



Twin Falls City Council Agenda

Monday, January 7, 2019, 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) **ACTION:** Request to approve the Accounts Payable for December 27, 2018 thru January 2, 2019.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION:** Request to approve the Final Plat for The Workman Office Condominiums, a PUD located at 2190 Village Park Avenue. (App. PZ18-0111)
By: Steve O'Connor, City Planner
- 6) ITEMS OF CONSIDERATION
 - a) **ACTION:** Request to appoint Teresa Jones, 442 Eastgate Drive, Twin Falls, ID 83301 to serve as a Library Trustee.
By: Tara J. Bartley, Director of the Twin Falls Public Library
 - b) **PRESENTATION:** Presentation of Spidr Tech victim notification and survey technology that the Twin Falls Police Department will be utilizing in an effort to meet some of our strategic objectives.
By: Captain Anthony Barnhart, Twin Falls Police Department
 - c) **PRESENTATION:** Discussion on Reimbursement Resolution 2017-013
By: Troy Vitek, Assistant City Engineer
 - d) **ACTION ITEM:** Discussion and possible action on the Municipal Powers Outsource Grant (MPOG) program.
By: Mandi Thompson, Grant and Community Relations Manager
- 7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 8) PUBLIC HEARINGS: None
- 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.



Date: Monday, January 7, 2019
To: Honorable Mayor and City Council
From: Planning & Zoning Department

ACTION ITEM

Request:

ACTION: Request to approve the Final Plat for The Workman Office Condominiums, a PUD located at 2190 Village Park Avenue. (App. PZ18-0111)

Time Estimate:

N/A

Background:

N/A

Approval Process:

Final Plat approvals follow Twin Falls City Code 10-12-2.3

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

This is a request to approve a Final Plat on property which is zoned C-1 PUD at 12190 Village Park Avenue.

The owner is requesting to split an existing building by final plat through a condominium plat process. The request is in conformance with City Code, applicable PUD, and the Comprehensive Plan.

Conclusion:

Staff recommends the City Council approve the Final Plat for the Workman Office Condominiums, a PUD, as presented and with the following condition:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

Attachments:

1. 1 - Final Plat
2. 2 - Vicinity Map

Curve Table

CURVE #	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
C1	5°40'51"	125.00'	12.39'	12.39'	6.20'	S86°53'26"E
C2	5°40'51"	175.00'	17.35'	17.34'	8.68'	S86°53'26"E
C3	90°32'07"	30.00'	47.40'	42.62'	30.28'	S44°27'47"E
C4	5°40'51"	150.00'	14.87'	14.87'	7.44'	S86°53'25"E
C5	5°40'51"	150.00'	14.87'	14.87'	7.44'	N86°53'25"W

FOUND ALUMINUM CAP
PLS 10110
C.P. #2018-011881



0 15 30 60
SCALE IN FEET

WORKMAN OFFICE CONDOMINIUMS, A PUD

Lot 9, Block 3 of
Canyon Village Subdivision No. 2, a PUD
Located In
Gov't Lot 1, Section 3
Township 10 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2019

Sheet List Table

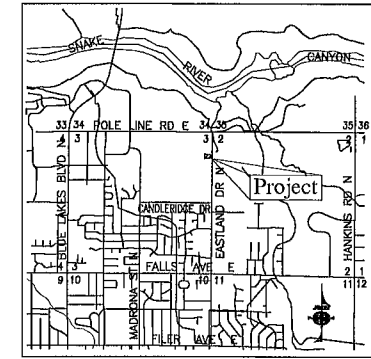
Sheet Number	Sheet Title
1 OF 4	PLAT FACE
2 OF 4	SECTION VIEWS
3 OF 4	CERTIFICATE OF OWNERS
4 OF 4	ACKNOWLEDGEMENTS

Survey References

CANYON VILLAGE OFFICE CONDOMINIUMS NO. 1
#2017-016284
CANYON VILLAGE SUBDIVISION NO. 2, A PUD
#2016-014585
CANYON VILLAGE SUBDIVISION, A PUD
#2015-004311
#2014-004357
#2006-014492

Deed References

#2017-011008
#2016-022285

VICINITY MAP
NOT TO SCALE

Legend

SUBDIVISION BOUNDARY LINE	—
SECTION LINE	—
PLATTED EASEMENT LINE	- - -
CENTERLINE OF STREET	—
ADJACENT PROPERTY LINE	—
CALCULATED POINT	△
FOUND 5/8" REBAR (AS NOTED)	○
FOUND ALUMINUM CAP	■
FOUND 1/2" REBAR - REPLACED WITH 5/8" x 24" REBAR & CAP - LS 10110	○

General Notes:

- THIS PLAT IS SUBJECT TO THE CONDOMINIUM PROPERTY ACT, TITLE 55, CHAPTER 15, IDAHO CODE.
- THE COMMON AREAS ARE OWNED BY THE OWNERS OF THE CONDOMINIUM UNITS AS THEIR INTERESTS APPEAR AND ARE SET FORTH IN THE DECLARATIONS PURSUANT TO IDAHO STATE CODE 55-1505(1)(C).
- UNIT DIMENSIONS ARE THE INTERIOR WALL LINES.
- ALL UNIT LINES ARE PARALLEL AND PERPENDICULAR UNLESS OTHERWISE NOTED.
- THE SURVEY TIES TO THE BUILDING SHOWN ON PLAT ARE TO THE INSIDE FACE OF THE WALL.
- IN INTERPRETING THE DECLARATION, PLATS AND DEEDS, THE EXISTING PHYSICAL BOUNDARIES OF THE UNIT AS ORIGINALLY CONSTRUCTED OR AS RECONSTRUCTED IN LIEU THEREOF SHALL BE CONCLUSIVELY PRESUMED TO BE ITS BOUNDARIES RATHER THAN THE METES AND BOUNDS EXPRESSED OR DEPICTED IN THE DECLARATION, PLATS OR DEEDS REGARDLESS OF SETTLING OR LATERAL MOVEMENT OF THE BUILDING AND REGARDLESS OF MINOR VARIANCES BETWEEN BOUNDARIES SHOWN IN THE DECLARATION, PLATS OR DEEDS.
- THE CONDOMINIUM IS SUBJECT TO EASEMENTS, RIGHTS OF WAY, DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CANYON VILLAGE SUBDIVISION NO. 2, RECORDED AS INST. NO. 2016-014586, RECORDS OF TWIN FALLS COUNTY.
- THE UNITS ARE DEFINED AND THIS PLAT IS SUBJECT TO THE DECLARATION OF CONDOMINIUM FOR WORKMAN OFFICE CONDOMINIUMS, A PUD, RECORDED AS INSTRUMENT NO. _____, RECORDS OF TWIN FALLS COUNTY.

Note:

THE PHYSICAL BOUNDARIES OF THE UNIT ARE THE INTERIOR SURFACES OF PERIMETER WALLS, FLOOR, CEILINGS, WINDOWS, AND DOORS THEREOF SHOWN ON SHEET 2 OF THIS CONDOMINIUM PLAT MAP TO BE FILED FOR RECORD TOGETHER WITH ALL FIXTURES AND IMPROVEMENTS THEREIN CONTAINED. NOTWITHSTANDING SUCH MARKINGS, THE FOLLOWING ARE NOT PART OF A UNIT: BEARING WALLS, COLUMNS, FLOORS, AND ROOFS (EXCEPT FOR THE INTERIOR SURFACE THEREOF, OF A PERIMETER WALL, FLOOR, OR CEILING), FOUNDATION, SKYLIGHTS, SHAFTS, CENTRAL HEATING SYSTEMS, RESERVOIRS, TANKS, PUMPS, AND OTHER SERVICES USED BY MORE THAN ONE UNIT, PIPES, VENTS, DUCTS, FLUES, CHUTES, CONDUITS, WIRES, EXCEPT THE OUTLETS THEREOF WHEN LOCATED WITHIN THE UNIT. THE INTERIOR SURFACES OF A PERIMETER WINDOW OR FLOOR MEANS THE POINTS AT WHICH SUCH SURFACES ARE LOCATED WHEN SUCH WINDOWS OR DOORS ARE CLOSED; THE PHYSICAL WINDOWS AND DOORS THEMSELVES ARE PART OF THE COMMON AREA AS HEREIN DEFINED. IN INTERPRETING THE DECLARATION, PLAT OF PLATS AND DEEDS, THE EXISTING PHYSICAL BOUNDARIES OF THE UNIT AS ORIGINALLY CONSTRUCTED OR AS RECONSTRUCTED IN LIEU THEREOF SHOULD BE CONCLUSIVELY PRESUMED TO BE ITS BOUNDARIES RATHER THAN THE METES AND BOUNDS EXPRESSED OR DEPICTED IN THE DECLARATION, PLAT OR PLATS, OR DEED REGARDLESS OF SETTLING OR LATERAL MOVEMENT OF THE BUILDING AND REGARDLESS OF MINOR VARIANCE BETWEEN BOUNDARIES SHOWN IN THE DECLARATION, PLAT OR PLATS OR DEEDS, AND ACTUAL BOUNDARIES OF UNITS IN THE BUILDING.

FOUND 5/8" REBAR,
HWE 5617
C.P. #2018-014454



EHM Engineers, Inc.

DISTRICT HEALTH DEPARTMENT, EHS

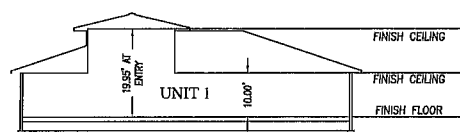
DATE: _____



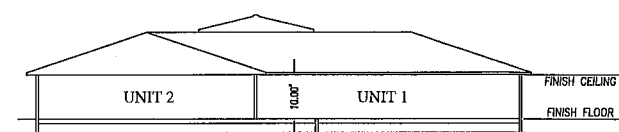
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SHEET 1 OF 4

General Notes:

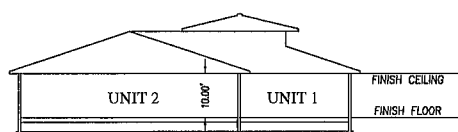
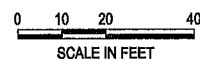
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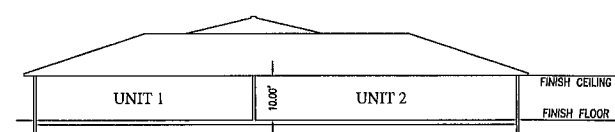
WEST SECTION VIEW



NORTH SECTION VIEW



EAST SECTION VIEW



SOUTH SECTION VIEW

Note:

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ACKNOWLEDGMENT

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, CHRISTOPHER S. HARMISON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, MADE THE SURVEY OF THE LAND DESCRIBED IN THE CERTIFICATE OF OWNER AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF SAID SURVEY AS MADE AND STAKED UNDER MY SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.



APPROVAL OF CITY COUNCIL

THIS PLAT WAS ACCEPTED AND APPROVED BY THE CITY COUNCIL OF TWIN FALLS, IDAHO AT THEIR MEETING ON THIS _____ DAY OF _____, 2019.

