



Twin Falls City Council Agenda

Monday, August 20, 2018, 5:00 PM

City Council Chambers
203 Main Avenue East
Twin Falls, Idaho

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) PROCLAMATIONS: None
- 4) GENERAL PUBLIC INPUT
- 5) CONSENT CALENDAR
 - a) Request to approve the Accounts Payable for August 14 thru August 20, 2018.
Purpose: **ACTION ITEM** By: Amy Luna, Finance Administrative Assistant
 - b) Request to approve the August 6, 2018 City Council Minutes.
Purpose: **ACTION ITEM** By: Lisa Strickland, Recording Secretary
 - c) Request to approve the August 13, 2018 City Council Minutes.
Purpose: **ACTION ITEM** By: Amy Luna, Finance Administrative Assistant
 - d) Request to accept the Improvement Agreement for the purpose of developing **Westpark Commercial Subdivision No. 9 (Sewer main line installation)**.
Purpose: **ACTION ITEM** By: Troy Vitek, Assistant City Engineer
 - e) Request to approve the Findings of Fact and Conclusion of Law for: Community Council of ID (ZDC 07-30-18)
Purpose: **ACTION ITEM** By: Jonathan Spendlove, Planning & Zoning Director
 - f) Request to hold the Make-A-Wish Car Show.
Purpose: **ACTION ITEM** By: Justin Dimond, Sergeant
 - g) Request to approve the Walk for Wishes Twin Falls 2018 event.
Purpose: **ACTION ITEM** By: Justin Dimond, Sergeant
 - h) Request to approve the 12th Annual Community Partnerships in Action event.
Purpose: **ACTION ITEM** By: Justin Dimond, Sergeant

- i) Request approval to negotiate a contract on the open market, per Idaho Code 67-2805, for the 2018 Citywide Traffic Signal Upgrades.

Purpose: **ACTION ITEM** By: Jackie Fields, City Engineer

6) ITEMS OF CONSIDERATION

- a) The Idaho Commission on Hispanic Affairs and CSI Multi-cultural Office to announce the Hispanic Heritage Celebration at Downtown Commons on Wednesday, Sept. 19th.

Purpose: **Presentation** By: Idaho Commission on Hispanic Affairs

- b) Request to implement the bicycle facilities on Stadium, east of Eastland, as identified in the 2014 Draft Bicycle Plan.

Purpose: **ACTION ITEM** By: Jackie Fields, City Engineer

- c) Request to approve adopted Ordinance 2018-007 (Corrected) amending Twin Falls City Code to add *Agritourism Activities* in the Definitions, and select zoning districts.

Purpose: **ACTION ITEM** By: Jonathan Spendlove, Planning & Zoning Director

- d) Request to adopt an Ordinance for a Zoning District Change and Zoning Map Amendment from R-4 PUD to R-4 & NCO ZDA for property located at 1122 Washington St S. c/o The Community Council of Idaho (app. PZ18-0018)

Purpose: **ACTION ITEM** By: Jonathan Spendlove, Planning & Zoning Director

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS

- a) Public hearing concerning the use of its foregone levying authority and include \$770,000 of the \$2,186,253 in total foregone balance in its 2018-2019 fiscal year budget to fund the road overlay and sidewalk improvement projects, as described in Resolution 2018-006 (approved August 6, 2018).

Public hearing and adoption of the City of Twin Falls Fiscal Year 2018-2019 Appropriations Ordinance.

Purpose: **ACTION ITEM** By: Travis Rothweiler, City Manager

9) ADJOURNMENT

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.



Twin Falls City Council Minutes

Monday, August 6, 2018, 5:00 PM

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

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Mayor Barigar called the meeting to order at 5:00 P.M.

Members Present: Nikki Boyd, Chris Talkington, Shawn Barigar, Greg Lanting, Chris Reid, Ruth Pierce, and Suzanne Hawkins (by phone).

2) PLEDGE OF ALLEGIANCE

3) PROCLAMATIONS: None

4) GENERAL PUBLIC INPUT

Mayor Barigar explained that this is the point in the meeting where anyone from the public may speak about an item that is not included on tonight's agenda. He asked the citizens to come forward, state their name and whether or not they live or own property within the City of Twin Falls.

- Andrea Macilko spoke to the Council regarding border patrol.
- Jordan Thornquest addresses points made at last week's City Council regarding the proposal for a resolution related to the separation of immigrant families at the southern border of the United States.
- Richard Aldama addressing the resolution regarding family separation.
- Maria Bucklev explained that the Latino Community is growing and she asked for the City Council to represent them
- Liyah Babayan thanked the public for coming forward to speak on this item and recommended the City Council consider a Diversity Advisory Board.
- Peter Rickards he appreciates the opportunity to speak and the communication process the City Council follows.
- Sergio Vargas explained that his parents are immigrants but they have worked hard to become citizens.
- Jonathan Huddleson spoke about the recycling program to prevent items from going to the landfill.
- Scott Record spoke on the definition a social justice warrior and explained that the laws and constitution is in place for a reason and without rules, there will be total anarchy.

5) CONSENT CALENDAR

- a) Request to approve the Accounts Payable for July 31 to August 6, 2018.
- b) Request to approve the July 30, 2018 City Council Minutes.
- c) Request to hold the Amazing Grace Fellowship Church Outdoor Service.

- d) Request to hold the IROAR Recovery in Motion event.
- e) Request to approve the 8th Annual Wings and Things Ultimate Tailgate Challenge.
- f) Request to approve to negotiate a contract on the open market, per Idaho Code 67-2805, for the 2018 South Well #5 Development Project.

Motion:

Council Member Lanting made a motion to approve the consent calendar excluding item 5b. Council Member Reid seconded them motion. All members present voted in favor of the motion.

Motion:

Council Member Lanting made a motion to approve the July 30, 2018, minutes with a correction that Council Member Talkington was not present for that meeting. Council Member Reid seconded the motion. Members Boyd, Barigar, Lanting, Reid and Pierce voted in favor of the motion. Member Talkington abstained.

6) ITEMS OF CONSIDERATION

- a) The Twin Falls Fire Department would like to recognize the achievements of Firefighter's Dan Gould, Jared Sauer, and Kody Lewin who have successfully completed this year's Twin Falls Drivers Academy, and Firefighter Zack Fleming for completing his Twin Falls Fire Department Firefighter II Certification.

Fire Chief Kenworthy recognized the achievements of Firefighters Dan Gould, Jared Sauer, Kody Lewin for their completion of the Twin Falls Drivers Academy. He also recognized Firefighter Zack Fleming for completing his Twin Falls Department Firefighter II Certification.

Mayor Barigar explained that there will be a change in the presentation order for the Agenda. Item 6c will be presented, followed by Item 6b. A motion will be made on the proposed foregone levying resolution, and a motion will be made to adopt the FY 2019 preliminary budget.

- c) A presentation of the City Manager's Recommended Budget for FY 2019 followed by adoption of FY 2019 Preliminary Budget.

City Manager Rothweiler explained there are two pieces of the budget that will be discussed tonight regarding the budget the first will be presented by our Community Relations Administrator Mandy Thompson, and the second presentation will be by Human Resource Director Gretchen Scott.

Mrs. Thompson stated that her discussions is based on the City's Strategic Plan Focus Area: Responsible Community. The few items for the Council to consider this evening as it relates to budget. The first item is a Capital Item that is being request through the City Manager's Office. The item is called Priority Based Budgeting. It is a software solution and analytical tool designed to assist in the use of data and evidence to transparently improve results for citizens

and the community. The software will allow City Staff to see how spending is aligned with creating a safe, healthy, accessible, responsible and prosperous community.

The second item up for discussion is related to the recycling program. After recognizing the instability in the recycling market, staff has reviewed the options for the program. The conclusion is that there are three options to consider for the recycling program.

- Option 1: Continue service as currently provided with a 2.9% increase;
- Option 2: Discontinue the program; or
- Option 3: Collect a fee amount that will cover the true cost.

Discussion Followed:

- Council Member Talkington said he would propose to discontinue the recycling program.
- Council Member Reid explained he would be in support of Option 3 and would like a 6-month review. The feedback from citizens he has received is that they are concerned about recycle items going to the landfill.
- Council Member Boyd explained that recycling is important and she is in support of Option 3. She is afraid that if the program is terminated, that if it there is a point that recycling becomes an issue again, the City would have to start all over reeducating the public and implementing a new program.
- Council Member Hawkins explained that collecting the appropriate fee to cover the cost seems fair and reasonable. She is in support of Option 3.
- Council Member Pierce explained the citizens are not afraid to pay more; and they are not in favor of recycle items going to the landfill.
- Mayor Barigar stated there seems to be an agreement to support Option 3.
- Council Member Reid asked about the gap in the cost if it were to drop from 175 to 145 per ton, would the fee be adjusted.
- City Manager Rothweiler explained the fee would remain the same and a review would occur every 6-months.

The final item for discussion is a proposal to increase the wastewater cap from 8,000 to 12,000 gallons per account. Mrs. Thompson reviewed the data that has been collected and explained that raising the cap would be more equitable because it would be based on usage. If implemented the wastewater cap proposal the most it would cost a single household is \$2.40/month.

Discussion Followed:

- Council Member Boyd explained that you should pay for what you use. This may help people to be more aware of their water usage and learn to conserve water.
- Council Member Reid asked if the person uses 9,000 gallons what the increase would be.
- Mrs. Thompson explained it is a .60-cent increase and at the most, it will be 2.40 cents with a cap increase at 12,000+.

- Council Member Talkington asked why this was not done sooner and if this is being suggested more for conversation or in an effort to make things more equitable.
- Mrs. Thompson explained she is not sure why it has not been done in the past but it may help with conservation as well as making things more equitable.
- City Manager Rothweiler explained that the 8,000 cap was most likely appropriate at one time. He also explained that there have been process reviews on how fees are collected and this is one of the changes being proposed.
- Council Member Lanting explained he is in support and now that there is firm data it makes sense to increase the cap.
- Council Member Reid asked if this affects the budget.
- Mrs. Thompson explained it is an internal change not a change to the budget.
- Council Member Hawkins explained she agrees with the other members comments.

Mrs. Scott stated that her discussion is based on the City's Strategic Plan Focus Area: Internal Organization. She explained the biggest culture change that we are undergoing is moving to a values based process. A values-based organization trusts people to make choices within the framework of the agreed values. A rules-based organization relies on rules, requires bureaucracy and breed authoritarians. In the past we used rules and compliance as the foundation for decisions and action. We are working towards using values as the basis for our decisions and actions. She is proposing that we move away from the historical practice of adoption by resolution and instead move towards an Employee Handbook.

Discussion Followed:

- Council Member Talkington stated how with this change impact business, if the organization moves towards values and away from rules and authority.
- City Manager Rothweiler explained the resolution will apply to global rules for all employees and that the Police and Fire Department will have additional standard operating procedures (SOP) because of how they operate in their departments. There will always be different operating procedures for different departments based on vocation and specialty.
- Police Chief Kingsbury explained that there are Standard Operating Procedures for the Police Department, which gives him the ability to make changes as needed. The standards are value driven and can be easily updated to adapt to a changing environment. The current practice of adopting an Employee Resolution that has to be approved by City Council limits flexibility to adapt as needed.
- Fire Chief Kenworthy explained they also have Standard Operating Procedures and they are currently reviewing them for compliance. They are looking at facial hair, tattoos and other grooming standards. Previous employers he has worked for had Employee Handbooks making it much easier and quicker to address issues.

Mrs. Scott reviewed three other topics that she thinks are key to the internal organization:

- Organizational Development,
- Taking Care of the Employees, and;
- Being the Employer of Choice.

She explained how the City is addressing organizational development of staff, supervisors and upper management. She explained that helping staff grow and develop makes for a better organization. The second piece of the plan is taking care of the employees, a high level of competency is provided from a lean, properly compensated and respected core staff. As a goal set by the City Council we have been striving to become an Employer of Choice. In FY 2012 research showed that we were 20% behind market salaries for experienced workers and 6% behind the market for starting salaries. As of April 2018 we are currently leading the market for experienced workers by 2.25% and our entry level salaries are leading the market by the same margin. We now have competitors calling to find out what we did to make these changes. We need to celebrate our success but, in order to maintain our edge we have to remain responsive to what is occurring in the labor market.

- a Request to adopt a resolution stating the intent to use the foregone levying authority for the fiscal year 2018-2019 budget.

City Manager Rothweiler reviewed the Idaho Code addressing foregone balance and explained that the City has had a foregone balance since the adoption of the 2009-2010 budget and the balance has grown to \$2,186,284. Each year the City elected not to take the statutory allowed increase and the foregone balance has increased. He reviewed the impact to property owners within the city if a portion of the foregone balance is taken. He also reviewed the projects that the foregone amount could assist with completing. Many of the projects are roadway improvements and sidewalk improvements. He explained that a resolution has been created in the event that the City Council chooses to proceed with using the foregone balance as discussed previously. Once the resolution has been reviewed and public comment has been heard the Council will need to make a motion on the adoption of the preliminary FY 2019 budget with or without the foregone balance. Chief Financial Officer Lorie Race will review the Foregone Balance resolution.

