



Twin Falls City Council Agenda

Monday, April 1, 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
 - a) **PRESENTATION:** Census 2020 Awareness Day - Request made by Vicky Fajardo, Partnership Specialist - Idaho U.S. Census Bureau
- 4) GENERAL PUBLIC INPUT
- 5) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve the Accounts Payable for March 14 thru March 27, 2019.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the March 18, 2019, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve a Parks In Lieu Request for Fieldwood Subdivision c/o Brad Wills.
By: Steve O'Connor, Planner
 - d) **ACTION ITEM:** Request to approve a Trust Agreement for Addison Springs Subdivision, placing Lots 1, 2, 3, 4, and 5; Block 1 in trust.
By: Troy Vitek, Assistant City Engineer
 - e) **ACTION ITEM:** Request to approve the Child Abuse Prevention Rally to be held on April 3, 2019.
By: Sergeant Justin Dimond, Twin Falls Police Department
 - f) **ACTION ITEM:** Request to hold the annual "Walk a Mile in Her Shoes" event on April 27, 2019.
By: Sergeant Justin Dimond, Twin Falls Police Department
- 6) ITEMS OF CONSIDERATION
 - a) **ACTION ITEM:** Request to confirm the appointment of Dr. Marilu Perez to the Planning and Zoning Commission.
By: Shawn Barigar, Mayor

- b) **PRESENTATION AND POSSIBLE ACTION:** Presentation on Smoke Free Twin Falls.
By: Luke Cavener, American Cancer Society - Cancer Action Network
- c) **ACTION ITEM:** Request to authorize the Mayor to sign the 2019 Local Children Pedestrian Safety (CPS) program LHTAC/Local Agreement.
By: Erin Steel, Engineer 1
- d) **ACTION ITEM:** A request for approval to sign a contract with Sybolon Reid Construction for the Canyon Springs Rockfall Mitigation Project.
By: Troy Vitek, Assistant City Engineer
- e) **PRESENTATION:** Presentation of the 2018 Annual Report of the Urban Renewal Agency.
Purpose: PRESENTATION By: Nathan Murray, Executive Director
- f) **ACTION ITEM:** Request to Approve an Economic Feasibility Study and Eligibility Report in regards to a potential revenue allocation area for the Urban Renewal Agency of the City of Twin Falls.
By: Phil Kushlan, Kushlan Associates
- 7) **GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS**
- 8) **PUBLIC HEARINGS**
 - a) **ACTION ITEM:** Request to vacate an undeveloped portion of Bolton Street right of way located north of 202 Caswell Avenue West on behalf of Dr. David Kemp c/o EHM Engineers. (PZ19-0001)
By: Steve O'Connor, City Planner
- 9) **ADJOURNMENT**
 - a) Executive Session: § 74-206(1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated to fill a particular vacancy or need, unless a vacancy in an elective office is being filled.

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 & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and 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. A City Staff Report shall summarize the application and history of the request.
4. 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.
5. 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.
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.
 - Individuals are not permitted to give their time to other speakers.
 - However, five (5) or more individuals that received written notice of the public hearing may appoint, 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, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.
8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.
10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.

* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.

*Office of the Mayor
City of Twin Falls, Idaho*

Proclamation

Census 2020 Awareness Day

WHEREAS, more than \$675 billion per year in federal funding is allocated to states and communities based on census data; and,

WHEREAS, an up-to-date and accurate census count is vital in ensuring our state and cities receive annual funds that help improve transportation, schools, hospitals, public works and other vital programs; and,

WHEREAS, census data helps shape where to locate schools, public services, offices and stores; and,

WHEREAS, census data helps local governments provide greater public safety and emergency preparedness; and,

WHEREAS, census data ensures fair Congressional representation in the U.S. House of Representatives, in redistricting state legislatures, and in shaping voting districts for local elections; and,

WHEREAS, the 2020 Census will create jobs in communities; and,

WHEREAS, the census is meant to represent everyone;

NOW, THEREFORE, I, Shawn Barigar, Mayor of the City of Twin Falls, Idaho, do hereby proclaim April 1, 2019 as

Census 2020 Awareness Day

in Twin Falls and I encourage all people in our city to join others across the state in increasing our collective awareness of Census 2020 and preparing for the national census which will be underway a year from now.