MAYOR _____

CITY CLERK _____

APPROVAL OF CITY ENGINEER

I HAVE REVIEWED THE ACCOMPANYING PLAT AND HEREBY CERTIFY THAT IT CONFORMS WITH THE APPLICABLE ORDINANCES OF THE CITY OF TWIN FALLS, IDAHO.

CITY ENGINEER _____

ATTEST _____

COUNTY SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR FOR TWIN FALLS COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATED TO PLATS AND SURVEYS.

GEORGE A. YERION
COUNTY SURVEYOR

DATE _____

ACKNOWLEDGMENT

STATE OF _____ } ss
COUNTY OF _____

ON THIS _____ DAY OF _____, 2019, AT _____ M., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GEORGE A. YERION, PERSONALLY KNOWN OR IDENTIFIED TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC _____

RESIDING AT _____

COMMISSION EXPIRES _____

COUNTY TREASURER'S CERTIFICATE

I, _____, COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO PER THE REQUIREMENTS OF IDAHO CODE 50-1308, DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE FOR THE PROPERTY INCLUDED IN THIS PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY DAYS ONLY.

COUNTY TREASURER _____

DATE _____

COUNTY RECORDER'S CERTIFICATE

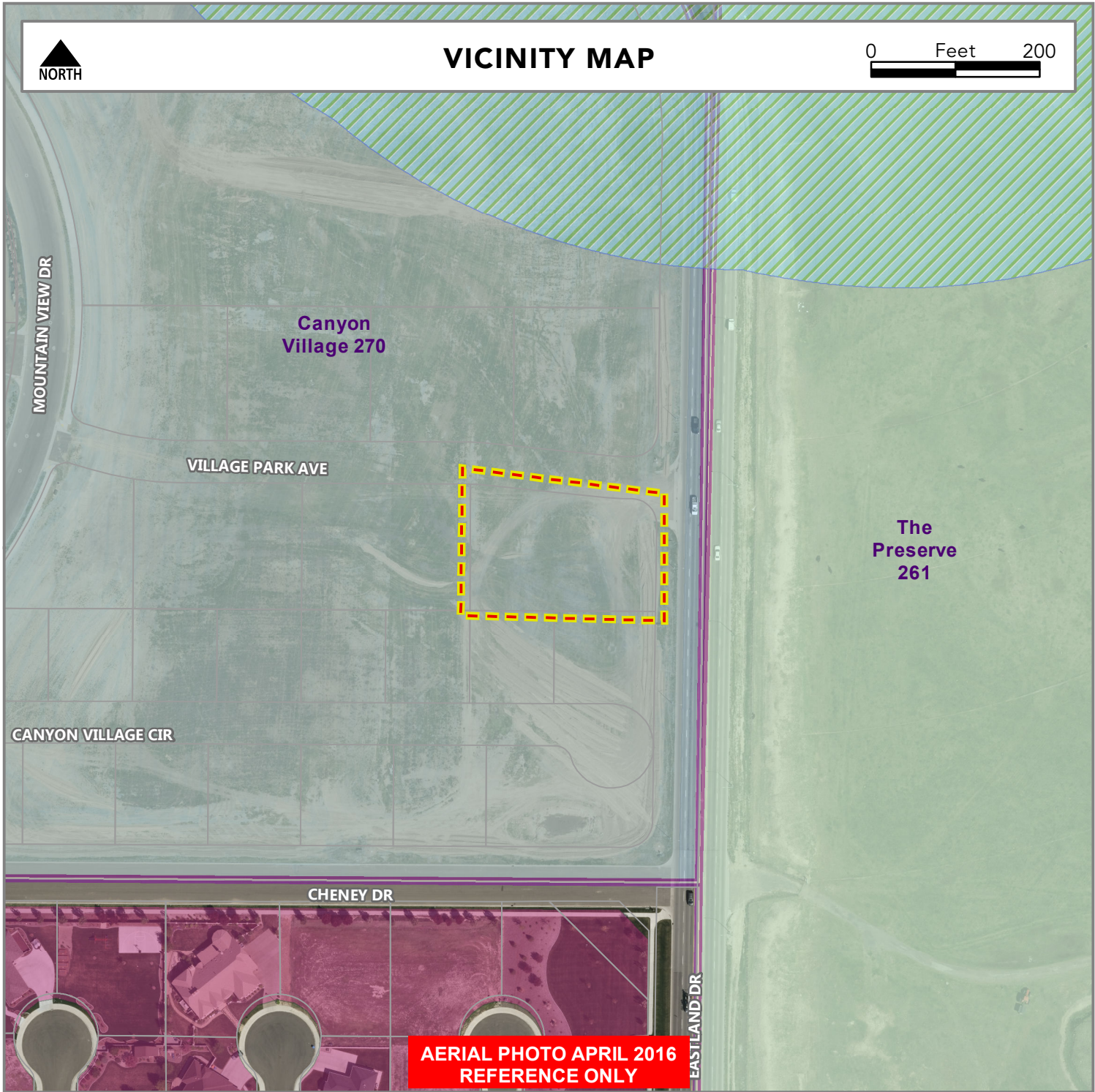
INSTRUMENT NO. _____

STATE OF IDAHO } ss
COUNTY OF TWIN FALLS

ON THIS _____ DAY OF _____, 2019, AT _____ M., THE FOREGOING PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF TWIN FALLS COUNTY, IDAHO AND DULY RECORDED IN PLAT BOOK _____, ON PAGE _____.

DEPUTY _____

EX-OFFICIO RECORDER _____



- CRO
- R-1 VAR
- PUD
- R-2
- C-1





December 17, 2018

Twin Falls City Council
P.O. Box 1907
Twin Falls, ID 83301

Dear Mayor Barigar and City Council Members:

The current Board of Trustees of the Twin Falls Public Library requests that Teresa Jones, who resides at 442 Eastgate Drive, Twin Falls, be appointed by the City Council to serve as Library Trustee for a full-term of office from January 2019 – December 2023.

As stated in the enclosed letter, Ms. Jones expresses a strong interest in the Library and is prepared to accept the full responsibilities of a working Library Trustee for her term of office. On behalf of the Board of Trustees, thank you for your consideration.

Sincerely,

Tara J. Bartley
Director of the Twin Falls Public Library

Enclosure: Letter of Interest



Twin Falls School District #411
201 Main Ave. W
Twin Falls, ID 83301

P 208.733.6900
F 208.733.6987
www.tfsd.k12.id.us

TERESA JONES DIRECTOR OF ELEMENTARY PROGRAMS

December 6, 2018

Twin Falls Library Board of Trustees,

I am writing to share my interest in serving on the Twin Falls Public Library Board of Trustees. I have lived in southern Idaho my whole life, moving to the Magic Valley in 1990, and to Twin Falls in 2016. I have been an educator in public education for 31 years, 8 years as a teacher and 23 years as an administrator. I currently serve as the Director of Elementary Programs for the Twin Falls School District. In this capacity, I oversee all of the elementary schools in the Twin Falls School District. I have an extensive budget that is my responsibility to allocate with the goal of serving as many of our needs as possible. I also work closely with teachers, parents and our community. I believe this experience would be beneficial as a board member. As an educator, I am well aware of the importance of a Board of Trustees and I so appreciate the time and effort dedicated by our community members who serve on our local school board. It would be wonderful to be able to give back to our community by serving on the library board.

I have a passion for working to help children and their families realize the importance of reading, both as children and as adults. There is much research that solidifies the importance for children to be exposed to literature from a very young age. I have observed the difference in student learning that exposure or lack of makes in a child's education. I appreciate the work the public library is doing to get pre-school children and their families involved in books and other activities as early as possible, and the programs to help continue that interest for lifelong learners.

I was involved in the Magic Valley Leadership program for the past 2 years, and last year we toured the Twin Falls Public Library. I was amazed to see the wide array of opportunities the library provides for our community. I was happy to see that the library has a foundation and I am impressed with the vast list of activities that the library offers for our public to participate in. It would be an honor to serve on the board and help make a difference for our community in this way.

Please let me know if there is any further information that would be helpful to you in your decision making. I look forward to hearing from you.

Sincerely,

Teresa Jones



Date: Monday, January 7, 2019
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

PRESENTATION

Request:

PRESENTATION: Discussion on Reimbursement Resolution 2017-013

Time Estimate:

Staff Estimates 15 minutes to present the Resolution.

Background:

July 10, 2000 the City Council passed resolution number 1651 which was the beginning of the Reimbursement process for which a private developer who extends a utility that can receive reimbursement for that utility when a subsequent developer benefits from its installation. On July 13, 2009 a new Resolution 1816 was passed by the Council which further defined the rules and provided a lot more information on which utilities are available for reimbursement and how that reimbursement should be distributed along with clarification to determine rolls and responsibilities of the process. It was also in 2009 that an ordinance was passed determining the commission that would hear the applications. Resolution 2017-013 was adopted on August 28, 2017 amending resolution 1816 to include Twin Falls Canal Company water delivery system, change the timeline to 25 years vs 20, and allow school districts to apply for payback. This is the resolution staff will be presenting to the council today.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff is bringing this before the council today to have an opportunity to educate the council about the Reimbursement Resolution since it is not common for the council to hear applications. The Resolution also states that if a developer disagrees with the reimbursement they may appeal to the City Council. There was recently a reimbursement that went through the process that will come before the Council

soon as an appeal. This appeal will be discussed at a later time but staff wanted to be available for questions if the Council had any.

Attachments:

1. Resolution-2017-013

RESOLUTION NO. 2017-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE CITY'S IMPROVEMENT REIMBURSEMENT RESOLUTION BY PROVIDING CHANGES TO THE TERMINATION OF RIGHT TO REIMBURSEMENT SECTION RELATING TO MAJOR WATER DISTRIBUTION LINES, THE EXTENSION OF THE TERM OF ELGIBILITY AND ADDITION OF REIMBURSEMENT FOR THE COSTS OF PRIVATE AND PUBLIC IMPROVEMENTS RELATING TO TWIN FALLS CANAL COMPANY WATER DELIVERY SYSTEM.

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

Purpose:

Whenever any extension is made by a developer (initial developer) to the City of Twin Falls' (City) water distribution system, wastewater collection system, transportation system, pressure irrigation pump stations and distribution systems, in such a manner as to enable a subsequent private developer or property owner to connect to or extend the previously extended water distribution system, wastewater collection system, transportation system, pressure irrigation pump stations and distribution systems, the subsequent private developer or property owner (subsequent developers) shall first make proper compensation to the initial developer for the costs of the water distribution system, wastewater collection system, transportation system, pressure irrigation pump stations and distribution systems (improvements). The following information is for reimbursement standards only and does not establish development standards for the City of Twin Falls.