Lorie Race Finance Director reviewed the Idaho Code for the resolution related to foregone levying authority.

Discussion Followed: None

Public Hearing: Opened

Terry Edwards, a citizen of Twin Falls stated that the budget should be priority based, not values based. He also argued that the recycle program has not been working and questions the added cost for recycling that is going to the landfill; He is aware that there is a residential fee for wastewater management but that there should be one for non-residential wastewater use and the two types of uses' should be separated. The residents should not be subsidizing wastewater costs for businesses. He also thinks the City Council needs to be fiscally responsible and not open the door to the foregone levying just to complete projects.

Public Hearing: Closed

Council Questions/Comments:

- Council Member Boyd explained that the projects on the list are ones that come up yearly and are important to the citizens.
- Mayor Barigar explained that the projects also address safety concerns throughout the Community.
- Council Member Talkington explained he is pleased with the proposed sidewalk improvements and explained they are vital with the growth that has occurred.
- Council Member Lanting explained that he liked the approach that has been recommended, a measured approach for capital projects. He explained with a measured approach future projects can be managed better, and there are always projects that need to be completed.

Motion:

Council Member Talkington made a motion to adopt a resolution stating the intent to use foregone levying authority fiscal year 2018-2019 budget. Council Member Lanting seconded the motion. All members present voted in favor of the motion.

Motion:

Council Member Lanting made a motion to adopt the FY 2019 preliminary budget at \$69,707,383, and set a public hearing date for the FY 2019 proposed budget for August 20, 2018. Council Member Pierce seconded the motion. All members present voted in favor of the motion.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

None

8) PUBLIC HEARINGS

- a) Request to consider adopting a resolution setting the New Fee Schedule for Joslin Field, Magic Valley Regional Airport.

Airport Director Carberry explained that he is here to present a resolution for a new fee schedule that exceeds the 5% increase allowed without a public hearing.

- Landing Fee 5.75 % or 8 cents
- Aircraft Rescue and Fire Fighting Fee 6.0% or \$4.25 per operational hours

Public Hearing: Opened & Closed Without Concerns**Motion:**

Council Member Talkington made a motion to approve the resolution, as presented. Commissioner Boyd seconded the motion. All members present voted in favor of the motion.

9) ADJOURNMENT

Mayor Barigar adjourned the meeting at 7:49 p.m.

Lisa Strickland, Deputy City Clerk



Twin Falls City Council Minutes

Monday, August 13, 2018, 4:30 PM

203 Main Avenue East
Twin Falls, ID 83301

****Special Meeting Notice****

**The Twin Falls City Council will meet at 4:30 P.M.
To discuss the Council Chambers.**

The regular meeting will begin at 5:00 P.M.

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Shawn Barigar, Vice Mayor Nikki Boyd, Council Members Suzanne Hawkins, Chris Talkington & Ruth Pierce

Absent: Council Members Christopher Reid & Greg Lanting

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Bryan Pike, City Attorney Fritz Wonderlich, Deputy City Attorney Shayne Nope, CFO Lorie Race, budget Coordinator Mat Farnes, Public Information Officer Joshua Palmer, Utility Services Director Bill Baxter, Fire Battalion Chief Ron Aguirre, Airport Manager William Carberry, Public Works Director Jon Caton, Assistant City Engineer Troy Vitek, Planning & Zoning Director Jonathan Spendlove, Captain Matt Hicks, Water Superintendent Robert Bohling, IT Manager Kathy Markus, Human Resources Director Gretchen Scott, Network Administrator Dee Davidson, Finance Administrative Assistant Amy Luna

Mayor Barigar called the meeting to order at 04:33 PM

A quorum was present.

Special Meeting: Discuss the Council Chamber set up and proposed changes.

City Manager Rothweiler & IT Manager Markus presented following ideas:

Screen behind the Council	Lighting of the Dias
Seating arraignments	Podium desk - to big?
Position of the Podium	Flag position
Physical feeling of the building	Art & Decorations
Lights in the audience area	

2) PLEDGE OF ALLEGIANCE

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

3) PROCLAMATIONS: None

4) GENERAL PUBLIC INPUT

Discussion ensued on the resolution regarding separation of children, from their families, at our borders.

Sandra Blazius - Spoke against the resolution

Linda Brugger - proposed a changed resolution

Lucy Wills - Spoke against the resolution

Paul Sturman - Spoke in favor of the resolution

Richard Aldama - proposed a changed resolution

Samaria Schroeder - Spoke in favor of the resolution

Gigi Aguirre - Spoke in favor of the resolution

Peter Richards - Spoke in favor of the resolution

Dean Ruhter - Spoke against the resolution

Scott Record - Spoke about White Privilege

Amanda Uhl - Spoke against the resolution

Spencer Uhl - Spoke against the resolution

Linda Sturman - Spoke in favor of the resolution

Angela Ortiz - Spoke in favor of the resolution

Council Member Talkington: Voices his opinion on the resolution.

Would like to revisit the resolution idea when all members of the council are present.

Mayor Barigar: Clarified that the resolution would have to be added to a future agenda should the council so wish to give it further thought.

Council Member Talkington: Would like to see the resolution be discussed at the next council meeting.

Council Member Pierce: We have not seen the proposed resolutions in writing and would not want to discuss further until we do and have had time to review them.

Council Member Hawkins: Still feel that the City is not behind this as a majority and would prefer to not bring it to the table.

Council Member Talkington: Voiced further concern on the subject.

Mayor Barigar: Spoke on the comments of the City not being supportive of the immigrant community and not embracing diversity. Encouraged the city to do the "Actions" to demonstrate the embrace of diversity as opposed to having a discussion regarding resolutions that continue to come before us that don't seem to be shifting the minds of the seven of us who are elected to make those decisions. Prefer we stay focused on actions rather than those words.

Vice Mayor Boyd: Agreed

5) CONSENT CALENDAR

MOTION: Council Member Pierce moved to approve the Consent Calendar as presented. Vice Mayor Boyd 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 August 7 - 13, 2018.
- b) Request to approve the **Final Plat** for Addison Springs Subdivision a ZDA located at 2695 Addison Ave. E.
- c) Request to accept the Improvement Agreement for the purpose of developing **Addison Springs Subdivision, a ZDA.**
- d) Request to approve a Trust Agreement for **Addison Springs Subdivision, a ZDA**, placing Lots 2, 3, 4, and 5; Block 1 in trust.

6) ITEMS OF CONSIDERATION

- a) Request to confirm the appointment of seven members to the Fire Station Committee

Mayor Barigar made a request to confirm the appointment of seven members to the Fire Station Committee.

Discussion ensued on the following:

Council Member Talkington: Voiced concerns on the process that was used to choose these members.

Vice Mayor Boyd: Explained the process and how it followed previous procedures.

Mayor Barigar: Gave a summary of the qualifications of the proposed members.

MOTION: Council Member Boyd moved to *confirm the appointment of seven members to the Fire Station Committee*. Council Member Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- b) Request to award a bid to M-B Companies for a New Large Dump Truck and Plow Hitch for \$258,097.28 under FAA AIP Grant 41.

Airport Manager Carberry requested to award a bid to M-B Companies for a New Large Dump Truck and Plow Hitch for \$258,097.28 Under FAA AIP Grant 41.

MOTION: Council member Talkington moved to *award a bid to M-B Companies for a New Large Dump Truck and Plow Hitch for \$258,097.28 Under FAA AIP Grant 41.* Council Member Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- c) Request to award a bid to MiddleKauff Auto Mall for a New Light Truck, Snow Plow & Spreader for \$75,191.00 Under FAA AIP Grant 41.

Airport Manager Carberry requested to award a bid to MiddleKauff Auto Mall for a New Light Truck, Snow Plow & Spreader for \$75,191.00 Under FAA AIP Grant 41.

Discussion ensued on the following:

Council Member Hawkins: Will this truck come complete, for this price or will there need to be further work?

MOTION: Vice Mayor Boyd moved to *award a bid to MiddleKauff Auto Mall for a New Light Truck, Snow Plow & Spreader for \$75,191.00 Under FAA AIP Grant 41.* Council Member Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- d) Request to award a bid for the City of Twin Falls South Well #5.

Public Works Director Caton requested to award a bid for the City of Twin Falls South Well #5.

Engineers estimate was \$192,244.

Bid was received from Apex, LLC in the budget amount of \$149,949.

Also requesting a contingency budge amount of 15%, approximately \$22,000 for any unforeseen or unanticipated change orders.

Total potential financial commitment = \$172,441

Discussion ensued on the following:

Council Member Talkington: Questioned the separation amount between the estimate and the actual. Concerned that we are not taking a low bid and then have concerns later.

MOTION: Council Member Talkington moved to *award a bid for the the City of Twin Falls South Well #5.* Council Member Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- e) Request to approve a change order for the City Hall construction project regarding allowance and contingency reconciliation.

Deputy City Manager Humble requested to approve a change order for the City Hall construction project regarding allowance and contingency reconciliation.

Total Amount: \$62,284.88

Unforeseen Changes/Design errors: \$118,000

Approximate Savings: \$35,000

Discussion ensued on the following:

Council Member Talkington: Starr Corp really served the City well through this process by doing it this way.

MOTION: Council Member Boyd moved to approve a change order for the City Hall construction project regarding allowance and contingency reconciliation. Council Member Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- f) A presentation of the City of Twin Falls' Preliminary Budget for FY 2019.

City Manager Rothweiler made a presentation of the City of Twin Falls' Preliminary Budget for FY 2019.

FY 2018 Budget =	\$71,335,812
FY 2019 Proposed Budget =	\$69,780,467

Discussion ensued on the following:

Council Member Hawkins: Are we going to increase public input so that they have a better understanding of the recycling program. Group from TF High School have the potential of helping us. Also, the Library is willing to participate

Council Member Hawkins: How does the public hearing on the 27th work if we are having the rest of it on the 20th

Vice Mayor Boyd: Would it be a good time, when we go over the fees, to go over the recycling as well?

Citizen Dennis Crawford: Concerned that the west side of town does not have any improvements proposed in this budget. Concerned about Filer Ave, Grandview & Falls Ave, as well as the lack of sidewalks to and from schools in the area.

Mayor Barigar: Will share Mr. Crawford's concerns with the City Engineer to be included in the master transportation planning process.

Nicolas Mattison: Voices his concerns about the need for a headlight on his bike and the fee's involved for not doing so.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS: None

8) PUBLIC HEARINGS: None.

9) ADJOURNMENT

The meeting adjourned at 06:45 PM



Finance Administrative Assistant



Date: Monday, August 20, 2018
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

Request to accept the Improvement Agreement for the purpose of developing **Westpark Commercial Subdivision No. 9 (Sewer main line installation)**.

Time Estimate:

N/A

Background:

Prior to development, an Improvement Agreement is required. The developer is meeting that requirement with this document.

Approval Process:

Accepting the Improvement Agreement allows the developer to develop the lots. After acceptance of utilities or a financial guarantee provided to the City, the lots can be sold.

Budget Impact:

There is no significant budget impact associated with the Council's approval of this request.

Regulatory Impact:

Approval of this request will allow the applicant to proceed to develop the property.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council approve the request and authorize the Mayor to sign the Improvement Agreement.

Attachments:

1. Improvement Agreement - Sewer main installation

IMPROVEMENT AGREEMENT

for

DEVELOPMENTS

This Agreement made and entered into this 10th day of Aug., 2018, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and Westpark Partners hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development Westpark Commercial Subd. No. 9 (sewer line installation).

WHEREAS, there is attached hereto and incorporated herein as if the same were set out in full, a certified copy of the deed to the real property showing ownership of said real property to be in the Developer's name, or, as the case may be, there is attached hereto and incorporated herein as if the same were set out in full, a copy of the deed to the above described real property showing ownership in fee simple in someone other than Developer together with a notarized authorization, signed by the real property owner, authorizing Developer to act on behalf of said real property owner, and;

WHEREAS, Developer desires to develop said real property for the following purposes: Complete construction of sewer line servicing remaining lots.

WHEREAS, the Developer is obligated to construct certain improvements pursuant to City Code Section 10-12-4.2, and;

WHEREAS, the Developer has committed to construct special features as part of the development, and;

WHEREAS, the City has certain policies, ordinances, rules and regulations governing the construction of improvements, and;

WHEREAS, it is in the best interest of the City and Developer to clearly establish in one concise document the policies, ordinances, rules and regulations which apply to developments of the type contemplated herein.

W I T N E S S E T H

That for and in consideration of the mutual promises, conditions, and covenants contained herein the parties agree as follows:

I.

City agrees: (1) to operate and maintain all approved streets, alleys, service and roads, excluding state highways, constructed under the terms of this Agreement in any public rights-of-way

or easements and which are presently within or subsequently annexed into the City limits. Those streets, excluding state highways, lying outside the City limits and within the City Area of Impact shall be constructed to City standards but shall become the responsibility of the Twin Falls Highway District until such time as they are annexed or a maintenance agreement is signed by the City and the Twin Falls Highway District. (2) To operate and maintain all approved water lines, drainage lines, and sewer lines constructed under the terms of this Agreement in any public rights-of-way or easements and to provide water and sewer service to the Developer's real property, subject to all ordinances, rules and regulations governing sewer and water service. (3) To maintain non-pressure irrigation lines only where they cross City streets. All other maintenance of non-pressurized irrigation lines is the responsibility of the Twin Falls Canal Company or the irrigation users.

