider disposing of a parcel of real property located at 324 Hansen Street East, by way of public auction.

Time Estimate:

The staff presentation will take about 5 minutes. Additional time will be needed to hold the public hearing and to answer questions.

Background:

The City recently completed its new City Hall construction project and has occupied the facility at 203 Main Avenue East. All City personnel that had been working out of our building at 324 Hansen Street East have now moved into the second floor of City Hall. The City has vacated the Hansen building, making it surplus to our needs. The City has also received multiple inquiries from private parties regarding the possibility of acquiring that building for various redevelopment opportunities. Since the building is surplus to City needs, and since there appears to be multiple potential interested parties, staff recommends that the Council go through the process to dispose of the building by way of public auction.

Approval Process:

In order to dispose of real property, the City must first adopt a resolution declaring the City's intent to do so. That resolution was adopted by the Council at their March 5, 2018 meeting. Second, the City must hold a public hearing, giving the public an opportunity to comment on the proposed disposition of property. Tonight's item is that required public hearing. Following the public hearing, the Council may, by simple majority vote, initiate the auction of the property.

Budget Impact:

There will be a minor publication cost for the public auction. The subsequent auction of the building would be revenue that was not anticipated or included in the current fiscal year budget. We cannot guess how much the building could sell for through an auction, however, the Council does have the ability to establish a minimum value it will accept for the sale of the building. The City does not have a current appraisal of the property. The last appraisal we have is from 2006 for \$230,000. However, the City acquired the property in the fall of 2007 from the College of Southern Idaho. At that time, we paid \$265,368 for the building. We then spent an additional \$143,852 in remodel and upgrade expenses. Our total investment into the Hansen building has been \$409,220.

Regulatory Impact:

Approval of this request will initiate the auction process needed to sell the surplus property. After bids are opened, staff will schedule an item on an upcoming agenda for the Council to award the sale of the property to the highest bidder.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council open a public hearing to receive public comment on the proposed sale of the property. Following the public hearing, staff recommends that the Council approve the request as presented to initiate the auction process.

Attachments:

1. Hansen Building Location Aerial Photo