Application By Initial Developer for Participation in Reimbursement Program:

The initial developer, who installs the improvements, must make an application for reimbursement to the Improvement Reimbursement Commission (Commission) thru the City Engineering Department within ninety (90) calendar days of acceptance of the system by the City. If the improvements were installed by the initial developer and accepted by the City prior to this Resolution, the developer shall have 90 days from the adoption of this Resolution to make an application for reimbursement. The initial developer's application shall identify all improvements proposed for compensation and shall include actual costs and all other requested data as required by the Commission to determine proper compensation. Also, Applicant will estimate the improvement boundaries per this Resolution. The Engineering Department will verify the improvements are located according to the Application and that they have been accepted by the City. The Engineering Department will not be responsible to verify the value of the improvements. The Engineering Department will review the GIS system for any previous Commission agreements. The City Engineer will review the proposed boundaries and confirm or adjust them. In the case that the City Engineer adjusts the boundaries, the initial developer will be notified by mail of the change. The initial developer can make a request to the Engineering Department to discuss this adjustment. The City Engineer has the final authority to determine the boundaries of all improvements. The Engineering Department will create a staff report including the pertaining information regarding the improvement reimbursement request and provide a copy to the initial developer prior to the Commission meeting. The Commission will review the application at their next public meeting and make a determination if the information in the application is correct by a vote of the members of the Commission. Besides

approving the application, the commission can also vote to approve the application with adjustments or vote to deny the application and request the Initial Developer correct the application and reapply for consideration. Once the Improvement Reimbursement request is approved by the Commission, the Engineering Department will enter the appropriate information into their system. The purpose of the Commission is to determine if a reimbursement is fair and equitable to the subsequent developers and qualifies for a future reimbursement. The initial developer must maintain proper identity and current address with the City Engineer in order to be eligible for proper compensation.

“Initial Developer” is hereby defined as any entity, individual, corporation, quasi-public corporation, non-profit organization, district, housing agency, partnership, firm, association, limited liability partnership or other such entities as recognized by the state of Idaho. This definition is intended to exclude the City of Twin Falls, the State of Idaho, and other governmental entities that fund or construct public improvements (as defined herein) in the ordinary course of their business.”

“Improvement” is hereby defined as one or more of the following: The completed improvement of water distribution system, wastewater collection system, transportation system, pressure irrigation pump stations and distribution systems, i.e. any public works improvement(s) that has been approved and accepted by the City. It is the completed improvement where the subsequent developer or property owner desires to connect, or the total or upgraded portion of any pump or unitized facility installed by the previous developer that will serve the subsequent development or property owner.

“Cost” is hereby defined as the following:

(1) Receipted actual amounts for the installation of the public works improvement;

(2) If unable to substantiate then:

The average of actual costs of public improvements installed by other private contractors within the past five (5) years, or,

The estimated costs documented by a nationally recognized estimating system.

(3) Estimate constructed from the Improvement Reimbursement Commission Agreements on file with the City of Twin Falls.

Improvements must be accepted by the City of Twin Falls to be eligible for reimbursement.

Responsibilities of the City:

The City Engineer will incorporate all “as-built” drawings into the City’s GIS program, so that the name of the initial developer that installed the existing system and the date it was “as-built” can be quickly retrieved.

The City Engineer will not issue a connection permit, sign a final plat, accept any improvement, or sign off on any certificate of occupancy without first checking the “as-built” drawings or the geographical information system (GIS) to determine if the improvement that is being connected to is less than ~~20~~ 25 years old and whether the initial developer has applied for participation in the reimbursement program. If the improvement is less than ~~20~~ 25 years old and if the initial developer has applied for participation in the reimbursement program, the City Engineer will inform the applicant (subsequent developer) that they must complete the financial obligations for reimbursement. The application will be thru the Engineering Department to the Commission for verification that the reimbursement has been made and be provided with a receipt of proper

compensation from the Commission, and receive approval by that commission. The City Engineer reserves the right to allow connections for emergency or other health and safety circumstances without receipt of proper compensation from the Commission. This does not satisfy the proper compensation requirement and the liability for payment will remain in place.

If the improvements required herein are a City requirement when a building or structure is constructed, placed, erected or enlarged or when there is a change of use of a building, structure or parcel of land, unless otherwise provided, all required improvements shall be a condition of any building permit and they shall be completed prior to final inspection and occupancy of the building. However, a reimbursement is not required for the City to approve minor modifications or additions to existing buildings or structures when the modifications and improvements do not constitute more than a twenty five percent (25%) increase over the square footage of the existing buildings or a total increase in square footage over ten thousand (10,000) square feet whichever is less, within any three (3) year period from date of completion of other expansion or modification.

Application for Verification of Payment of Proper Compensation:

The applicant for a connection permit, final plat approval, acceptance of any improvement, or any certificate of occupancy that desires to connect to existing public improvements eligible for reimbursement, shall make application to the Engineering Department to determine the Reimbursement obligation related to those improvements. The applicant can pay the required reimbursements and provide a receipt of proper compensation to the Commission or request the Commission reevaluate the required reimbursement by appealing the reimbursement amount and providing additional information to the Commission to make a new determination of proper compensation. The Commission reserves the right to request additional documentation of proper compensation. The Initial Developer will be given a reasonable time and opportunity to respond to the appeal before the hearing, and to appear and defend the determination at the hearing.

If the initial developer and subsequent developer agree on the proper compensation, the subsequent developer may file a notarized and agreed amount between the initial developer who installed the existing system and the subsequent developer or property owner who desires to connect to the existing system. The amount may be based upon any agreed portion of the cost, such as frontage, acreage or number of lots, but shall not exceed the total cost of the system. The agreement must accompany the receipt of proper compensation when presented to the Commission.

All applications shall include:

1. An application, including a complete explanation, documentation and calculations for the determination of proper compensation.
2. A fee for City administration of the Reimbursement system will be added to proper compensation. These fees will be adopted by separate resolution.
3. There will be no consideration for depreciation or inflation.

The Twin Falls City Code, Zoning Ordinances and Engineering Standards are subject to revision. In the case that a current City Code, Zoning Ordinance or Engineering Standard requires a different improvement than the completed improvement and the completed improvement no longer meets the current City Code, Zoning Ordinance or Engineering Standard, either an adjusted reimbursement or no reimbursement may be possible. Reimbursement can also be in the form of an agreement between two or more developers granting access easements in exchange for monetary compensation as long as the Original Developer releases the reimbursement liability.

The City of Twin Falls shall be exempt from all reimbursement requirements.

All individual service connections, engineering and surveying cost, and all City of Twin Falls fees including but not limited to: application fee, review fee, connection fee, water tap fee, water meters, and any capacity fees are not eligible for reimbursement.

In the case that either the applicant or the initial developer does not agree with the proper compensation determined by the Commission and chooses to appeal to the City Council, the applicant or the initial developer may appeal the decision to the City Council within fourteen (14) days of receipt of the written determination by filing an appeal with the City Council through the City Manager. If the applicant requests to proceed with their development, they shall provide a deposit in the form of a cash payment or an enforceable financial guarantee, equal to the amount of the approved determined proper compensation, to a title company to be put in escrow account authorized by the Commission. This will fulfill the subsequent developer's proper compensation receipt requirement and the Commission shall provide approval to the City Engineer. If the City Council rules in favor of the initial developer, the full deposit for proper compensation shall be provided to the initial developer. If it is determined that the proper compensation amount is to be a lesser amount, then the subsequent developer would only be responsible for the revised amount. If cash payment was made, the Commission would authorize the title company to pay the revised amount to the initial developer and the balance will be refunded to the subsequent developer. If an enforceable financial guarantee is used, the Commission would authorize the title company to pay the revised amount to the initial developer from the financial guarantee.

Termination of Right to Reimbursement:

The period of compensation to the initial developer shall be terminated at the earliest of any of the following conditions:

- (1) For all reimbursements except for water distribution systems of lines greater than 12-inch that provide additional water capacity for a service area greater than 160 acres, full compensation for the determined eligible reimbursement amount based on the actual cost plus 15% to address costs for engineering, management, fees, interest and inspection.; or,
- (2) For all reimbursements for water distribution systems of lines greater than 12-inch that provide additional water capacity for a service area greater than 160 acres, full compensation for the determined eligible reimbursement amount based on the actual cost of the entire project cost including engineering, management, fees, and inspection plus 25% to address costs for the longer reimbursement period; or,
- (3) ~~(2)~~ Failure on the part of the initial developer or their assigns to maintain proper identity and address on file with the Improvement Reimbursement Commission; or,
- (4) ~~(3)~~ A date ~~twenty~~ twenty-five (25) years after the acceptance of the improvement by the City.

Water Distribution System Reimbursement Standards:

Proper compensation for reimbursement of costs of water distribution systems shall be the proportion of frontage footage of the proposed development, up to one half (1/2) of the actual cost, plus 15% to address costs for engineering, management, fees, interest and inspection, for any public works improvement(s) for properties that shares a common property boundary.

Private developers are required to provide a water distribution system within its development. The water distribution system is a looped or connected system and multiple water lines benefit many other properties over long distances. The minimum requirements the developer is responsible for are construction of 12" water mains on Arterial streets, 10" water mains in Collector streets, and 6" or 8" water mains on interior streets that are located within the boundary of their development depending on the water model results. If these water mains are located within the right of way on a common property line, the improvement costs of these water mains are eligible for reimbursement and would be based on the amount of frontage feet along the water main. The cost of the water line would be split in half with each side of the Right of Way and each adjacent property owner would pay 50 % of the improvement cost. If there are multiple properties along the water line, the owners of those properties would be responsible for their frontage feet along the water main. If a parcel is located within the 1/8 mile rule of an Arterial or Collector water main but does not border along the right of way the water line is located in, that parcel may be responsible for a portion of the cost of that water main. (See 1/8 Mile Rule Standard) If the private developer constructs any of the water distribution system improvements outside the boundaries of their development, those items may be eligible for reimbursement. The reimbursement amount shall be the percentage of benefit to the other property in which the water distribution system improvement was completed.

In cases where the water distribution system requires upsizing or other additional items, the difference in cost of material would be eligible for reimbursement from properties served by the upsizing or additional items. For developments that extend the water line from a source point not directly adjacent to their property, the entire offsite line is subject to reimbursement either from the properties it crosses, or the properties adjacent to the water line at time of tie in, or the properties that benefit within a defined area. Off site adjacent properties shall be responsible for 50% of the cost of the water line if bordered on one side, or 100% of the cost of the water line if property borders the water line on both sides-, or for developments that the water distribution system requires the installation of a major distribution line larger than a 12-inch that provides sufficient water supply for an entire defined area that is greater than 160 acres, all undeveloped properties within that defined area shall be responsible for their share of the cost of the water line.

The boundaries shall be based on the following: All water lines on Arterial streets, Collector streets and interior streets are consider part of the overall water distribution system and may not necessary benefit every development but are the responsibility of the original development. The original development is responsible for all of its boundaries where future main water lines will be required. These boundary water mains are eligible for future reimbursement. The boundary for main water lines on Arterial and Collector Street is based on the percentage of frontage that is up to +/- 1/8th of a mile deep. (See 1/8 Mile Rule Standard) All required interior lines are not eligible for reimbursement unless they required upsizing or extension of the Water distribution system. Eligible cost for upsizing (not for extensions) would include the increase expenditure of the material only (pipe, valves, and fittings). Future reimbursement will be based on a pro rata per acre basis.