II.

In lieu of the actual installation of required public improvements before recording of the final plat, the Council may permit the subdivider to provide a financial guarantee of performance in one (1) or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement.

- a. Surety Bond
 1. Accrual - The Bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement.
 2. Amount - the bond shall be in an amount equal to one hundred percent (100%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the Developer's Engineer and approved by the City Engineer.
 3. Term Length - The term length in which the bond is in force, for the duration of that phase of the project, shall be until completed and accepted by the City Engineer.
 4. Bonding for Surety Company - The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the Council.
 5. The escrow agreement shall be drawn and furnished by the subdivider to the satisfaction of the Council.
- b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.

1. Treasurer, Escrow Agent or Trust Company - A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit such surety acceptable by the Council, shall be deposited with an escrow agent or trust company.
2. Dollar Value - The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred percent (100%) of the estimated cost of construction for the specific public improvements, as estimated by Developer's Engineer and approved by the City Engineer.
3. Escrow Time - The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until all required improvements are completed and accepted by the City Engineer.
4. Progressive Payment - In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

III.

Developer agrees to retain a Professional Engineer, hereinafter called the Developer's Engineer, registered by the State of Idaho to perform the following minimum Engineering Services in accordance with Title 10 Chapter 12 Section 4-1 of the City Code:

- a. Prepare a master utility plan showing the location of all existing and proposed utility lines to include but not be limited to sewer, water, gas, electricity, telephone, irrigation, pressure irrigation and storm sewer.
- b. Prepare detailed plans and specifications for construction of all improvements required by this Agreement and shall include but not be limited to a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All

- construction plans shall be prepared in accordance with the public agencies' standards and specifications.
- c. Perform construction surveying, staking, testing, inspection and administer the construction of all facilities required by this contract.
 - d. Submit all test reports, inspection reports, change orders and construction diaries to the City Engineer every week during the construction of the development or subdivision.
 - e. Prepare and submit an updated copy of the enclosed development and subdivision checklist to the City Engineer every week during the construction of the development or subdivision, and also upon completion of the project.
 - f. Submit to the City Engineer the final plans, and master utility plan for the City records showing any approved changes to the original plans and specifications. A permanent drawing in ink on approved transparent polyester drafting film and an electronic media copy of the plans in ACAD 2000 using City standard format shall be provided within thirty (30) days after completion of the project.
 - g. Submit a letter upon completion of construction stating that the work has been constructed in conformance to the plans and specifications, with the certification by the Developer's Engineer that improvements were constructed to the lines and grades shown.

The above work shall be subject to the approval of the City Engineer.

The City agrees to provide asphalt pavement testing for conformance with City standards, but it shall be the responsibility of Developer's Engineer to provide all necessary quality control during construction. All tests shall be taken at a frequency based upon City of Twin Falls Standard Specifications.

The Developer agrees to: (1) allow the City full and complete access to the work (2) provide all materials necessary to conduct all tests (3) supply all water necessary to test pipe joints and (4) provide the equipment and perform or have performed any testing of manufactured materials required by the City Engineer.

The Developer shall submit a letter to the City Engineer upon completion of the project, requesting that the City assume the responsibility for maintenance and operation of all public improvements as stated herein.

IV.

The Developer agrees to obtain a permit or letter of approval from the Twin Falls Highway District or the State of Idaho Department of Highways prior to constructing improvements on their respective right-of-ways. The original or a certified copy of said permit or letter shall be submitted to the City Engineer prior to beginning of construction thereon.

V.

The Developer agrees to dedicate rights-of-way to the public for the development of all streets and alleys in accordance with the City Master Street Plan and to dedicate easements for the maintenance and operation of all public utilities. The size and location of said rights-of-way and easements shall be determined by the City Engineer.

VI.

The Developer hereby agrees and petitions the City to annex into the corporate limits of said City, the above described real property that is contiguous with the same or becomes contiguous to said City limits. Developer agrees to annexation of said real property by the City upon the terms and conditions as shall be set forth by said City.

VII.

The Developer and the City agree that the improvements listed herein are required unless specifically waived by action of the City Council and that said improvements will be constructed on any public rights-of-way or easements approved and accepted by the City Council all as designed by the Developer's Engineer and approved by the City Engineer and in accordance with standards established by the City Engineer and that all required improvements will be completed in a timely manner. If improvements are not completed in a timely manner, the Developer shall provide an updated, current version of the developer's agreement and financial guarantee for City Council consideration.

VIII.

The Developer agrees to pay the total actual costs of all materials, labor and equipment necessary to completely construct all of the improvements required herein, except those costs specifically shown to be paid by the City and to construct or contract for the construction of such improvements.

IX.

Developer agrees to pay the total extra cost of all additional materials, labor and equipment necessary to construct any streets the City requires to be wider or deeper than a standard street or any water or sewer lines the City requires to be larger than the size required to properly serve the

development. The requirement for wider and deeper streets shall be based on the City Master Street Plan. Requirements for larger water and sewer lines shall be based on the citywide sewer and water system sizing guidelines.

X.

The City shall provide no compensation for the cost of an oversize water or sewer line. In the case of water or sewer lines extended adjacent to or outside the limits of development, the Developer shall be eligible for payback from adjacent property owners pursuant to Resolution No. 1182. The Developer shall also be eligible for compensation when a private developer extends or connects to any water or sewer system previously installed by private developer, pursuant to Resolution 1651.

XI

Developer agrees to request in writing that the Developer's Engineers make the inspections required herein and the Developer or his Contractors shall not proceed with the next construction phase until the required inspection is complete and the work has been approved by the Developer's Engineer, the City Engineer or the Engineer's authorized inspector. All such inspections shall be scheduled in accordance with the City of Twin Falls Standard Specifications. Developer agrees to pay all costs resulting from: 1) his failure to properly schedule and request a required test or inspection or 2) proceeding with work before receiving approval to proceed. Developer agrees to remove or correct any rejected, unapproved or defective work or materials as required by the Developer's Engineer or the City Engineer. Any such defective work whether the result of poor workmanship, use of defective materials, damage through carelessness or any other cause, shall be removed within ten (10) days after written notice is given by the Developer's Engineer or the City Engineer, and the work shall be re-executed by the Contractor at his expense. The fact that either Engineer may have previously overlooked such defective work or materials shall not be a basis for acceptance of any part of it.

The issuance or approval of plans, specifications and computations shall not be construed as an approval of any violation of any provisions of City code, specifications, standards, policy, or any other ordinance of the City. Approvals of plans that may violate City code, specifications or departmental policies will not be valid.

The approval of construction plans, specifications, and other data shall not prevent the City from thereafter requiring the correction of errors or omissions in said plans or specifications prior to or during actual construction or final acceptance by the City.

The Developer shall remove from all public property all temporary structures, rubbish, and waste materials resulting from their operation or caused by his employees.

The Developer shall guarantee all materials, workmanship and equipment furnished for a period of one (1) year from the date of written acceptance of the work by the City Engineer or authorized representative.

The Developer shall be responsible for any damage to any existing public improvements and shall repair or replace any such damage as required by the City Engineer, during or after completion of this project.

XII.

The City and the Developer agree to the following minimum for Required Improvements, City Costs, Required Inspections and to any other improvements, approved or required by the City Council and shown on the approved construction plans.

PUBLIC WAYS

(a) Required Improvements

- (1) Curb, gutter and sidewalk on all public street rights-of-way.
- (2) A standard residential street thirty six feet (36') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course on all public street rights-of-way serving residential use property.
- (3) Minor residential and private streets as specified in the City of Twin Falls Standard Drawings.
- (4) A standard commercial or collector street forty eight feet (48') wide with an eleven inch (11") gravel course and three inch (3") asphaltic concrete surface course on all public street rights-of-way serving commercial use property or as a collector street. Whenever a street serves an industrial use property the City Engineer will determine the appropriate structural section.
- (5) A service-road twenty four feet (24') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course and with concrete curb-gutter or curb and valley-gutter on all public service road rights-of-way.
- (6) A sidewalk five feet (5') wide minimum on all public pedestrian rights-of-way. Four foot (4') sidewalks by special permission of the City Council are allowed by City of Twin Falls Standard Drawings for minor residential streets under certain conditions.

- (7) Landscaping and sidewalk placement required adjacent to arterial and collector streets: A tract of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets. Within that tract the developer shall install landscaping six feet (6') in depth with a sprinkler system and with grass and trees behind the curb line and shall also install a five foot (5') sidewalk. The landscaping will be maintained by the city and funded through a fee added to the water bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. TFCC §10-12-4.2(O).
- (8) Street signs and traffic control devices on all public streets.
- (9) Street lights as determined by City policy for street light installation.
- (b) City Costs
 - (1) The cost of any street signs or traffic control devices installed by the City on new or existing streets.
 - (2) The cost of any required street lights (standard luminaires mounted on a wood pole). The Developer shall pay the extra cost of any decorative luminaries or poles. Prior approval will be required, and the cost of maintenance, replacement and power usage will be considered.
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

WATER SYSTEM

- (a) Required Improvements
 - (1) Pursuant to City Code Section 7-8-3, 7-8-10 and 10-12-4.2 water line and fittings six inch (6") minimum diameter that will transport a flow of water, which will satisfy fire, domestic, other water demands of the development, based upon the City water pipe sizing plan and computer water model. Water line extension shall include connection from the existing City Water System to each building site and fire hydrants and then loop back to the City System in a manner that will provide a properly functioning system approved by the City Engineer, Water Superintendent and Fire

Chief. If the development is to be constructed in phases, the water system shall be looped back to the City system during the first phase. No dead-end lines will be allowed during any phase of the project.

- (2) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City water distribution network in accordance with existing sizing guidelines.
- (3) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users or creating a critical situation in the suppression of fires.
- (4) Fire hydrant connections and fire hydrants spacing to substantially comply with the minimum standards suggested by the Fire Rating Bureau and American Water Works Association. Fire hydrants are required in all developments.
- (5) One water service line shall be constructed to each building site at the time the water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way.

During construction of the curb the letter W shall be stamped into the top or face of the curb directly in front of the water meter box. The impression shall be not less than one and one half inches (1½") high. Meters shall be grouped at adjacent side lot lines when possible or at another location if requested by the Developer and approved by the City Engineer and Water Superintendent.

Water meter boxes will not be allowed in driveway approaches. Any cost associated in relocating meters from driveway approaches will be the responsibility of the Developer or Lot Owner. Temporary address or lot number signs shall be staked at the location where the water meter box is to be installed. The City may install multiple water meters in a single water meter box.

The City will make the water line tap only after all appropriate tap fees for a Water Connection General Permit have been received and permits issued. All new water service line and connections made from existing water service mains to service any new development will be the responsibility of the

Developer. The City will make the necessary service line tap after payment of the required water connection general permit fees.

- (6) One water service line tap, meter box, and service line shall be constructed for each building connected to the City water system. It is understood and agreed that the City will make all service line taps and install all meter boxes and that the fee paid by the developer for a Water Connection General Permit will reimburse the City for such work.
- (7) It is further understood and agreed that the City will make all connections to the existing water system. The City will disinfect the new water system at the developer's expense.

(b) City Costs

- (1) None.

(c) Required Inspections

- (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-7-4, 7-7-11 and 10-12-4.2 a waste water collection system (eight-inch (8") minimum diameter) that will transport a flow of waste water, under conditions of maximum and minimum discharge from the development, to the existing City waste water system.
- (2) Waste water sewer lines adjacent to or internal to the development will be sized to continue the orderly expansion of the City Waste Water Collection System in accordance with existing sizing guidelines and computer sewer model.
- (3) Manholes to provide access for maintenance and cleaning of the sewer lines located at any change of grade or alignment of the sewer, at the end of each sewer and spaced not more than four hundred feet (400') apart.
- (4) During construction of the curb the letter S shall be stamped into the top or face of the curb directly in front of the sewer service line location. The impression shall be not less than one and one half inches (1½") high.

(b) City Costs

(1) None.

(c) Required Inspections and Testing

(1) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

DRAINAGE SYSTEM

(a) Required Improvements

(1) Any valley-gutters, ditching, grading or other surface drainage facilities necessary to convey any storm run-off originating from or traversing across the proposed development over the land surface to a point of retention, detention or discharge approved by the City Engineer.

(2) Any catch basin, storm sewer and other sub-surface drainage facilities necessary to convey any storm run-off, originating from or traversing across the proposed development, to a point of retention, detention or discharge approved by the City Engineer, that cannot, in the City Engineer's opinion, be conveyed over the land surface without causing damage to public or private property or without being an unreasonable inconvenience or hazard to a private individual, a group of individuals or the general public.

(b) City Costs

(1) None.