The water distribution system costs would include the installation cost and additional unusual conditions like rock removal or fill requirements and all materials including piping, valves, and all required fittings. Additional items like thrust blocking and assemblies including back flow prevention assembly and reduced pressure assembly are eligible for reimbursement. The fire hydrants must benefit the subsequent development to be eligible for reimbursement.

Line extensions or additional unusual conditions including additional depth that only benefit future development are eligible as reimbursement cost.

If the main water line runs parallel to the boundary of the property and is within dedicated city right of way for any type of street, it shall be considered bordered on one side.

If a pump station is required, the cost to complete the facility would include the pump and all required fittings and parts, the structure and related expenses; any City required landscaping and fencing, and any Special electrical power requirements. Future reimbursement will be based on a pro rata per acre basis.

Areas that would not qualify for reimbursement are interior water lines that only provide service to the original development.

Examples:

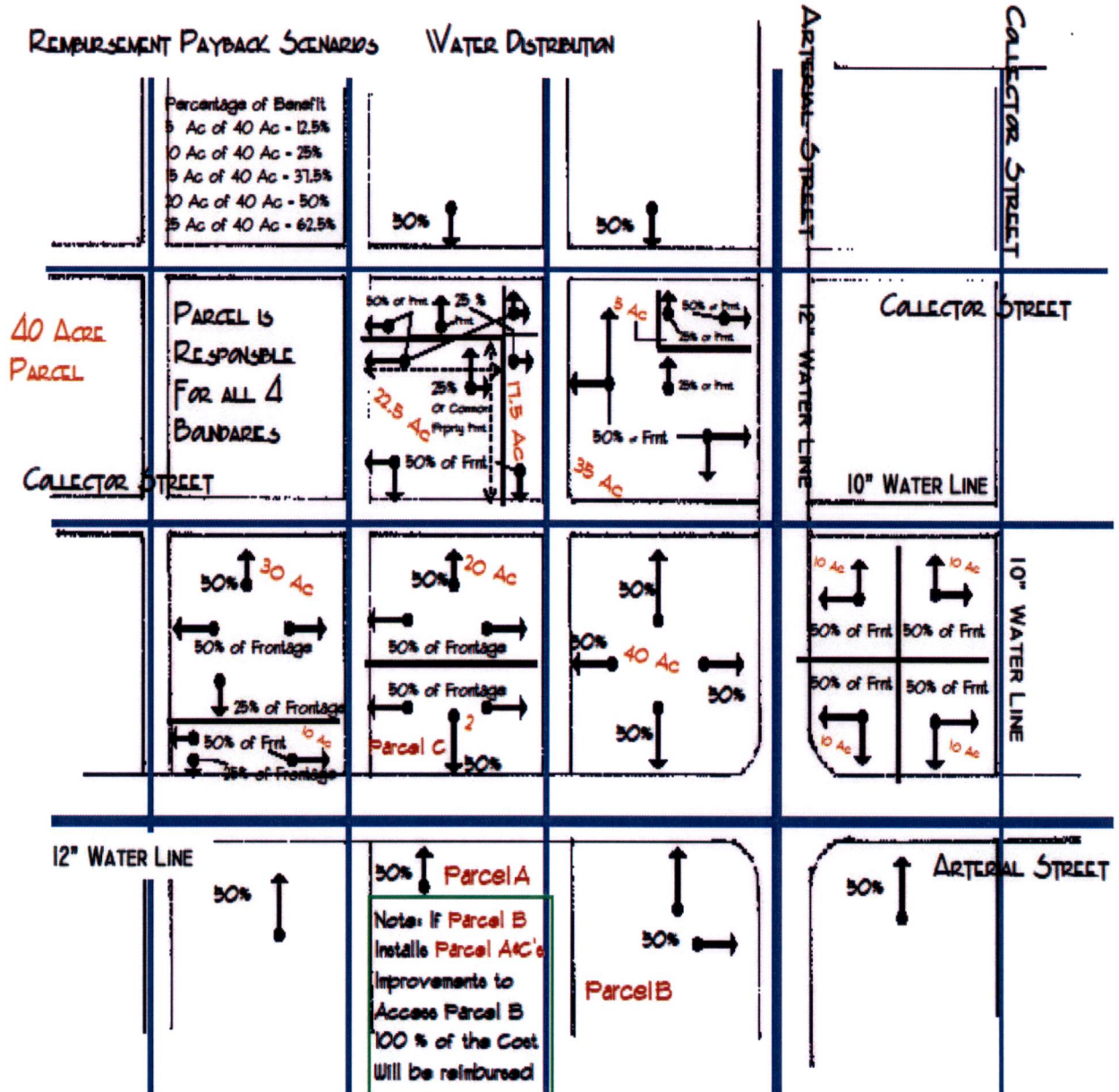
A developer is required to install a 12" main water line on a shared Arterial street; the adjacent property owner would pay one half or 50 % of the cost of that water line. If there are multiply owners along the shared Arterial Street, each owner would be responsible for their frontage along the water line. If a parcel is within the 1/8 mile rule of the 12" main water line, they would be responsible to reimburse the original developer per the 1/8 mile rule guideline before they would be permitted to connect to that line.

If the developer of parcel B crosses the shared boundary of parcel A and C to access its development, 100 % of the water distribution system improvement cost is eligible for reimbursement. If the water main is the standard size, 100 % of the cost would be paid by the owners of parcel A and C to the developer of parcel B. The amount would depend on the percentage of benefit to each parcel so in this case each parcel would reimburse parcel B for their 50% of the cost.

On Arterial and Collector streets, if a future development does not border any designated street, reimbursement still may be required. The original development is responsible for installing the required improvements on its boundaries on the water distribution system. There are future reimbursements for the cost of these completed improvements by subsequent developments.

The following drawing will help to illustrate the proper compensation to be paid to an initial developer under the rules set forth above. If there is any conflict between the text and the illustration, the rules contained in the text shall prevail.

REIMBURSEMENT PAYBACK SCENARIOS WATER DISTRIBUTION



Waste Water (Sewer) Collection Reimbursement Standards

Proper compensation for waste water (sewer) collection systems shall use equivalent residential units (ERU) in determining the improved capacity of the waste water collection system as determined by the Improvement Reimbursement Commission, times the actual cost of the subject existing improvements, plus 15% to address costs for (engineering, management, fees, interest and inspection).

The waste water collection system is not a looped grid type system and it is easier to determine the connection point to the existing system. Because developers are required to install minimum 8" sewer mains in all developments to provide individual sewer services and City development standards require developments to extend sewer mains to property lines with no reserve strips, the cost of reimbursements are more difficult to calculate. The other issues with sewer mains is that the design does not follow Arterial or Collector right of ways and are usually located within the boundaries of the development. For this reason all 8" sewer lines located in the interior of a development shall not be entitled to reimbursement unless the line only extends service for future connections. The cost of upsizing of a sewer main above 8" or to attain necessary depth to service adjacent subdivision from the stub extension to the property line shall be subject to reimbursement in the future from the adjacent parcel or parcels. Only the extra excavation and/or rock removal cost for additional depth would be eligible for reimbursement. The eligible cost for upsizing would include the increase expenditure for the material only (pipe, larger manholes or cleanouts, and fittings) except for improvements required for Major Sewer Trunk Lines or Line Replacements. If the original developer chooses to upsize the sewer main to provide additional depth for their subdivision, the upsizing is not subject to reimbursement. The reimbursement for upsizing shall be based on an ERU (equivalent residential unit) basis. If the new development is bounded on either side by an existing sewer lines but does not connect to or benefit from that line, the new development may be responsible for reimbursement of the cost of the existing sewer lines depending on other factors. A developer installs a 8" sewer main in a Collector right of way and the property that is located on the opposite side of the right of way plans to connect into sewer main or immediately downstream of that sewer main, that property would be responsible for 50% of the reimbursement for the lineal footage of sewer main including manholes, cleanouts, misc fittings and installation costs. Major off-site improvements such as major trunk lines or lift stations that are required by the City of Twin Falls will be entitled to reimbursement. The reimbursement will be based on a parcel's ERU requirement divided by pro rata share of ERU's available upon completion of the improvement. See examples below.

The original development is responsible for all of its boundaries where future sewer lines will be required. All minimum sewer lines on Arterial and Collector streets are consider part of the overall sewer collection system and may not necessary benefit every development but are the responsibility of the original development. However, reimbursement may be possible on sewer lines that provide future benefit to other parcels but do not benefit the original development. The boundary for sewer lines on Arterial and Collector street is based on the percentage of area that is up to +/- 1/8th of a mile deep (See 1/8 Mile Rule). All required interior lines are not eligible for reimbursement unless they required upsizing or extension of the sewer collection system. Replacement of an existing City-wide collection system trunk line or pump station would be eligible for future reimbursement based on the equivalent residential unit (ERU) increased capacity of the new line or pump station.

The waste water collection system costs would include installation cost and additional unusual conditions like rock removal or fill requirements and all materials including piping, manholes, cleanouts, and all required fittings. Line extensions or additional unusual conditions including additional depth that only benefit future development are eligible as reimbursement cost.

If a sewer pump station is required, the cost to design and complete the facility would include the pump and all required fittings and parts, the structure and related expenses; any City required landscaping and fencing, and any special electrical power requirements. Pre-development market value of the land dedicated for the pump location would be included in the overall cost of the pump station. Future reimbursement will be on an ERU basis.

Areas that would not qualify for reimbursement are interior sewer lines that only provide service to the original development and all individual sewer service connections

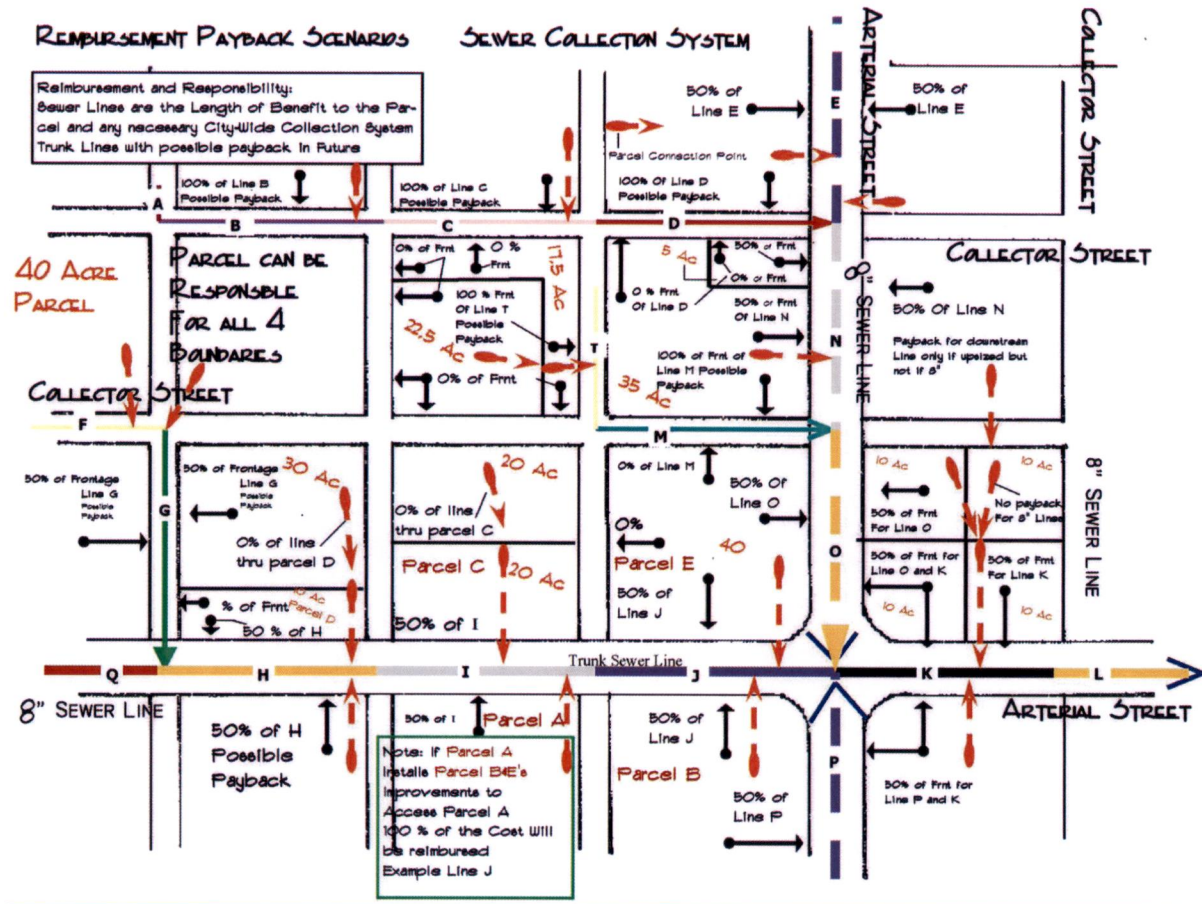
Examples:

If the current sewer main is capable of delivering 500 ERU's but there is no more capacity and a developer improves the system to carry 1000 ERU's. The additional 500 ERU's will be entitled to reimbursement from any future development upstream of the improved area. Therefore a 10 ERU development will be responsible for 2% of the cost of improvements.

A developer is required to install a minimum of a 8" sewer line on a shared Arterial street; the adjacent property owner would pay one half or 50 % of the cost of that sewer line based on their lot or parcel frontage. If there are multiple owners along the shared Arterial Street, each owner would be responsible for their frontage along the sewer line. If a parcel is within the 1/8 mile rule of the said sewer line, they would be responsible to reimburse the original developer per the 1/8 mile rule guideline before they would be permitted to connect to that line.

If the developer of Parcel B installs an 8" sewer main across the shared boundary of Parcel A and C to access its development, 100 % of the waste water collection system improvement cost is eligible for reimbursement. The amount would depend on the percentage of benefit to each parcel. If the sewer line crossed the shared boundary, each parcel would reimburse Parcel B for 50% of the cost for a total of 100 %. The original development is responsible for installation of its required improvements on its boundaries on the waste water collection.

The following drawing will help to illustrate the proper compensation to be paid to an initial developer under the rules set forth above. If there is any conflict between the text and the illustration, the rules contained in the text shall prevail.



Transportation Reimbursement Standards

Proper compensation for reimbursement of costs of transportation systems shall be the proportion of frontage footage of the proposed development, up to one half (1/2) of the actual cost, plus 15% to address costs for engineering, management, fees, interest and inspection, for any public works improvement(s) for properties that shares a common property boundary.

Developers are required to provide transportation improvements like curb, gutter, sidewalk or bike paths, landscape strips between curb and sidewalk or bike path, and asphalt roadway to centerline of the various types of approved streets per City of Twin Falls standards and specifications as part of development of the property. In certain cases a median may be also required. When the original developer constructs any of the transportation improvements outside the boundaries of their development, those items may be eligible for reimbursement. The reimbursement amount shall be the percentage of benefit to the other property in which the transportation improvement was completed.

The boundaries shall be based on the following; the original development is responsible for all of its boundaries where future roadways will be required. If the improvements are required to be placed on the adjacent right of way owned by another party, the original development is eligible for future reimbursement. If a parcel is located within the 1/8 mile rule of an Arterial or Collector roadway but does not border along the right of way the improvements are located in, that parcel may be responsible for a portion of the cost of the transportation improvements. (See 1/8 Mile Rule Standard)

The following types of roadways are eligible for reimbursement: Arterial streets, Collector streets, local streets, and alleyways:

Reimbursement is based on a roadway that is sized to be the narrowest approved width required. The improvements eligible for reimbursement would be excavation, compaction, gravel road base and leveling course, asphalt pavement, concrete pavement, parking striping, asphalt/concrete cutting, removal and patching, curb and gutter, roll curb, standard curb, curb ramp, curb scupper, catch basins, sidewalks (the size to be the narrowest approved width required), sidewalk scupper, sidewalk catch basins, sidewalks requiring retaining walls, concrete sign post pads, standard or monolithic extruded curb- gutter and sidewalk, medians and traffic islands which included curb and/or curb and gutter, gravel, concrete sign post pads, interior improvements like: concrete/asphalt/gravel, and/or landscaping including sprinkler system with controls, parkways (the size to be the narrowest approved width required) including interior concrete, asphalt, gravel and landscaping includes a sprinkler system with controls, approaches including Arterial approaches, standard approaches, valley gutters, wheel-chair ramps, and driveway approaches, transportation ramps including public ramps with hand rails, bike paths that are either asphalt paths, concrete paths, gravel paths, metal guardrail, signage such as required public safety signs, utility sleeves that are installed for natural gas, electrical, and cablevision, telephone or any future non-City of Twin Falls utilities, and saw cutting for both expansion joints and standard joints, and saw cutting of asphalt at new street patch back. Traffic Signals are eligible for reimbursement using the 1/8 mile rule standard.

The following areas that would not qualify for reimbursement are buried non-City of Twin Falls utilities, interior transportation improvements that only provide service to the original development, and mail box pads.

Examples:

A developer of parcel B is required to improve an additional width of twelve (12) feet of roadway on the adjacent property of parcel A to meet the road width requirement for its development, that improvement is eligible for 100 % reimbursement from the owner of parcel A.

If the developer of parcel B crosses the shared boundary of parcel A and C to access its development, 100 % of the improvement cost is eligible for reimbursement. The amount paid by the owners of parcel A and C would be the pro rata share of the improvements located on parcel A and C.

A parcel is responsible for the cost for all of its required improvements on its boundaries on the transportation system to the edge of its property including the roadway improvement within the future public right of way.

The following drawing will help to illustrate the proper compensation to be paid to an initial developer under the rules set forth above. If there is any conflict between the text and the illustration, the rules contained in the text shall prevail.

Pressurized Irrigation (PI) Pump Station Reimbursement Standards

Proper compensation for reimbursement of costs of pressure irrigation (PI) pump station reimbursement standards shall be the proportion of the total acreage, including impervious areas, of the proposed development or property owner desiring to connect to the existing system, installed by the initial developer, within the boundaries served by the improvements, as determined by the City Engineer and verified by the Commission, times the actual pro rata cost of the existing improvements, plus 15% to address costs for (engineering, management, fees, interest and inspection).

Developers have many options available regarding the type of Irrigation System they utilize for their development but all new developments will be required to comply with the City's pressurized irrigation system requirements. This plan requires the use of PI pump stations to supply irrigation water to their development. When possible, the use of regional PI pump stations will be incorporated into the larger area surrounding the development. There will be both public and private systems. However, for regional PI pump stations, they will be designed and sized sufficiently for the acreage to be served. As properties connect to the station, they will be subject to a pro rata share of acres requesting service divided by the design capacity of acres available. For example: The capacity of a PI pump station is 1000 acres of service and the property requesting to be connected to the station is 40 acres, the reimbursement will be 4% of the cost of the station in addition to 40 shares of Twin Falls Canal Company water being able to be transferred from said property to the City of Twin Falls.

The design and boundary of the PI pump station will vary according to location of available water and the requirements of the region. The design and boundary of the service area will be determined by the City Engineer and the percentage of benefit will determine the amount of future reimbursement. Subdivisions that are completely developed and fully accepted by the City of Twin Falls are not subject to any reimbursement requirements unless the subdivision is connected to the regional pump station in the future.

The PI pump station costs would include the installation cost and unusual conditions like rock removal or fill requirements and all materials including piping, valves, and all required fittings. Also included are additional costs for the assemblies including back flow valves, pressure reducing valve, blow off valves, diversion and overflow structures, and overflow piping, structure and related expenses, any City required landscaping and fencing, and any special electrical power requirements. The total cost shall include land costs based on pre development appraisal per acre market value of the land dedicated for the pump location.

Future reimbursement will be based on acres served and not water shares. It is the same for residential, commercial, institutional and industrial uses.

Areas that would not qualify for reimbursement are PI pump stations that only provide service to the original development and all individual PI service connections.

Examples:

If a PI pump station is designed and completed to service 640 acres, and a 20 acre development is required to connect to the pump station to provide PI to their development. The 20 Acres development would be responsible for 3.125 % of the total cost of the pump station. Ex. 20 Acres divided by 640 Acres would be 3.125%.

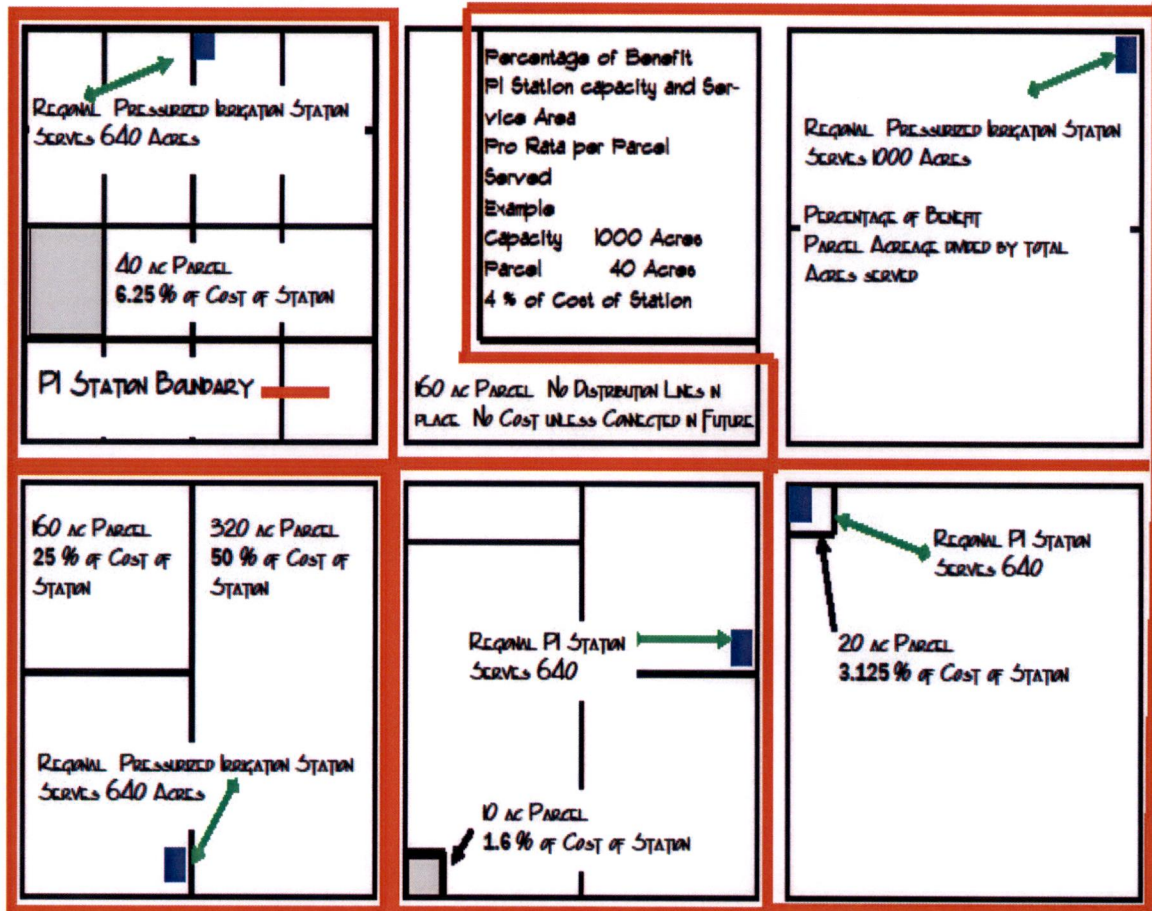
If a PI pump station is designed and completed to service 1000 acres, and a 40 Acre development is required to connect to the pump station to provide PI to their development. The 40