(c) Required Inspections and Testing

(1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

GRAVITY IRRIGATION SYSTEM

(a) Required Improvements

(1) Any pipe, boxes or other appurtenances necessary to convey all irrigation water in underground pipe across the development and any adjacent public property. Irrigation facilities outside an established City irrigation district shall be constructed in an irrigation easement on private property except where it is necessary for irrigation water to cross the public right-of-way and all such crossings shall be perpendicular to the center line of said right-of-way unless otherwise approved by the City Engineer due to some unusual condition.

(b) City Costs

- (1) None.

(c) Required Inspections and Testing

- (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

PRESSURE IRRIGATION SYSTEM(a) Required Improvements

- (1) Pursuant to Section 7-8-3 of the City Code, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or PUD, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or PUD. One (1) share of Twin Falls Canal Company Water for each acre of property within the subdivision shall be deeded to the City of Twin Falls before the filing of the final plat for use in the City's pressurized irrigation system.
- (2) Pressure irrigations water line and fittings shall be four inch (4") minimum diameter or larger that will transport a flow of water, which will satisfy all irrigation water demands of the development, based upon the computer irrigation water model that the developer's engineer has prepared.
- (3) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City Pressure Irrigation water distribution network in accordance with existing sizing guidelines.
- (4) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users. One pressure irrigation water service line shall be constructed to each subdivision

lot site at the time the pressure irrigation water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way. One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each subdivision lot connected to the City pressure irrigation water system.

- (5) The Developer shall be responsible for all costs incurred in designing and installing the pressure irrigation station. This includes the land, pumps, motors, filters, buildings, delivery system to the station from the TFCC head gate, storage pond, Supervisory Control and Data Acquisition (SCADA) system, and power to the station.
- (6) All pressure irrigation system plans must be prepared by the Developer's engineer shall be according to the City's standard specifications and drawings. Plans submitted to the City shall be signed by a Professional Engineer for review and final approval, before the City Engineer will sign the plat or approve construction plans.
- (7) The Pressure Irrigation System shall be located with in easements, right of ways and/or property deeded to the City of Twin Falls.
- (b) City Cost.
 - (1) None
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

SPECIAL FEATURES

Pursuant to commitments made by the Developer as conditions of approval of the development, the following special features shall be constructed:

a) Required Improvements

~~Sewer line and service installation along with patch back of private road per plans and city specifications.~~

b) City Costs

(1) None.

XIII.

The City and the Developer agree that the sequence of construction shall be as follows unless special approval in writing is obtained from the City Engineer:

1. Erosion and sedimentation controls.
2. Stormwater retention and detention facilities.
3. Waste water sewers and service connections.
4. Waste water manholes.
5. Storm sewers and catch basins.
6. Gravity irrigation pipes and boxes.
7. Pressure irrigation lines, service connections, etc.
8. Water lines and service connections.
9. Gas lines, power lines, telephone lines and cablevision lines.
10. Any other underground improvements that are required.
11. Sub-base preparation for public ways.
12. Gravel base course for public ways.
13. Curb-gutter, valley-gutter and sidewalk.
14. Gravel leveling course.
15. Asphalt paving.
16. Special Features.

XIV.

The Development may be phased as indicated on the attached development plan submitted by the Developer and approved by the City Engineer.

The terms of the basic agreement shall apply individually to each phase shown on the attached plan as though each phase were a separate and independent development providing each phase is begun in the sequence indicated on the development plan.

The two (2) year time limit, (indicated in Section VII of the Agreement) for completing the required improvements shall begin for each phase when the Developer sells a lot or an application or a building permit to construct a building within the phase has been received by the City.

The Developer may cease further development after completing any phase and before beginning the next phase and the basic agreement shall terminate in accordance with Section XVI, of the basic agreement for any undeveloped phases of the development originally proposed in the basic agreement.

XV.

This agreement shall bind the parties hereto, their heirs, successors in interest, and lawful assigns.

XVI.

In the event of a breach of Agreement, or should legal action of any kind be taken to enforce the provisions, hereof, the prevailing party shall be entitled to reasonable attorney fees and costs awarded by the Court.

Attest:

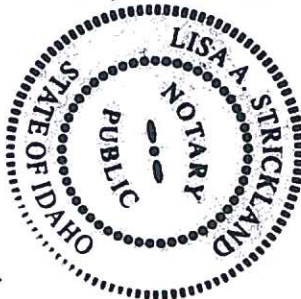
CITY OF TWIN FALLS, IDAHO

City Clerk_____
Mayor_____
Developer
Westpark Partners

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this 10 day of August, 2018, before me, the undersigned, a Notary Public for Idaho, personally appeared Steve Shotwell, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Lisa A. Strickland
Notary Public for Idaho
Residing at Twin Falls, Idaho

CORPORATION

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known or identified to me (or proved to me on the oath of _____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Notary Public for Idaho
Residing at Twin Falls, Idaho

PARTNERSHIP

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for Idaho, personally appeared Steve Shotwell, known or identified to me (or proved to me on the oath of _____) to be one of the partners in the partnership of Westpark Partners, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Notary Public for Idaho
Residing at Twin Falls, Idaho

NOTICE OF DEVELOPER'S AGREEMENT

NOTICE IS HEREBY GIVEN, that a document entitled "Improvement Agreement for Developers" (hereafter "Agreement") has been executed and filed with the City of Twin Falls, Idaho, for the following named subdivision:

Westpark Commercial Subdivision No. 9

The Agreement imposes certain obligations upon the developer for the development of the subject property, and upon the developer's heirs, successors in interest and lawful assigns. Details of the conditions and obligations may be found by examining or photocopying the Agreement at the Office of the City Engineer, 321 2nd Avenue East, Twin Falls, Idaho 83301.

CITY OF TWIN FALLS, IDAHO

City Clerk

Mayor

Developer
Westpark Partners

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this 10 day of August, 2018, before me, the undersigned, a Notary Public for Idaho, personally appeared Steve Shotwell, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Lisa A. Strickland
Notary Public for Idaho
Residing at Twin Falls, Idaho





BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:)
)
Zoning District Change & Zoning Map Amendment,) FINDINGS OF FACT,
Application, A ZDA)
)
Community Council of Idaho) CONCLUSIONS OF LAW,
c/o Terry Blom) AND DECISION

Applicant(s)

This matter having come before the City Council of the City of Twin Falls, Idaho on July 30, 2018 for public hearing pursuant to public notice as required by law for a Zoning District Change and Zoning Map Amendment from R-4 PUD to R-4 & NCO ZDA for 39.56 acres (+/-) for property located 1122 Washington Street South and the City Council having heard testimony from interested parties, and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Zoning District Change and Zoning Map Amendment from R-4 PUD to R-4 & NCO ZDA for 39.56 acres (+/-) for property located 1122 Washington Street South
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: June 7, 2018 & July 12, 2018
3. The property in question is zoned R-4 PUD pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood & Neighborhood Commercial in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Residential; to the south, Residential; to the east, Residential/Commercial/Washington Street South; to the west, Residential.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for a Zoning District Change and Zoning Map Amendment R-4 PUD to R-4 & NCO ZDA for 39.56 acres (+/-) for property located 1122 Washington Street South is consistent with the purpose of the R-4 & NCO ZDA Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-6, 10-4-5, 10-4-2.

3. The proposed use is proper use in the R-4 & NCO ZDA Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity. A rezone of this property is not a guarantee city utilities are available. A will-serve letter will be issued upon review and approval for a final plat and/or a phase of a final plat.

5. The application for a Zoning District Change and Zoning Map Amendment from R-4 PUD to R-4 & NCO ZDA for 39.56 acres (+/-) for property located 1122 Washington Street South should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for a for a Zoning District Change and Zoning Map Amendment from R-4 PUD to R-4 & NCO ZDA for 39.56 acres (+/-) for property located 1122 Washington Street South is hereby granted.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Codes and Standards and the El Milagro ZDA



Date: Monday, August 20, 2018
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

ACTION ITEM

Request:

Request to hold the Make-A-Wish Car Show.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

Organizer Robert Jesse, representing Nocturnal Dreams Car Club, has submitted a Special Event Application requesting to hold the Make-A-Wish Car Show on Saturday, August 25, 2018. This event is scheduled to be held in the Twin Falls City Park from 8:00 a.m. to 3:00 p.m.

This event is being held as a fundraiser for the Make-A-Wish Foundation with all proceeds being donated to that cause. The Make-A-Wish Foundation has the goal to grant the wish of every child diagnosed with a critical illness in the United States. On average, there is a wish granted by the foundation every 34 minutes.

Cardboard will be placed under each vehicle in case of fluid leaks. There will be food and merchandise vendors, and DJ music will be played during the event. There will be no alcohol sold or served by the organizers during this event.

The event organizers have secured the necessary Certificate of Liability Insurance. There is an acceptable plan in place for waste needs from the event as well.

Approval Process:

Consent of the Council

Budget Impact:

There is no budget impact to the City of Twin Falls since alcohol will not be served and law enforcement will not be required to provide security at this event.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Relevant City Staff members have approved this Special Event Application. Staff recommends that the Council approve the Make-A-Wish Car Show. Twin Falls Police Department Staff requests approval for the on-duty Patrol Supervisor to have the authority to close down the event based on non-compliance of noise complaints from the music or disturbances if they should arise.

Attachments:

None



Date: Monday, August 20, 2018
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

ACTION ITEM

Request:

Request to approve the Walk for Wishes Twin Falls 2018 event.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

The Walk for Wishes Twin Falls 2018 is a community fundraising effort and celebration to grant the wishes of local children facing life-threatening medical conditions. The Walk for Wishes is a signature fundraiser that celebrates the thousands of wishes that have already been granted, while raising funds for future wishes.

This is a walk-only event which will start at the Twin Falls Visitor's Center and will proceed east on the Canyon Rim Trail. The walkers will make a turnaround at the 1.25-mile mark and return to the Visitor's Center.

The 2018 Walk for Wishes event will begin at 9:00 a.m. and will conclude at 1:30 p.m. There will be food trucks with food for purchase. Following the end of the walk, there will be a "celebration jump" from the Perrine Bridge performed by local base jumpers.

There will be amplified sound in the form of pre-recorded music. Music Monkey will provide the music and amplified sound.

No alcohol will be provided by the event organizers.

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 as presented. Staff recommends that the City Council approve the Special Event Application based on the information provided.

Attachments:

None



Date: Monday, August 20, 2018
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

ACTION ITEM

Request:

Request to approve the 12th Annual Community Partnerships in Action event.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

Ken Robinette, on behalf of the South Central Community Action Partnership, has requested to host this annual community event. This event will take place in the Twin Falls City Park on Saturday, September 15, 2018, from 11:00 a.m. to 3:00 p.m.

Non-profit organizations have been invited to set up booths and give information about the services they provide to low-income families and individuals. These organizations will be sharing information on programs involving job training, education, senior benefits, affordable housing, financial management, drug and alcohol counseling, veteran's services, and many other topics. This event is free to the public. Up to 6,000 people are expected to attend.

During the event, there will be live music in the form of performances by area high school bands. Free food will be provided to the public. There will be face painting and several other activities for children.

The event sponsors will be responsible for cleanup at the conclusion of the event.

There will be no alcohol sold or consumed at this event.

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:

Twin Falls Police Department Staff and several relevant City Staff members have approved this Special Event Application. Based on the information provided, Staff recommends that this event be approved.

Twin Falls Police Department Staff recommends that the on-duty Patrol Supervisor be given the authority to order the event organizers to mitigate the sound of amplified music. If there are continued noise complaints or disturbances by those participating in the event, and non-compliance, the on-duty Patrol Supervisor shall have the authority to terminate the event.

Attachments:

None



Date: Monday, August 20, 2018
To: Honorable Mayor and City Council
From: Jackie Fields, City Engineer

ACTION ITEM

Request:

Request approval to negotiate a contract on the open market, per Idaho Code 67-2805, for the 2018 Citywide Traffic Signal Upgrades.

Time Estimate:

1 minute

Background:

The Citywide Traffic Signal Upgrades project is part of an ongoing set of projects by both ITD and City to update obsolete signal equipment. The project budget is \$330,000.00, including design and construction observation/testing. Precision Engineers designed and bid the project. The project was advertised on July 3 and July 10, 2018. No bids were received. Per Idaho Code 67-2805, staff requests City Council approval to negotiate a contract on the open market without further competitive bidding.

Approval Process:

Requires Council Vote

Budget Impact:

The project budget in FY 2018-19 is \$330,000.

Regulatory Impact:

na

History:

N/A

Analysis:

N/A

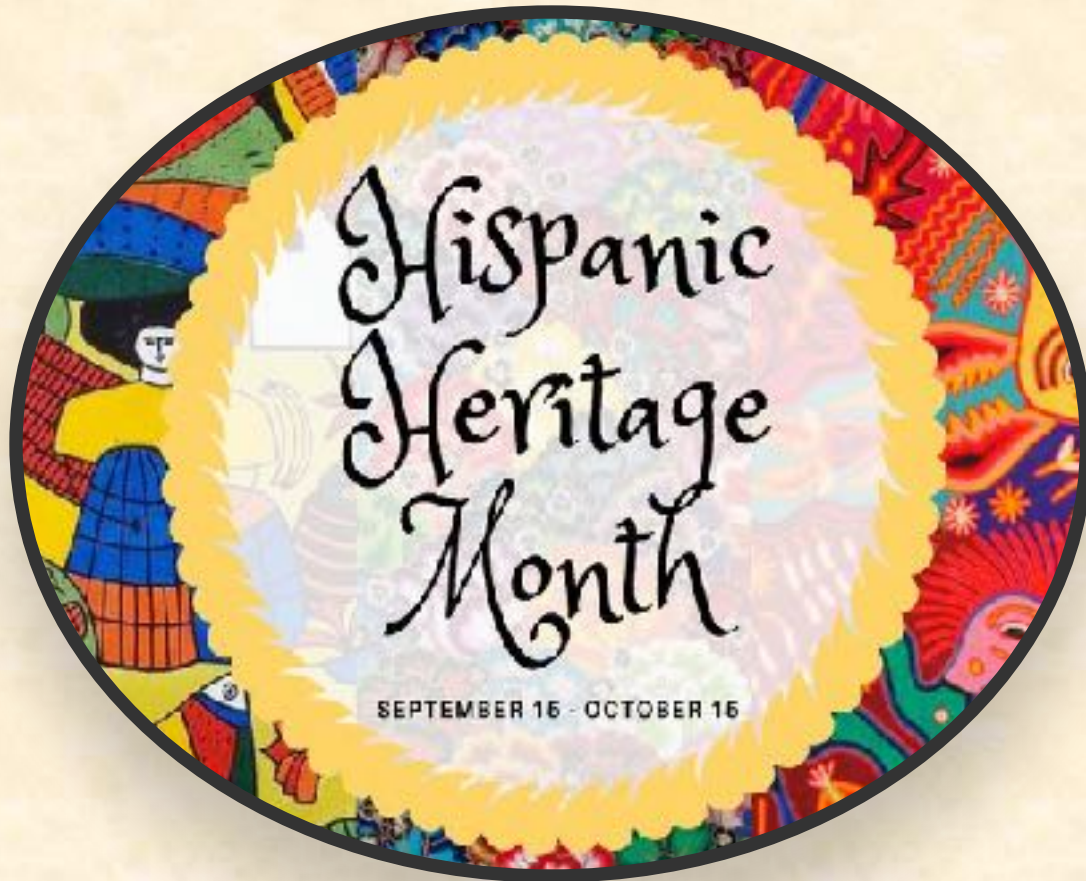
Conclusion:

This is a budgeted project and, since there were no bids submitted, Staff is requesting permission to negotiate a contract on the open market, per Idaho Code 67-2805.

Attachments:

None

Idaho Commission on Hispanic Affairs



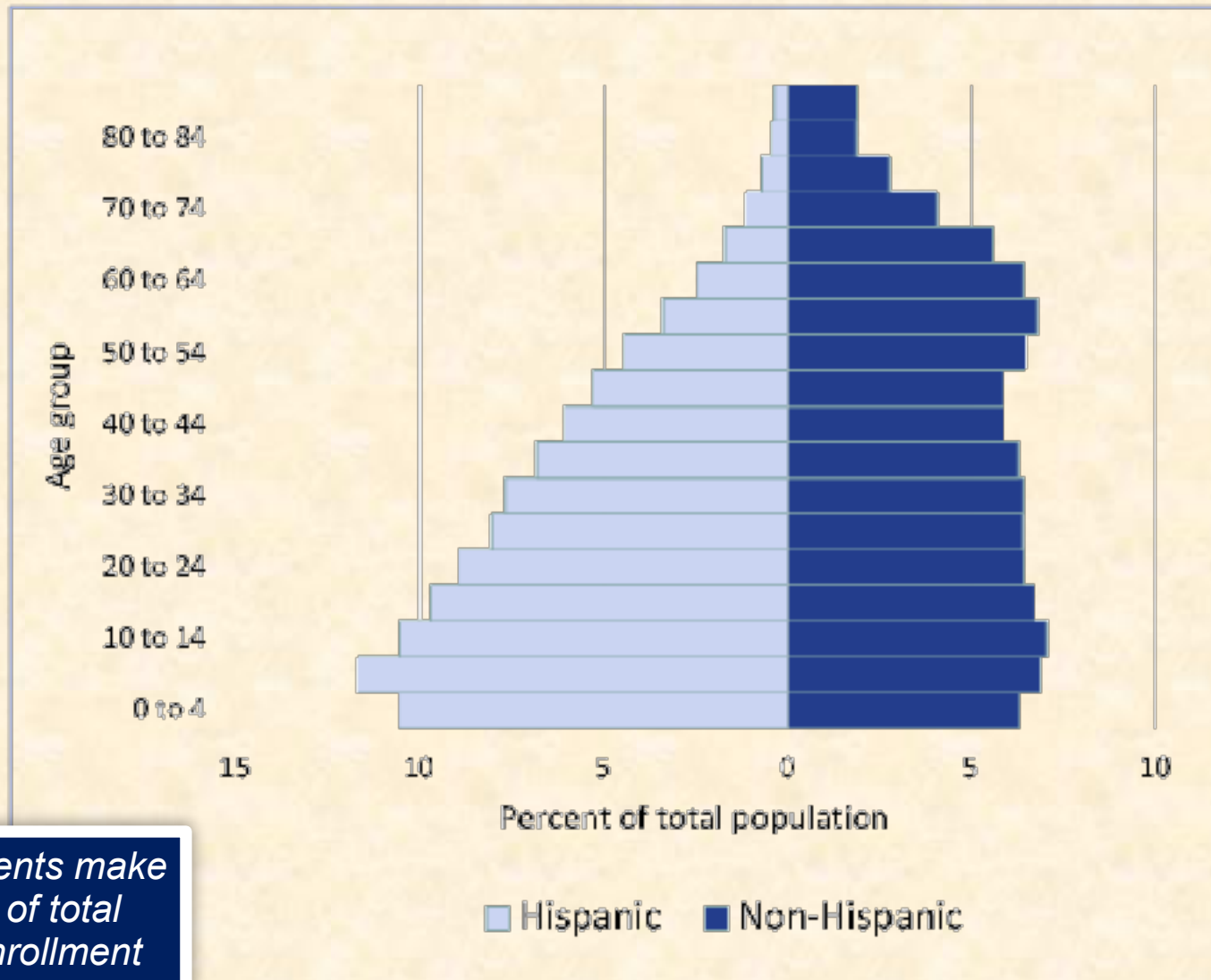
Margie Gonzalez

A photograph of the Idaho State Capitol building, featuring a large dome and classical columns. An American flag and the Idaho state flag are flying on poles in front of the building. A large American flag is also draped across the lower part of the image. The image is partially covered by a large, semi-circular graphic element that is blue on the left and yellow on the right.

Hispanic Climate in Idaho

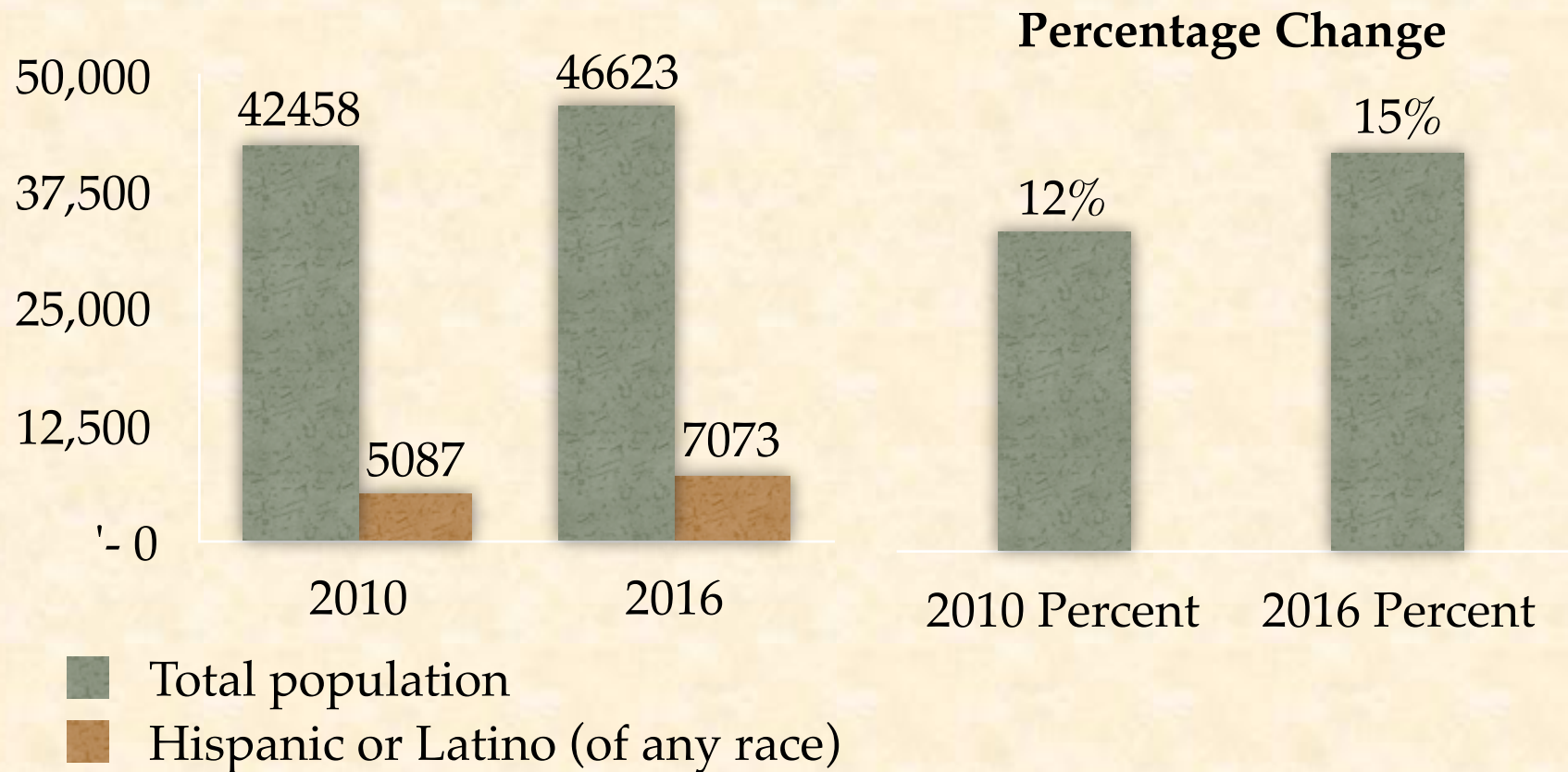
At 202,430, Hispanics are the largest minority group, representing 12% of the total.

By comparison, Hispanics made up 8% of the total in 2000.



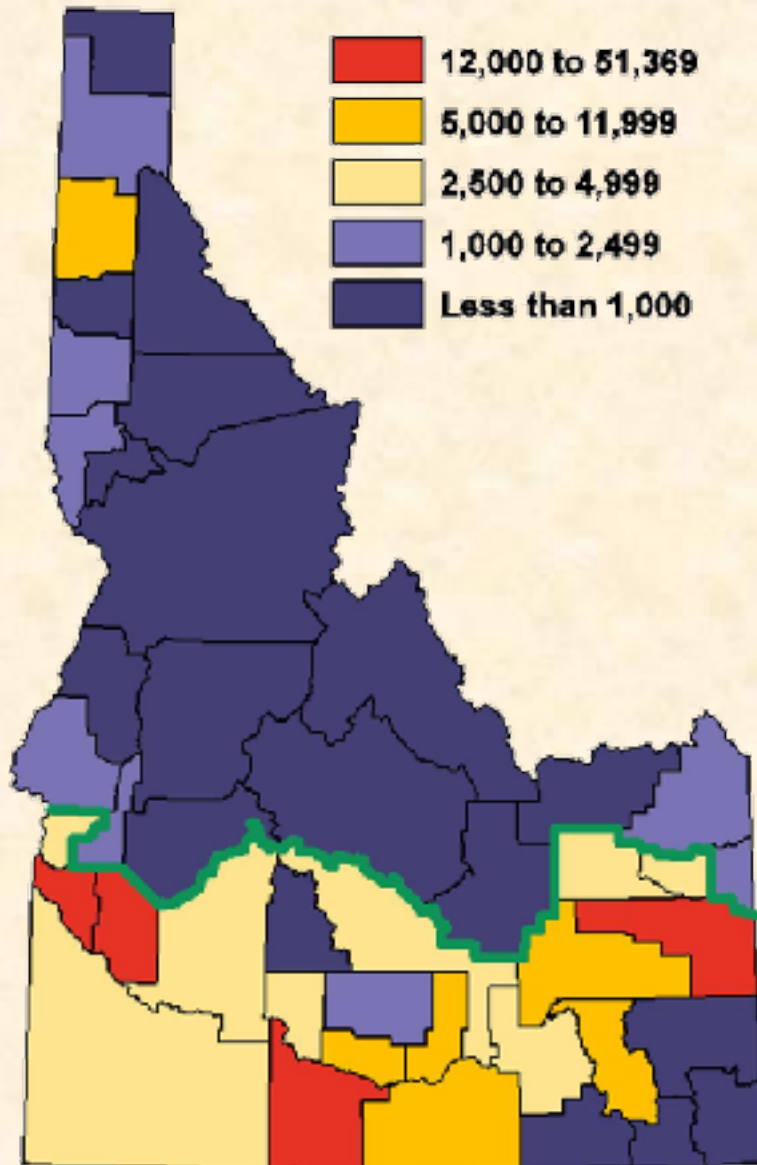
Hispanic students make up 18 percent of total public K-12 enrollment

Hispanic or Latino in Twin Falls, ID



Source: ACS DEMOGRAPHIC AND HOUSING ESTIMATES 2012-2016 American Community Survey 5-Year Estimates and ACS DEMOGRAPHIC AND HOUSING ESTIMATES 2006-2010 American Community Survey 5-Year Estimates

Number of Hispanics, 2015



While every county in Idaho has Hispanics residents, the population is heavily concentrated in the south. In 2015, 90% of the state's Hispanics lived below a line from Payette County in the west to Bonneville County in the east (see the green line on the map at right).