Acres development would be responsible for 4.00 % of the total cost of the pump station. Ex. 40 Acres divided by 1000 Acres would be 4.00%.

The following drawing will help to illustrate the proper compensation to be paid to an initial developer under the rules set forth above. If there is any conflict between the text and the illustration, the rules contained in the text shall prevail.

REIMBURSEMENT PAYBACK SCENARIOS

PRESSURIZED IRRIGATION STATION



Pressurized Irrigation (PI) Distribution Reimbursement Standards

Proper compensation for reimbursement of costs of pressure irrigation distribution systems shall be the proportion of frontage footage of the proposed development, up to one half (1/2) of the actual cost, plus 15% to address costs for engineering, management, fees, interest and inspection, for any public works improvement(s) for properties that shares a common property boundary.

Private developers are required to provide a pressurized irrigation (PI) distribution system within its development. The PI distribution system is a looped or connected system and multiple PI lines benefit many other properties over long distances. The developer is responsible for construction of PI mains on Arterial streets, Collector streets, interior streets that are located within the boundary of their development. If these PI mains are located within the right of way on a shared property line, the improvement costs of these PI mains are eligible for reimbursement and would be based on the amount of frontage along the PI main. The cost of the PI line would be split in half with each side of the right of way and each property owner would pay 50 % of the improvement cost. If there are multiple properties along the PI line, the owners of those properties would be responsible for their frontage along the PI main. If a parcel is located within +/- 1/8 of a mile of an Arterial or Collector PI main but does not border along the right of way the line is located in, that parcel may be responsible for a portion of the cost of that PI main. (See 1/8 Mile Rule Standard) If the initial developer constructs any of the PI distribution system improvements outside the boundaries of their development, those items may be eligible for reimbursement. The reimbursement amount shall be the percentage of benefit to the other property in which the PI distribution system improvement was completed.

In cases where the PI distribution system requires upsizing or other additional items, the difference in cost of material would be eligible for reimbursement from properties served by the upsizing or additional items. For developments that extend the PI line from a source point not directly adjacent to their property, the entire offsite line is subject to reimbursement from the properties it crosses or the properties adjacent to the PI line at time of tie in. Offsite adjacent properties shall be responsible for 50% of the cost of the PI line if bordered on one side or 100% of the cost of the PI line if property borders the PI line on both sides.

All PI lines on Arterial streets, Collector streets and interior streets are considered part of the overall PI distribution system and may not necessarily benefit every development but are the responsibility of the original development. The original development is responsible for all of its boundaries where future main PI lines will be required and may be eligible for future reimbursement. The boundary for main PI lines on Arterial and Collector Street is based on the percentage of frontage that is up to +/- 1/8th of a mile deep. (See 1/8 Mile Rule Standard) All required interior lines are not eligible for reimbursement unless they required upsizing or extension of the PI distribution system to benefit adjacent properties. Eligible cost for upsizing (not for extensions) would include the increase expenditure of the material only (pipe, valves and fittings, etc.). Future reimbursement will be based on a pro rata per acre basis.

If the main PI line runs parallel to the boundary of the property and is within dedicated city right of way for any type of street, it shall be considered bordered on one side.

The PI distribution system costs include the installation cost and additional unusual conditions like rock removal or fill requirements and all materials including piping, valves, and all required fittings. Also additional items like thrust blocking and assemblies including back flow

prevention assembly, reduced pressure assembly, blow off assembly, air injection assembly and air release/vacuum assembly.

Line extensions or additional unusual conditions including additional depth that only benefit the new development are eligible as reimbursement cost.

If a pump station is required, see the pressurized irrigation pump station standards.

Areas that would not qualify for reimbursement are interior PI lines that only provide service to the original development and all individual PI service connections.

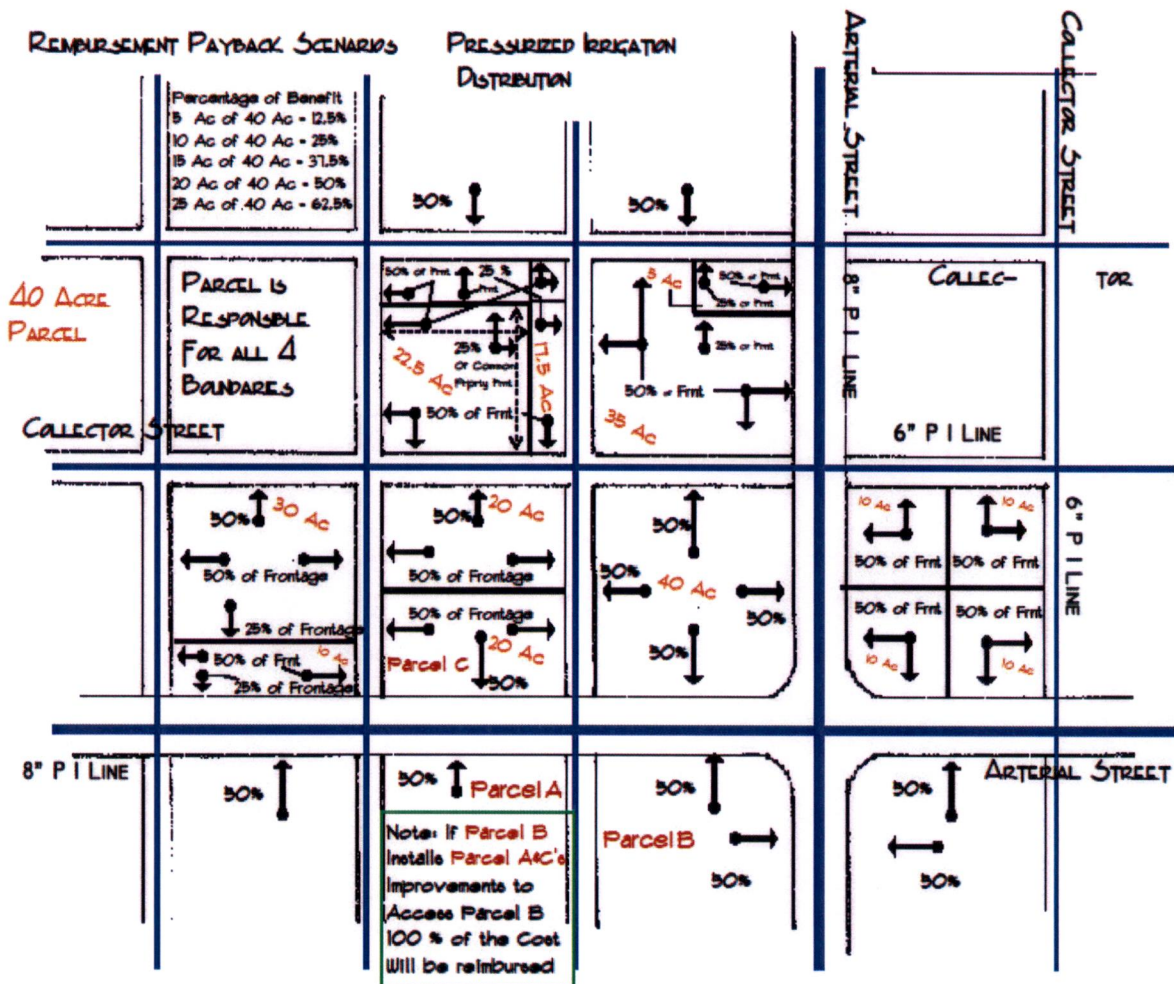
Examples:

A developer is required to install an 8" main PI line on a shared Arterial street; the adjacent property owner would pay one half or 50 % of the cost of that PI line. If there are multiply owners along the shared Arterial Street, each owner would be responsible for their frontage along the PI line. If a parcel is within the 1/8 mile rule of the 8" main PI line, they would be responsible to reimburse the original developer per the 1/8 mile rule guideline before they would be permitted to connect to that line.

If the developer of parcel B crosses the shared boundary of parcel A and C to access its development, 100 % of the PI distribution system improvement cost is eligible for reimbursement. If the PI main is the standard size, 100 % of the cost would be paid by the owners of parcel A and C to the developer of parcel B. The amount would depend on the percentage of benefit to each parcel. The amount would depend on the percentage of benefit to each parcel so in this case each parcel would reimburse parcel B for their 50% of the cost.

On Arterial and Collector Streets, if a future development does not border any designated street, reimbursement still may be required should the PI system provides service to the parcel. The original development is responsible for the installation for all of its required improvements on its boundaries on the PI distribution system. There are future reimbursements for the cost of these completed improvements by subsequent developments.

The following drawing will help to illustrate the proper compensation to be paid to an initial developer under the rules set forth above. If there is any conflict between the text and the illustration, the rules contained in the text shall prevail.



1/8 Mile Rule Standards:

Proper compensation for reimbursement of costs under the 1/8 mile rule standards shall be the percentage of benefit to the proposed development times the actual cost, plus 15% to address costs for (engineering, management, fees, interest and inspection) that improves any property that connects to any public works improvement(s).

The Area of Impact and the area within the City of Twin Falls City Limits are laid out in tracts of land on a Meridian, Township and Section system of survey.

A section is an area nominally one mile square containing 640 acres. Each Section is further divided into sixteen ¼ mile sections (or 1/16th sections of approximately 40 acres each) parcels that are approximately 1320' by 1320'. The City standards specify right of ways on these mile section boundaries for Arterial roadways, the ¼ mile increments between the Arterial right of ways are for Collector roadways. The City's water distribution system, wastewater collection system, transportation system, pressure irrigation pump stations and distribution utilize this right of way to locate future improvements and create certain boundaries.

When these improvements work as a whole system, some of the improvements benefit all the developments within the 1/4 mile section and possibly other ¼ mile sections as well. Any parcel, regardless of the location within 660 +/- linear feet of the center line of the right of way of said utility would be responsible for a portion of the cost of the improvements located on the Collector or Arterial right of ways. To determine this benefit, any parcel that is located within approximately 1/8 of a mile or 660 +/- lineal feet of a Collector or Arterial right of way measuring perpendicular from the center line of the right of way, a percentage of the improvement cost would be paid by this parcel.

The method of calculating this percentage with based on the following formula: since a 40 acre parcel will be bounded on 4 sides by either a Collector or Arterial right of way, the 40 acre parcel will be reduced to four equal square areas of 10 acres. The parcel in question in that 10 acres will pay a reimbursement amount based on the amount of area no matter where it is located or arranged in those 10 acres. I.E. 3 acre parcel will pay 3/10ths of the cost of the improvements located within either the Arterial or Collector right of way or both.)

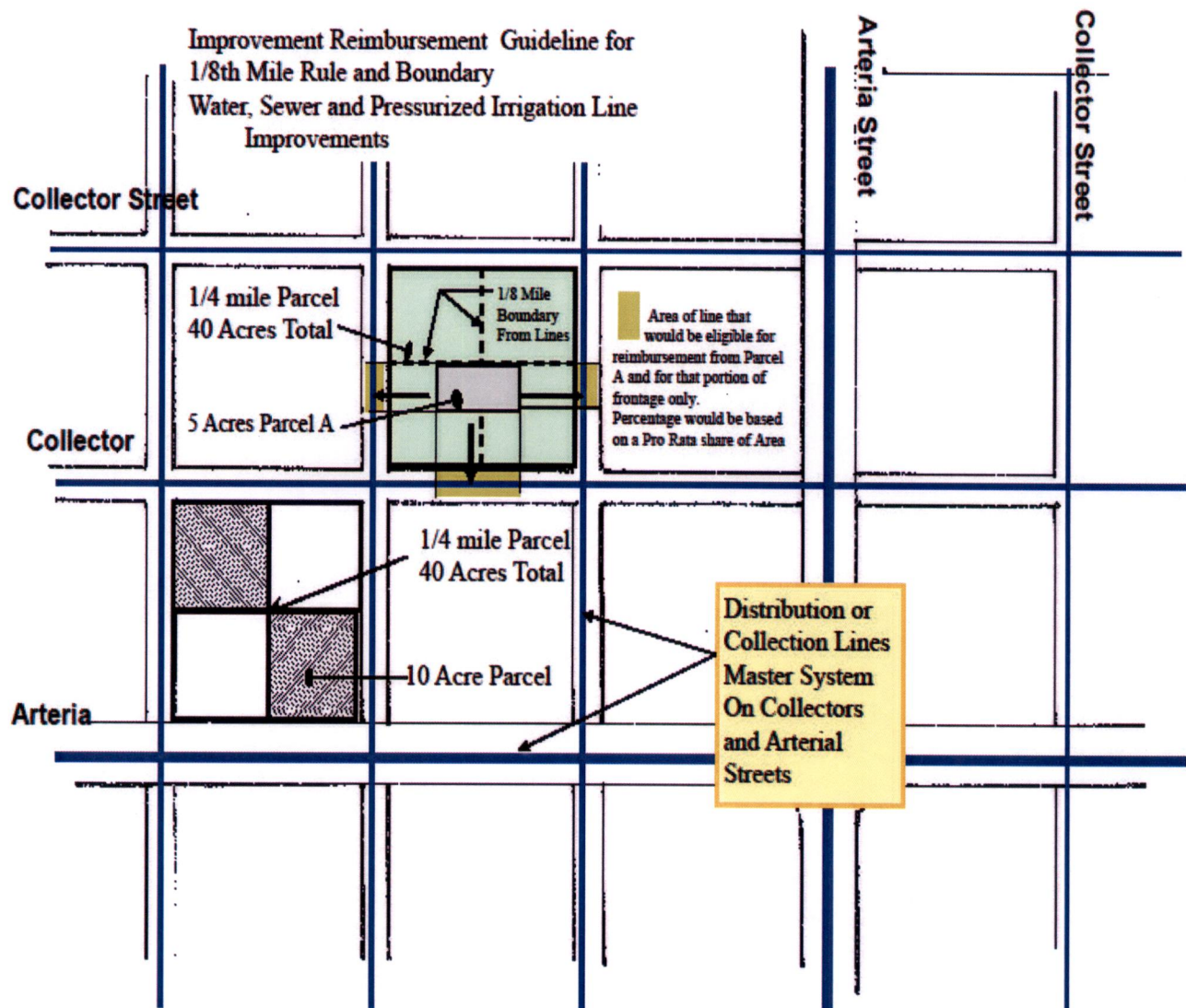
This method would apply to water distribution system, transportation, pressurized irrigation distribution system, and waste water collection system. This method would not apply to the pressured irrigation pump station systems.

Examples:

The initial developer improves a 5 acre parcel that is 660' by 330' that runs east to west and is parallel along an Arterial right of way located on the development's south property line and a Collector right of way on the development's west property line. The developer installs a 12" water main line in the Arterial right of way at a cost of \$30,000.00 and a 10" water main line in the Collector right of way at a cost of \$20,000.00. The developer also installs an 8" PI line in the Arterial right of way at a cost of \$10,000.00 and a 6" PI line in the Collector right of way at a cost of \$5,000.00 for a total improvement cost of \$65,000.00. This cost would be shared by the property or properties (see 1/8 mile rule) south of the Arterial right of way and west of the Collector right of way on a 50/50 basis. These parcels would reimburse the original developer for 50 % of the total cost of \$65,000.00 or \$32,500.00 plus an additional 15 % (See Resolution for explanation).

A 3 acre Parcel is located directly north of the original developer's property and part of the property is within 1/8 of a mile from the center line of the Arterial right of way with the water and PI improvements. This parcel would be responsible for the amount of acreage that is within 660 +/- linear feet or in this case the 3 acres would be 3/10th of the 10 acre grid method. The cost for the water main line and the PI line on the Arterial right of way was \$40,000.00. The parcels located south of the Arterial right of way would reimburse the original developer for half of the improvement cost or \$20,000.00 plus the 15 % which is \$23,000.00. Since the 3 Acre parcel is located perpendicular to the right of way, that parcel would reimburse the original developer for 3/10th of the remaining half of the cost of \$20,000.00 or \$6,000.00 plus the 15% which is \$6,900.00 for the Water and PI improvements located on the Arterial right of way. However, because the 3 acre parcel is not located within the 660 +/- linear feet measuring perpendicular from the Collector right of way, there would be not be any reimbursement by the 3 acre parcel for the cost of the water and PI improvements located on the Collector right of way.

The following drawing will help to illustrate the proper compensation to be paid to an initial developer under the rules set forth above. If there is any conflict between the text and the illustration, the rules contained in the text shall prevail.



Twin Falls Canal Company Water Delivery System Reimbursement Standards

The Twin Falls Canal Company, known as "TFCC" in this section, owns and operates the irrigation water delivery system consisting of irrigation structures and head gates, canals and laterals, known as "Irrigation Improvements" in this section, located in easements and right of ways throughout the City of Twin Falls. The City of Twin Falls aids the TFCC in the design, maintenance and oversight of their water delivery system. All TFCC Irrigation Improvements become part of the overall design of any subdivision and requires approval by the City of Twin Falls Engineering Department.

Proper compensation for reimbursement of costs of the TFCC water delivery systems shall use the degree of benefit as determined by the Improvement Reimbursement Commission, times the actual cost of the subject improvements, plus 15% to address costs for engineering, management, fees, interest and inspection.

The TFCC water delivery system is not a looped grid type system and per a State Agreement, the TFCC has recorded and unrecorded rights-of-ways along the sides of its main canals (50 feet), major laterals (30 feet), and smaller laterals (15 feet or a proportionate width) by a 1903 Agreement with the State of Idaho. These measurements are from the toe of the bank.

The Irrigation Improvements follow a gravity path and are not located per property boundaries. Irrigation Improvements can be located partially on two different properties and the cost of reimbursements are more difficult to calculate. The 1/8th mile rule will not apply to Irrigation Improvements reimbursement. Degree of benefit is determined by the location of the Irrigation Improvements. All reimbursements will be determined per the historical location and right of way of any Irrigation Improvement. Benefit is determined by the location of the center of the Irrigation Improvement, the toe of the bank and the TFCC right of way. The Irrigation Improvements cannot be relocated on an adjacent property to create benefit where benefit did not previously exist.

To qualify as an Irrigation Improvement eligible reimbursement, the improvement must involve replacing a canal or lateral with approved TFCC pipe using an underground installation and/or the improvement or replacement of existing or new irrigation structures and head gates; and is required as a condition of approval by the TFCC and the City of Twin Falls.

The Irrigation Improvements costs would include installation cost and additional unusual conditions like rock removal or fill requirements and all materials including piping, irrigation structures and head gates, cleanouts, and all required fittings.

If the Irrigation Improvement is required to cross an adjacent property, the adjacent property owner is responsible for 100 % of the cost of the Irrigation Improvement for that portion located on their property. If the Irrigation Improvement is located on two adjacent properties, both property owners are responsible for 50% of the cost of the Irrigation Improvement when one toe of the bank of the canal or lateral is located within their property boundary or any part of the irrigation structure is located on their property. Where a portion of the right of way is located on a property but the Irrigation Improvement is not, there is no benefit and the cost of the Irrigation Improvement is not eligible for reimbursement.