Expanding the largest Latino gathering in the state of Idaho working towards increasing high school achievement and completion rates, go on rates to higher education, and degree completion



Hispanic

Heritage Month

September 15-October 15



Hispanic Heritage MONTH was established by legislation first proclaimed President Lyndon Johnson in 1968. The commemorative week was expanded and implemented by President Ronald Reagan in 1988 to cover a 30-day period (September 15 - October 15). It was enacted into law on August 17, 1988 on the approval of Public Law 100-402.



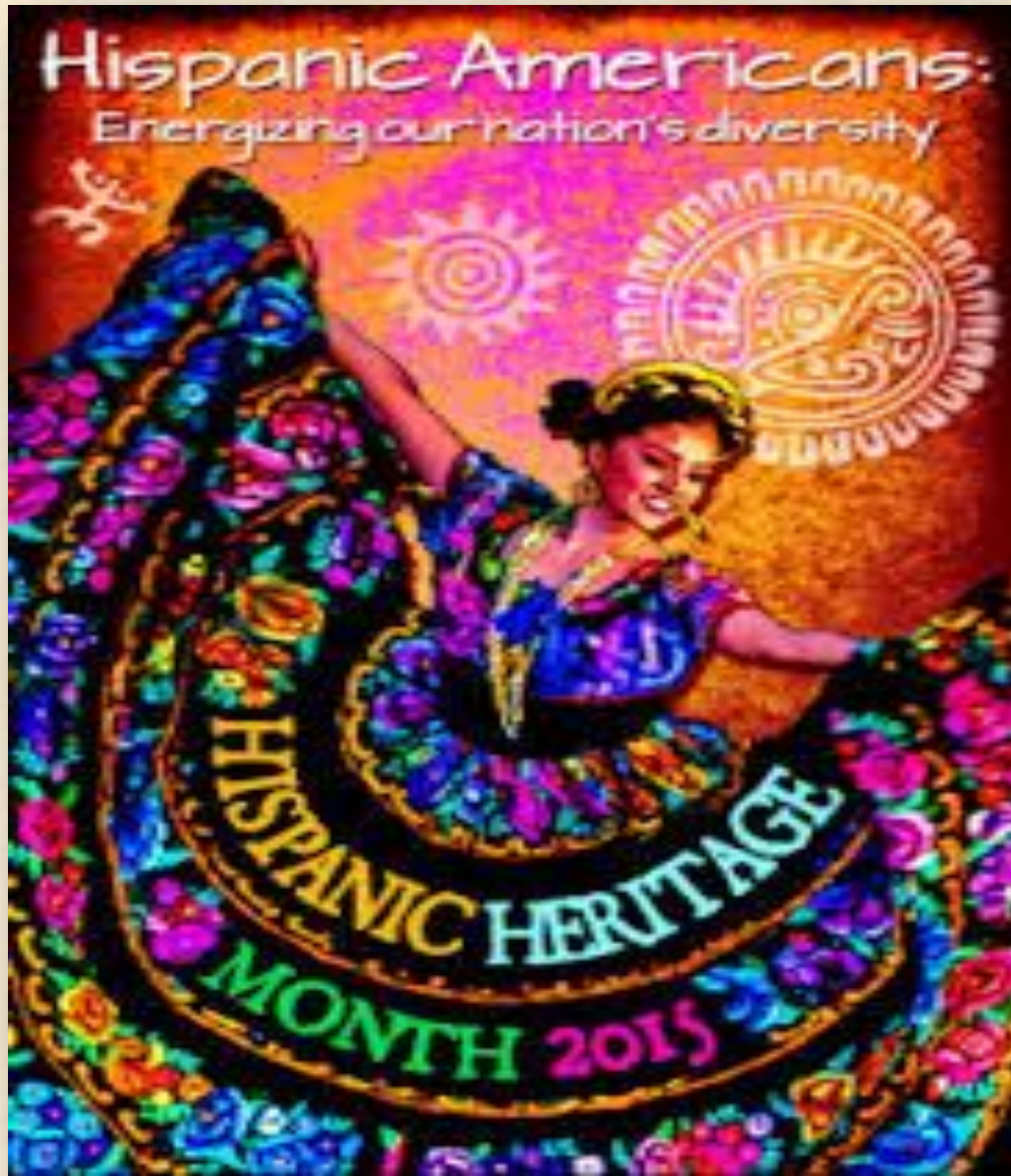




Hispanic Heritage Month Kickoff
North Park
300 E. Main St.
Jerome, ID
September 15th, 2018

Hispanic Heritage Month Celebration
Downtown Commons
Main Avenue
Twin Falls, ID
September 19th, 2018





**Thank you on
behalf of the
Idaho
Commission
of
Hispanic
Affairs**



Date: Monday, August 20, 2018
To: Honorable Mayor and City Council
From: Jackie Fields, City Engineer

ACTION ITEM

Request:

Request to implement the bicycle facilities on Stadium, east of Eastland, as identified in the 2014 Draft Bicycle Plan.

Time Estimate:

20 minutes

Background:

Ms. Murray placed a request to consider installation of the bicycle facilities on the section of Stadium that is east of Eastland. The 2014 Draft Bicycle Plan suggests a shared lane (sharrow) from Eastland to near the coulee and then bike lanes to the end of the road near the elementary school. <https://www.tfid.org/documentcenter/view/1171>

Ms. Murray will make a presentation on her efforts to identify issues and garner support for installation of the facilities..

The Street Superintendent has identified Stadium from Eastland to near Carriage as an overlay candidate for next year and has requested that installation of the facilities from Eastland to Carriage be delayed until the new pavement is in place. Stadium, east of Eastland, is scheduled to be sealed in 2020.

Approval Process:

The draft Plan has not yet been adopted and so staff seeks Council direction on any actions deemed necessary to implement the Plan recommendations.

Budget Impact:

The Street Superintendent has indicated that sufficient funds exist in the operating budget to paint Phase 1 and place the appropriate signing in this fiscal year.

Regulatory Impact:

Implementation of bicycle lanes will restrict parking on one side of the road.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council identify any further actions they desire in order to affirm or defer the request. In the absence of further action, staff recommends phased implementation of bicycle facilities on Stadium for the entire length that is east of Eastland. (Phase 1 of the bike facility installation is Carriage to the eastern terminus of the road. Phase 2 could be the facilities from Eastland to Carriage.)

Attachments:

None



Date: Monday, August 20, 2018
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request to approve adopted Ordinance 2018-007 (Corrected) amending Twin Falls City Code to add *Agritoursim Activities* in the Definitions, and select zoning districts.

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

Ordinance 2018-007 was originally approved in February 2018. During the codification and publishing process it was found the ordinance contained a numbering error, and an inadvertent addition to the Land Use list.

Staff has brought a Corrected Ordinance which will reflect the original intent of the Council.

Approval Process:

In order to enact this ordinance today, Council would need to place it on third and final reading by a motion and majority consent.

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff has prepared a Corrected Ordinance and awaits the Council's decision/wishes.

Attachments:

1. Agritourism Ordinance 2018-007 Corrected

ORDINANCE NO. 2018-007 (Corrected)

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 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 of ten (10) acres or more 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 300' 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 located within 300' 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 300' 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:

10. Agricultural:
 - a. Agritourism Activities located within 300' 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



Date: Monday, August 20, 2018
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request to adopt an Ordinance for a Zoning District Change and Zoning Map Amendment from R-4 PUD to R-4 & NCO ZDA for property located at 1122 Washington St S. c/o The Community Council of Idaho (app. PZ18-0018)

Time Estimate:

Staff presentation may be five (5) minutes.

Background:

On June 26th, 2018, the Planning and Zoning Commission held the public hearing on this request. All commission members present voted in favor of forwarding a positive recommendation to City Council, with attached conditions.

On June 30th, 2018 the City Council held a public hearing on this request. One person spoke against this request. Upon conclusion of council deliberations a motion was made to approve the request, as recommended by the commission

The motion passed unanimously.

Approval Process:

The ordinance is presented by staff, if Council wishes to pass it during this meeting a motion is needed to suspend the rules and place the ordinance on third and final reading. A simple majority vote is then needed to pass the ordinance.

Budget Impact:

N/A

Regulatory Impact:

Adoption of this ordinance will change the Zoning Districts and subsequent development regulations governing this property. The ZDA will also be in effect for land uses, development standards, and other applicable elements.

History:

N/A

Analysis:

N/A

Conclusion:

Staff presents the ordinance, as directed by the City Council, for a final decision.

Attachments:

1. El Milagro ZDA Ord
2. MDP

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, Community Council of Idaho has made application for rezoning of property located at 1122 Washington Street South; 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 26th day of June, 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 30th day of July, 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 1122 Washington Street South is the subject of a Zoning District Change and Zoning Map amendment from R-4 to R-4 ZDA.

"Exhibit A" (Legal Description)

"Exhibit B" (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____

Exhibit A

FROM A POINT THAT IS NORTH 0° 39' 03" EAST A DISTANCE OF 814.01 FEET AND NORTH 89° 20' 05" WEST A DISTANCE OF 39.93' FROM THE EAST QUARTER CORNER OF SECTION 29, TOWNSHIP 10 SOUTH RANGE 17 EAST OF THE BOISE MERIDIAN, IN TWIN FALLS COUNTY, IDAHO A FOUND REBAR WITH CAP MARKED "PLS-14461", THE TRUE POINT OF BEGINNING.

THENCE, NORTH 89° 21' 08" WEST, A DISTANCE OF 1144.05 FEET TO A FOUND REBAR WITH CAP MARKED "PLS-14461". THENCE, SOUTH 0° 54' 18" WEST, A DISTANCE OF 73.32 FEET TO A FOUND REBAR WITH CAP MARKED "PLS-14461". THENCE, NORTH 89° 03' 53" WEST, A DISTANCE OF 347.44 FEET TO A FOUND REBAR WITH CAP MARKED "PLS-1000". THENCE, NORTH 0° 37' 55" EAST, A DISTANCE OF 602.80 FEET TO A FOUND REBAR WITH CAP MARKED "PLS-14461". THENCE, NORTH 0° 39' 51" EAST, A DISTANCE OF 77.30 FEET TO A FOUND REBAR WITH CAP. THENCE, SOUTH 88° 48' 36" EAST FOR A DISTANCE OF 370.41 FEET TO A FOUND REBAR WITH CAP MARKED "EHM". THENCE, NORTH 0° 35' 41" EAST, A DISTANCE OF 782.09 FEET TO A FOUND REBAR WITH CAP MARKED "PLS-14461". THENCE, SOUTH 89° 23' 31" EAST, A DISTANCE OF 460.13 FEET TO A FOUND REBAR. THENCE, NORTH 0° 43' 23" EAST, A DISTANCE OF 119.88 FEET TO A FOUND 1 INCH IRON PIPE. THENCE, SOUTH 89° 34' 24" EAST, A DISTANCE OF 217.07 FEET TO A FOUND ½ INCH REBAR. THENCE, SOUTH 0° 36' 35" WEST, A DISTANCE OF 361.13 FEET TO A FOUND REBAR WITH CAP MARKED "PLS-14461". THENCE, SOUTH 89° 17' 38" EAST, A DISTANCE OF 444.73 FEET TO A FOUND REBAR WITH CAP MARKED "PLS-14461". THENCE, SOUTH 0° 39' 00" WEST, A DISTANCE OF 1146.56 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PLOT OF LAND CONTAINING 39.61 ACRES MORE OR LESS.

BASIS OF BEARING: UNITED STATES STATE PLANE, CENTRAL ZONE 1102, WORLD GEODETIC SYSTEM DATUM OF 1984. DISTANCES ARE REPORTED AS GROUND DISTANCES. THE BASIS OF BEARING IS SOUTH 0° 39' 03" WEST, A DISTANCE OF 2,678.68 FEET BETWEEN THE NORTHEAST CORNER OF SECTION 29, A FOUND POINT AND THE EAST QUARTER CORNER OF SECTION 29, A FOUND POINT.

VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988.

The El Milagro Project

A Multi-use Development of Affordable Multifamily Residential & Non-Profit Community Campus

This Zoning Development Agreement (ZDA) is made and entered into this ____ day of August, 2018, by and between the city of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and the Community Council of Idaho, hereinafter called "Developer" for the purpose of developing a Multi-use Development of Affordable Multifamily Residential & Non-Profit Community Campus on property located at 1122 Washington Street South and more specifically described in the Legal Description.

NOW THEREFORE:

1. All future development and improvements shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 5; Residential Medium Density District, and Title 10 - Chapter 4 – Section 21; Neighborhood Commercial Overlay for the area designated on the Master Development Plan as "Phase 3", or as amended, and all references to other sections therein except for the following:
2. R-4, Residential Medium Density District: Modified as follows;
 - a. R-4 ZDA Zone
 - i. Permitted uses;
 1. Cultural Facilities
 - a. Historic sites and monuments
 - b. Museums, libraries, and art gallery
 2. Parks
 - a. Public Park and playgrounds with crowd attracting facilities
 - b. Park concessions.
 3. Residential
 - a. Management office and community resource building.
 - b. Community clubhouse.
 - c. Dwellings – triplex and fourplex.
 4. Sports Facilities
 - a. Outdoor athletic fields and support facilities, including but not limited to Soccer and Baseball fields.
 5. Transportation:
 - a. Bus facilities, including pickup shelters
 - ii. Property Development Standards
 1. Use of lots: Multiple dwelling units allowed on one lot
 2. Other Site Development Criteria: Private Streets
 - a. Internal streets may be private. Private streets shall meet or exceed City of Twin Falls Master Transportation Plan and subsequent revisions to the Idaho Standards for Public Works Construction for Residential street sections.
 - b. Private street width's, edge to edge of asphalt, shall be thirty-three ft (33'), but may be reduced to thirty feet (30'), however, they shall be posted "No Parking."
 - c. Curbs, gutters, and sidewalks are not required, however, all residential units shall have access meeting or exceeding the Americans with Disabilities Act standards.
 - d. All private streets shall provide provisions for storm water runoff management.
3. NCO, Neighborhood Commercial Overlay; Modified as follows, and applies only to the area identified as "Phase 3" on the Master Development Plan.
 - a. NCO ZDA Overlay

The El Milagro Project

A Multi-use Development of Affordable Multifamily Residential & Non-Profit Community Campus

i. Permitted uses;

1. Medical Facilities:

- a. Doctor's Office
- b. Hospital and clinics
- c. Rehabilitation service

2. Parks:

- a. Park concessions

3. Public Assembly:

- a. Auditoriums.
- b. School - private, vocational and/or academic.
- c. Theater – indoor

4. Service:

- a. Professional organizations
- b. Welfare and charitable facilities

5. Transportation:

- a. Bus facilities, including pickup shelters

ii. Property Development Standards

1. Other Site Development Criteria: Private Streets

- a. Internal streets may be private. Private streets shall meet or exceed City of Twin Falls Master Transportation Plan and subsequent revisions to the Idaho Standards for Public Works Construction for Residential street sections.
- b. Private street width's, edge to edge of asphalt, shall be thirty-three ft (33'), but may be reduced to thirty feet (30'), however, they shall be posted "No Parking."
- c. Curbs, gutters, and sidewalks are not required, however, all commercial units shall have access meeting or exceeding the Americans with Disabilities Act standards.
- d. All private streets shall provide provisions for storm water runoff management.

4. PROJECT PHASING:

- a. The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constricted without first meeting the approval of the City for inter-connection of utilities and/ or construction of temporary facilities required to accommodate a particular phase.
- b. Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council, The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and no maximum limit between phases.


Irma Morin, CEO
Community Council of Idaho

STATE OF IDAHO)
)ss
County of Canyon)

On this 1 day of August, 2018, before me, a Notary Public in and for said County and State, personally appeared Irma Morin, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledge to me that they executed the same.

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



Notary Public for Idaho

Residing at Canyon County

My Commission expires: 08-04-22





Date: Monday, August 20, 2018
To: Mayor and City Council
From: Travis Rothweiler, City Manager

Request

Public hearing concerning the use of its foregone levying authority and include \$770,000 of the \$2,186,253 in total foregone balance in its 2018-2019 fiscal year budget to fund the road overlay and sidewalk improvement projects, as described in Resolution 2018-006 (*approved August 6, 2018*).

Public hearing and adoption of the City of Twin Falls Fiscal Year 2018-2019 Appropriations Ordinance.

Time Estimate

The estimated amount of time this item will take is 45 minutes plus time to answer questions.

Background

The City of Twin Falls fiscal year begins on October 1, 2018, and ends on September 30, 2019. The budget is submitted in accordance with Government Finance Officers' Association (GFOA) best practices and the requirements expressed in the Idaho Code pertaining to municipal corporation and budgets. Idaho Code Section 50-811 states the City Manager shall "...keep the council fully advised of the financial condition of the city and its future needs..." and "...prepare and submit to the council a tentative budget for the next fiscal year."

The budget decisions outlined in this document influence the fiscal state of the city, the function of its government, and budget considerations for current and future needs. The City's budget, therefore, is the most important working policy and planning tool used by the City Council and staff to provide quality services to the citizens of Twin Falls, as determined by the City Council and for which funds are available.

The preliminary budget supports basic government services such as road maintenance, water, Wastewater, transportation improvements, parks, police, fire and library services. Furthermore, it also addresses additional community needs such as economic development, park renovation and open space designations.

2019 Fiscal Year Budget Summary

The combined expenditures and transfers total \$69,780,467, which is \$1,555,345 less than the FY 2018 budget of \$71,335,812. We are recommending Government Fund-Type expenditures, or expenditures from funds that receive property tax revenue, in the amount of \$41,727,180. We are recommending Enterprise Fund-Type expenditures totaling \$28,053,287.

The City has taken the steps to include \$770,000 of its foregone balance for flowing one-time capital projects:

Road Overlays:

- Locust, Fillmore to Filer - \$152,730
- Stadium, East of Eastland - \$162,655

Sidewalk Improvements:

- 3600 North, north side near Harrison on the west side, at Orchard - \$273,000
- Grandview, east side, north of Rock Creek Elementary – \$180,000

After including the \$770,000 into the budget, the foregone balance will be \$1,416,284.

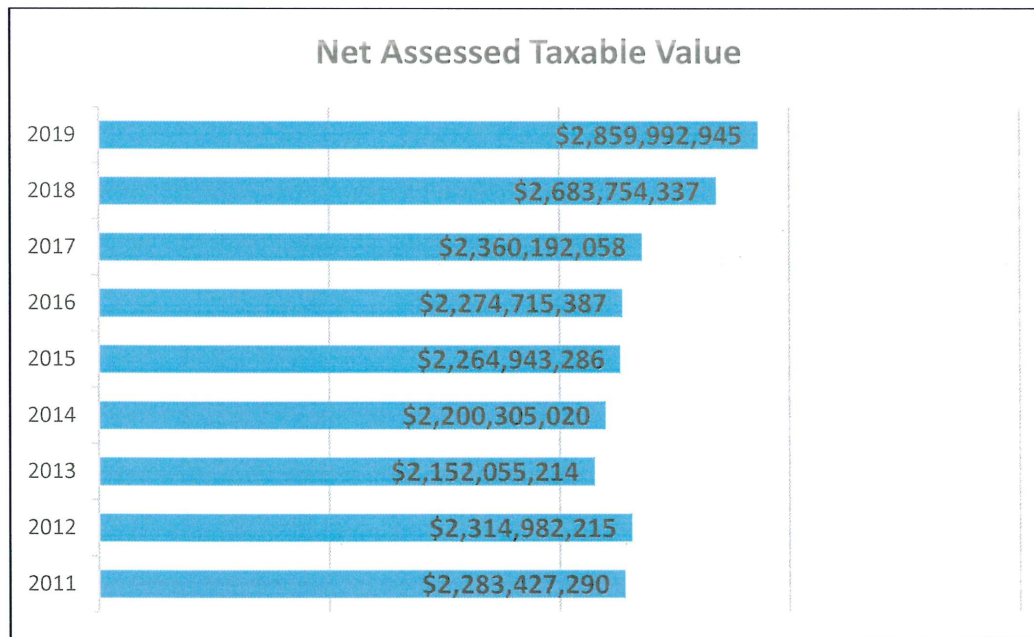
Budget Overview

The role of local government is to protect the citizen's health and provide for their safety. To realize that end, local governments, like the City of Twin Falls, are responsible for providing accessible streets, dependable emergency responses, and safe and aesthetically pleasing parks and public facilities—all in a manner that is both effective and efficient. While the budget does not fund all capital initiatives and projects in the entire organization, it does meet the City Council's priorities and the citizen's service level expectations. It demonstrates restraint in the areas of taxation and rate adjustments. It appropriately incorporates the use of cash reserves to cover one-time, critical and needed capital projects.

Property Taxes

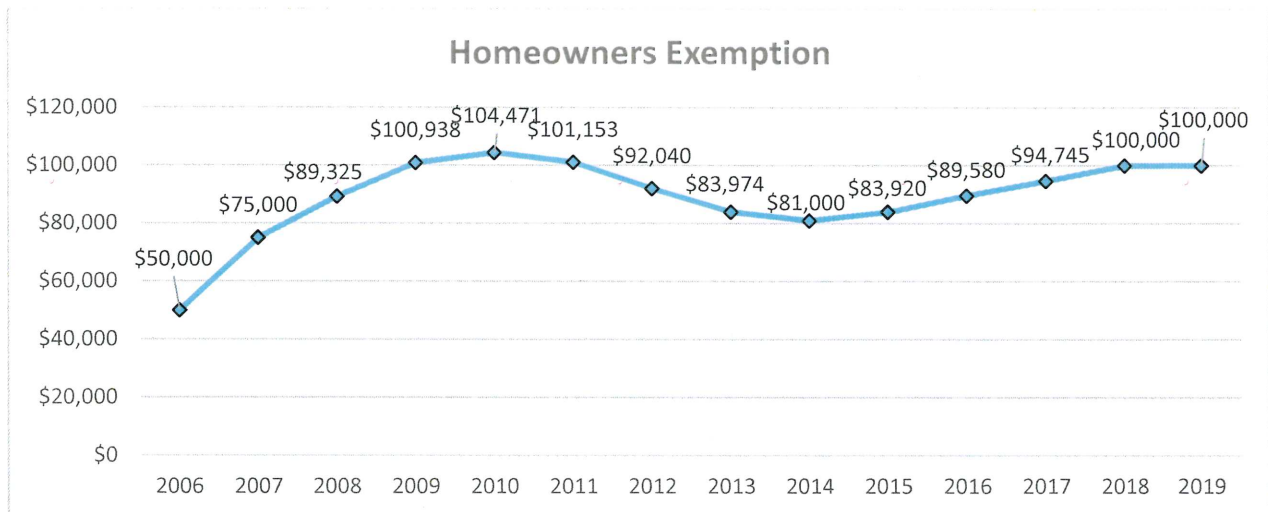
According to the Twin Falls County Assessor's Office, the City of Twin Falls' overall preliminary total taxable valuation is expected to increase by \$176,238,608, or 6.6%, from \$2,683,754,337 to \$2,859,992,945. This growth is on top of the \$323,562,279 that was realized in the last fiscal year.

As illustrated in the table below, the taxable value used to calculate the FY 2019 tax rate for the City of Twin Falls is the largest in its history.

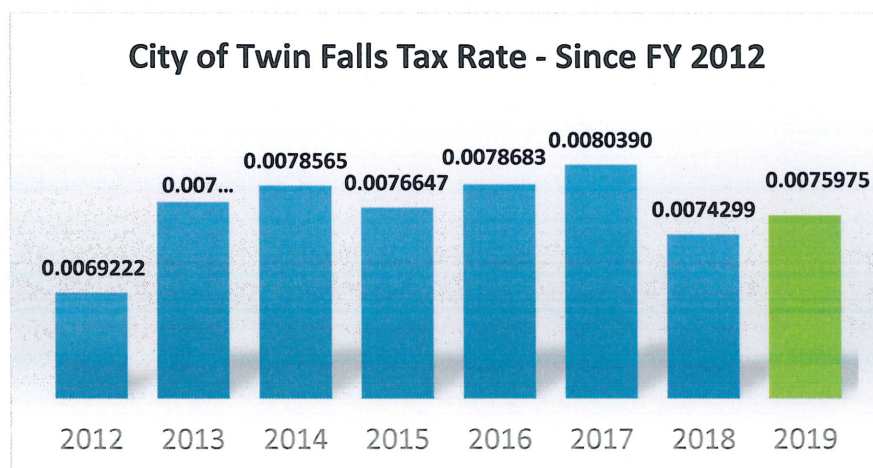


It is important to note the City's taxable value excludes the taxable value of the properties located in the Twin Falls Urban Renewal Agency revenue allocation areas. The entirety of the URA's properties are located in the City and have a value \$699,089,606. Collectively, the taxable values for both the City of Twin Falls and Twin Falls Urban Renewal Agency total \$3,559,082,551. There are many factors that influence the City's total taxable value. Some of the larger factors include an increase in the base value from reappraisals performed by the Twin Falls County Assessor's Office, growth from new construction, and an increase the State homeowner's exemption maximum allowance.