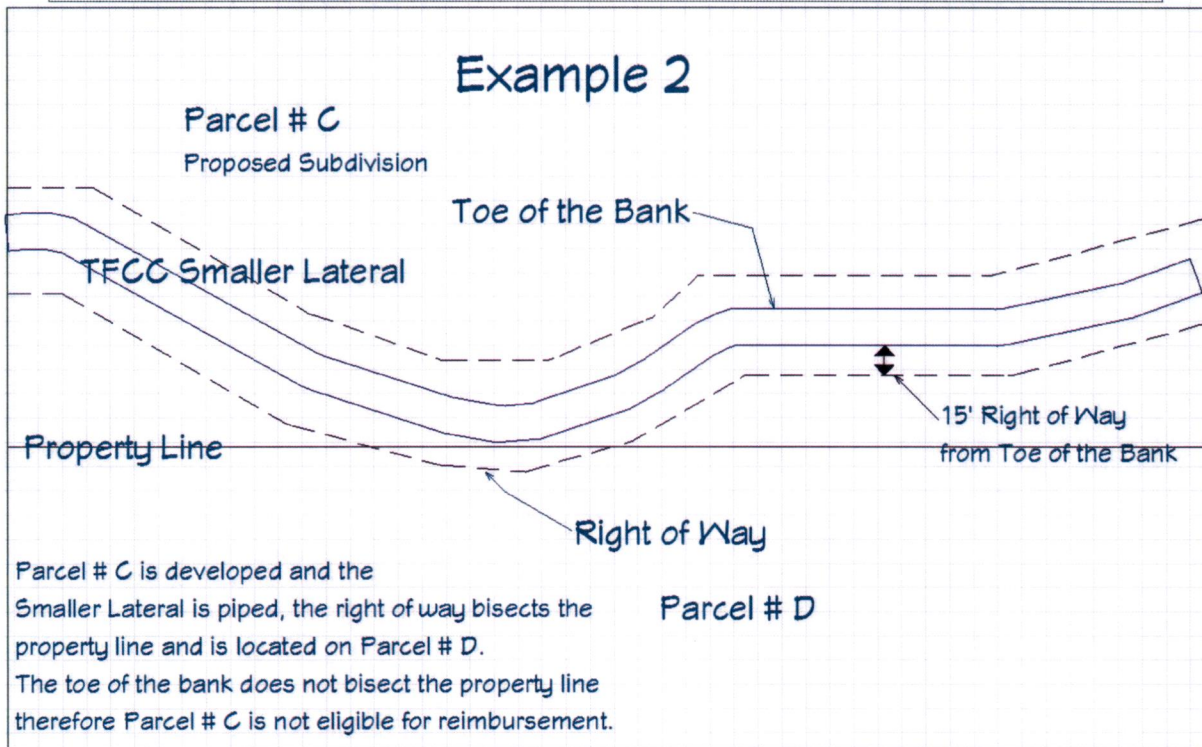
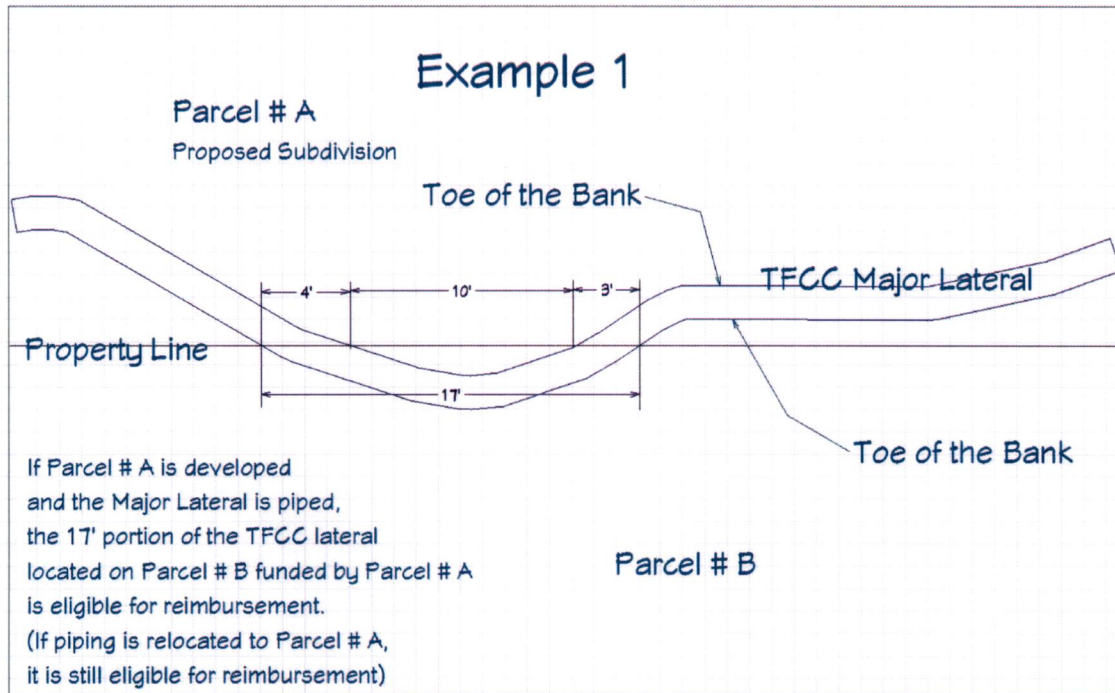
Examples:

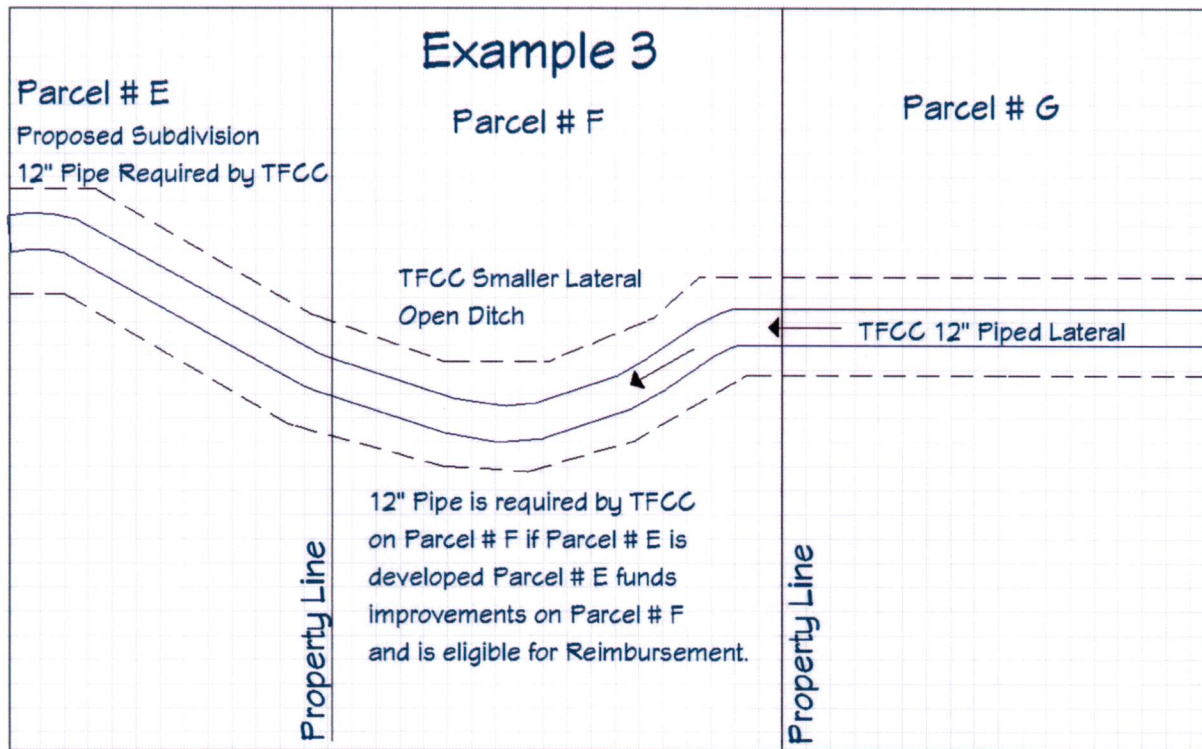
A developer of Parcel A is required to install Irrigation Improvements as part of the development of their subdivision and the Irrigation Improvements are located parallel to Parcel B and where any toe of the bank of the canal or lateral or an irrigation structure crosses Parcel B for any length those improvements are eligible for reimbursement. There is benefit to Parcel B therefore 50% of the cost of the Irrigation Improvement for the length of one toe of the bank crosses the boundary between Parcel A and B or if any portion of the irrigation structure is located on both properties are eligible for reimbursement. When both toes of the bank of the canal or lateral or all the irrigation structure is located on Parcel B, 100% of the cost of the Irrigation Improvements are eligible for reimbursement for that portion. See Example 1.

A developer of Parcel C is required to install Irrigation Improvements as part of the development of their subdivision and the Irrigation Improvements are located parallel to Parcel D. If the irrigation structure or the toe of the bank of the canal or lateral does not cross Parcel D at any point although the right of way does, there is no benefit to Parcel D therefore the Irrigation Improvement are not eligible for reimbursement. See Example 2

A developer of Parcel E is required to install Irrigation Improvements as part of the development of their subdivision and there is a canal or lateral delivering TFCC water to the subdivision on Parcel F that the TFCC requires to be improved. The developer of Parcel E will complete the required Irrigation Improvement within the TFCC right of way on Parcel F and the owner of Parcel E will be eligible for 100 % of the cost from Parcel F as an improvement reimbursement. See Example 3

The following drawing will help to illustrate the proper compensation to be paid to an initial developer under the rules set forth above. If there is any conflict between the text and the illustration, the rules contained in the text shall prevail.



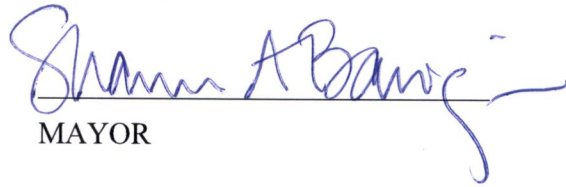


PASSED BY THE CITY COUNCIL

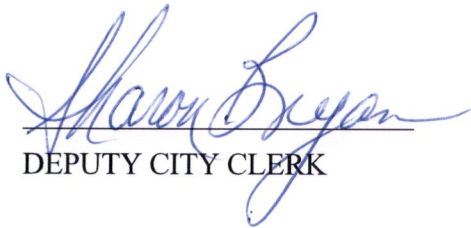
August 28, 2017.

SIGNED BY THE MAYOR

August 28, 2017.


MAYOR

ATTEST:


DEPUTY CITY CLERK



Date: Monday, January 7, 2019
To: Honorable Mayor and City Council
From: Mandi Thompson, Grant and Community Relations Manager

ACTION ITEM

Request:

ACTION ITEM: Discussion and possible action on the Municipal Powers Outsource Grant (MPOG) program.

Time Estimate:

30 minutes for discussion.

Background:

The Municipal Powers Outsource Grants (MPOG) program was established in 2003 in an effort to create a formalized process for community organizations and non-profits to request funds from the City. The grants were designed to provide financial support for organizations that provide programs and/or services that support the mission and vision of the City, and that benefit the residents of Twin Falls. Applicants were required to demonstrate collaboration, coordination, and partnership with other organizations or services to achieve goals, while not duplicating services already provided in the community.

To be eligible for consideration, recipients must operate as a local non-profit, charitable, educational, civic, scientific, social welfare, religious, health service organization, or a governmental or quasi-governmental unit that is addressing needs within the city that would otherwise be a responsibility of city government to provide or enhance existing city services.

All eligible applications must provide a service expressly granted as a municipal power by Idaho Code, Title 50, Chapter 3.

Since the beginning of the program, \$1,544,983 has been granted to 21 organizations.

In May 2018 and again in September 2018, the Council engaged in a discussion regarding the MPOG program, the need to retain the funding in order to carry out various services within the community, and possible ways to modify the process by which the funds are awarded. In September 2018, the Council directed the Grant Manager to bring forward a recommendation on possible changes to the program.

In November 2018, the Council approved changes to the grant process, including a cap on funding, no partial funding of applications, and a requirement that the project be directly tied to the City's strategic plan.

Approval Process:

Majority approval by Council.

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:**Conclusion:**

N/A

Attachments:

None