From 2006 to 2017, the maximum exemption has been indexed and adjusted annually to reflect statewide real property market trends. During the 2016 session, the Idaho Legislature increased the exemption to a fixed \$100,000 for 2017 (FY 2018 Budget). The fixed rate will remain in place until the legislature amends the law that created the change.



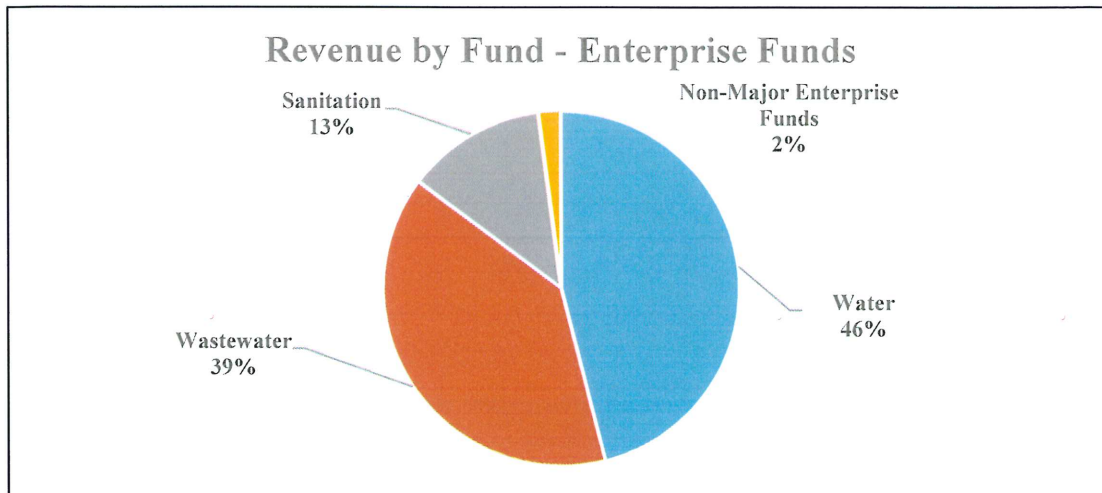
Cities in Idaho do not have control of and cannot determine their community taxable value. That responsibility is assigned to County Assessor's Office. If the taxable value for FY 2019 remains as presented above, we are projecting the City's tax rate will be \$7.60 per \$1,000 (0.0075975) in taxable value. The tax rate for FY 2018 was \$7.43/\$1,000 (0.0074299) of taxable value. Below is a graph illustrating the tax rate to the citizens.



Enterprise Fund Revenue Overview

Enterprise Funds account for services financed through the assessment of user-fees. The main goal or purpose of these business-like funds is to provide services to customers at a price that will cover both the current cost of operations and the purchase and maintenance of necessary capital assets. Net income/loss (revenues less expenditures) at the end of each fiscal year either adds to or reduces the fund's residual equity, which is commonly referred to as the net assets of the fund. The residual earnings captured by a particular Enterprise Fund may not be co-mingled with any other fund or spent

for any purpose other than the one it has been collected or reserved for without direct and specific action by the City Council.



Enterprise Funds account for \$25.46 million (37%) of the \$69.78 million total budgeted revenues in the FY2019 Recommended Budget. The majority, or almost 94% are from user fees. The remaining revenue sources include investment earnings, inter-fund transfers and reserves.

Water Fund

The Water Fund supports the following water-related activities: water supply, water distribution, pressurized irrigation, and utility billing. The FY 2019 budget recommends that the City increase water rates 5%. The average water user (18,000 gallons) will see an increase of \$1.96 per month and \$23.48 per year.

Wastewater Fund

The Wastewater Fund is used to support all wastewater services provided by the City of Twin Falls, namely wastewater collections and wastewater treatment. FY 2019 Budgets calls for expenditures totaling \$9,941,879 in this Fund. The Recommended Budget proposes an increase in Wastewater rates of 0.5%. The maximum cap will also be adjusted from 8,000 to 12,000 per gallons.

Sanitation

The Sanitation Fund supports the City's sanitation and recycling program.

The cost of supplying sanitation and recycling services increases slightly in FY 2019. The monthly bill paid by the City's residential customers will increase from the current rate of \$17.79 per month to \$18.44 per month. This represents a \$0.65 per month per customer increase, or a fee increase of 3.64%.

At the August 6th City Council meeting, the City made the decision to cover the cost of recycling, up to \$175/ton. The current market cost is approximately \$160/ton. Starting October 1st, the City will re-ramp its curbside recycling program.

How much more will City Services Cost?

Over the last ten fiscal years, the City's tax rate fluctuated significantly, ranging from a high of \$7.86 per \$1,000 (FY 2014 and 2016) of taxable value to a low of \$6.59/\$1,000 (FY 2009) of taxable value. It is important to recognize the tax rate does not necessarily indicate an individual's tax burdens. The tax rate is simply a multiplier used to determine a property owner's proportionate share of property tax liability. It is a fraction of a local government's total property tax collections divided by the total taxable value of that local government unit.

	FY 2018 Adopted Budget	FY 2019 Recommended Budget	Variance
Property Tax	Tax Rate of: \$7.43/\$1,000 tax value	Tax Rate of: \$7.33/\$1,000 tax value	Tax Rate of: -\$0.10/\$1,000 tax value
Median Valued Home of an owner-occupied home: \$163,000 in FY 2018 \$178,000 in FY 2019	\$605.53 <i>annual</i> \$50.46 <i>monthly</i>	\$675.18 <i>annual</i> \$56.34 <i>monthly</i>	\$70.65 <i>annual</i> \$5.89 <i>monthly</i>
Utility Bills			
Average Residential Customer Consumption of:			
Water - 18,000 gallons	\$49.89	\$51.85	\$1.96
Sewer - 8,000 gallons	\$27.27	\$27.67	\$0.40
Sanitation & Recycling	\$17.79	\$18.44	\$0.65
Monthly Total of Property Tax and Utility Bills	\$145.41 <i>monthly</i>	\$154.30 <i>monthly</i>	\$8.90 <i>monthly</i>

Municipal Cost Index

Although the economy is improving on many fronts, the cost of offering public services and programs has also increased. The Municipal Cost Index (MCI) is designed to show the effects of inflation on the cost of providing municipal services.

State and local government officials rely on American City & County's Municipal Cost Index to stay on top of price trends, help control price increases for commodities, make informed government contract decisions and intelligent budget planning. The MCI draws on the monthly statistical data collected by the U.S. Departments of Commerce and Labor as well as independently compiled data to project a composite cost picture. From April 2017 to May 2018, the most recent data available, the MCI has increased 6.8 points or 2.81% to 248.43. The Consumer Price Index increased 2.8% during the same period.

Approval

Adoption of the City of Twin Falls Fiscal Year 2018-2019 Appropriations Ordinance requires a simple majority (50%+1) of the members in attendance at this meeting.

Budget Impact:

This sets the budget for the City of Twin Falls for the fiscal year that begins on October 1, 2018, and ends on September 30, 2019.

Regulatory Impact:

Section 50-1003 of the Idaho Code states "...the city council of each city shall, prior to the commencement of each fiscal year, pass an ordinance to be termed the annual appropriation ordinance, which in no event shall be greater than the amount of the proposed budget, in which the corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all

necessary expenses and liabilities of such corporation, not exceeding in the aggregate the amount of tax authorized to be levied during that year in addition to all other anticipated revenues.”

Attachments

1. Recommended Budget for FY 2018 can be found online.

Resolution No. 2018-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, DECLARING THE INTENT TO LEVY \$770,000 IN FOREGONE PROPERTY TAX FOR FISCAL YEAR 2019, AND DECLARING THE PURPOSE FOR WHICH THE FOREGONE TAXES ARE BUDGETED, AND PROVIDING NOTICE OF PUBLIC HEARING.

WHEREAS: Pursuant to Idaho Code, taxing districts may choose to levy taxes less than the maximum amount allowed by law, which amount not levied is referred to as the foregone amount;

WHEREAS: Idaho Code 63-802 requires taxing districts to hold a public hearing prior to budgeting any foregone increase, which hearing may be in conjunction with its annual budget hearing, and requiring taxing districts to certify by resolution the amount of foregone increase to be budgeted and the specific purpose for which the foregone increase is being budgeted;

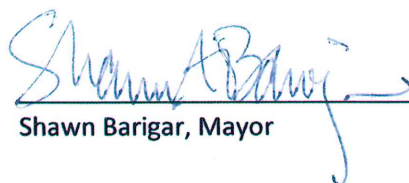
WHEREAS: The City intends to use the foregone levying authority and include its foregone amount of \$770,000 in its 2018-2019 fiscal year budget to be used to fund the following road overlay and sidewalk improvement projects:

- \$274,000 – 3600 North, North Side, near Skylane Mobile Home Park Harrison, West Side at Orchard
- \$180,000 – Grandview, East Side, North of Rock Creek Elementary
- \$163,000 – Stadium, East of Eastland
- \$153,000 – Locust, Willmore to Filer

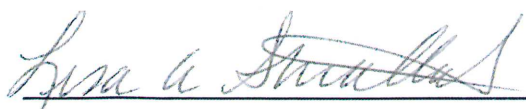
THEREFORE, BE IT RESOLVED THAT: City Council will hold a public hearing concerning the foregone amount in conjunction with the budget hearing at its regular meeting held at City Council Chambers located at 203 Main Avenue East, Twin Falls, Idaho on August 20, 2018 at 6:00 p.m.

PASSED AND APPROVED THIS 6TH DAY OF August, 2018.

CITY OF TWIN FALLS


Shawn Barigar, Mayor

ATTEST:


Lisa Strickland, Deputy City Clerk

ORDINANCE NO. 2018-18

AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO, APPROPRIATING \$65,175,529 FOR THE 2019 FISCAL YEAR TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF TWIN FALLS; PROVIDING FOR THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT APPROPRIATED FOR EACH OBJECT OR PURPOSE; LEVYING AD VALOREM TAXES IN THE AMOUNT OF \$22,034,866 FOR THE 2019 FISCAL YEAR; PROVIDING THAT A COPY OF THIS ORDINANCE SHALL BE FILED WITH THE COUNTY COMMISSIONERS OF TWIN FALLS COUNTY, IDAHO AND WITH THE SECRETARY OF STATE OF THE STATE OF IDAHO; PROVIDING FOR THIS ORDINANCE TO TAKE EFFECT UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN SUSPENDED.

WHEREAS, the City has provided proper notice and held a public hearing on August 20, 2018 regarding the proposed budget for Fiscal Year 2019, and

WHEREAS, the City Council has reviewed the proposed budget and determined that the expenditures are necessary;

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

Section 1: That the appropriations and the amount appropriated for the fiscal year beginning October 1, 2018 through September 30, 2019 be set as follows for the objects and purposes as herein specified:

<u>Objects and Purposes</u>		<u>Amounts</u>
General Fund	\$	27,383,911
Street Fund	\$	5,922,861
Street Light Fund	\$	392,500
Library Fund	\$	1,846,459
Airport Fund	\$	1,346,328
Capital Improvement Fund	\$	1,831,148
Pool Fund	\$	528,724
Fireworks Fund	\$	8,000
Insurance Fund	\$	467,433
Impact Fee Fund	\$	817,143
Airport Construction Fund	\$	1,066,000
Waterworks Fund	\$	10,441,741
Wastewater Fund	\$	9,073,664
Comm Area Maint Fund	\$	44,524
Sanitation Fund	\$	2,838,084
Golf Fund	\$	155,793
Dierkes/Shoshone Falls Fund	\$	303,886
Shop Fund	\$	598,317
Seizures/Restitution Fund	\$	109,015
Total Appropriations	\$	65,175,529

The amount listed under the General Fund includes the budgets for City Council, City Manager, Finance, Legal, Planning & Zoning, Code Enforcement, Economic Development, Human Resources, Information Technology, Police, Communications, Fire, Building Safety, Animal Control, Custodial, Engineering, Parks and Recreation.

Section 2: That the City of Twin Falls hereby certifies a tax levy in an amount not to exceed \$22,034,866 on the taxable market value of all taxable property within the corporate limits of the City of Twin Falls, Twin Falls County, Idaho to provide revenue for the following purposes:

<u>Activity</u>	<u>Tax Amount Certified</u>
General Fund	\$ 18,126,633
Street Fund	\$ 871,401
Street Light Fund	\$ 8,066
Library Fund	\$ 1,720,117
Airport Fund	\$ 344,692
Capital Improvement Fund	\$ 770,000
Insurance Fund	\$ 193,957
Total	\$ 22,034,866

Section 3: That the City Clerk of the City of Twin Falls is hereby directed to file a copy of the Ordinance with the County Commissioners of Twin Falls, County, Idaho; and the Secretary of State, in accordance with Idaho Code 50-1003 and 50-1007.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, the rule requiring that an ordinance be read on three separate days having been suspended.

PASSED AND APPROVED UNDER SUSPENSION OF RULES this 20th day of August, 2018.

SIGNED BY THE MAYOR August 20, 2018. _____
Mayor

ATTEST: _____
Deputy City Clerk

PUBLISH: August 27, 2018