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

Shawn A. Barigar

Mayor Shawn Barigar

Leila A. Sanchez

Deputy City Clerk Leila A. Sanchez

Date: April 1, 2019



Twin Falls City Council Minutes

Monday, March 18, 2019, 4:00

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

****SPECIAL MEETING NOTICE****

The City Council will meet at 4:00 p.m., for the purpose of:

Executive Session: § 74-206(1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated to fill a particular vacancy or need, unless a vacancy in an elective office is being filled.

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

The regular meeting will begin at 5:00 p.m.

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Barigar, Vice Mayor Nikki Boyd, Council Members Suzanne Hawkins, Chris Talkington, Greg Lanting, Christopher Reid & Ruth Pierce (by Phone)

Absent: None.

Staff Present: City Manager Travis Rothweiler, Deputy Managers Mitch Humble & Brian Pike, City Attorney Shayne Nope, ITC Manager Kathy Markus, Grant & Community Relations Manager Mandi Thompson, City Engineer Jackie Fields, City Planner Steve O'Connor, P&Z Director Jonathon Spendlove, Code Enforcement Coordinator Sean Standley, Public Information Officer Josh Palmer, Fire Chief Les Kenworthy, Police Chief Craig Kingsbury, Environmental Engineer Jason Brown, Public Works Director Jon Caton, Help Desk Technician Kim Hafer, Finance Administrative Assistant Amy Luna.

Vice Mayor Boyd called the meeting to order at 4:05 PM. A quorum was present.

MOTION: Council Member Talkington moved to adjourn to Executive Session 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated to fill a particular vacancy or need, unless a vacancy in an elective office is being filled. Executive Session 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0

2) PLEDGE OF ALLEGIANCE

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

3) PROCLAMATION:

a) VIETNAM VETERANS' DAY

Mayor Barigar read the Vietnam Veterans' Day Proclamation.

4) **GENERAL PUBLIC INPUT: None**

5) **CONSENT CALENDAR**

Council Member Lanting requested to vote on *Item c* separately.

MOTION: Vice Mayor Boyd moved to approve the Consent Calendar *Items a & b* as presented. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

MOTION: Council Member Talkington moved to approve Consent Calendar Item c as presented. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor with Council Member Hawkins and Lanting abstaining. Approved 5 to 0 with 2 abstentions.

a) **ACTION ITEM:** Request to approve the Accounts Payable for March 7 thru March 13, 2019.

b) **ACTION ITEM:** Request to approve Wells Fargo Commercial Card for January 2019.

c) **ACTION ITEM:** Request to approve the March 11, 2019, City Council Minutes.

6) **ITEMS OF CONSIDERATION**

a) **ACTION ITEM:** Request for approval to enter into contract with Teton Communications, Inc. for a Trunked Digital P25 UHF Communication System for a total cost of \$670,720.00.

Information Technology Director Kathy Markus made a request for approval to enter into contract with Teton Communications, Inc. for a Trunked Digital P25 UHF Communication System for a total cost of \$670,720.00.

Discussion ensued on the following:

Council Member Talkington: Spoke in favor of this contract.

Council Member Hawkins: Thanked Ms. Markus for her efforts with this contract.

MOTION: Council Member Talkington moved to approve the request to enter into contract with Teton Communications, Inc. for a trunked digital P25 UHF communication system for a total cost of \$670,720.00. **Vice Mayor Boyd** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

b) **ACTION ITEM:** Request to consider the submission of a grant application for the purchase of a Quick Response Unit (QRU) for the fire department.

Grant & Community Relations Manager Mandi Thompson made a request to consider the submission of a grant application for the purchase of a Quick Response Unit (QRU) for the fire department.

Discussion ensued on the following:

Mayor Barigar: Asked if we are approving all of the money tonight or if Ms. Thompson would come back to the Council if we are awarded the Grant.

Council Member Lanting: Asked about personnel for the QRU.

Council Member Reid: Asked about the \$134, 000.00 coming out of reserves.

MOTION: Council Member Hawkins moved to approve the request to consider the submission of a grant application for the purchase of a Quick Response Unit (QRU) for the fire department. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

c) **ACTION ITEM:** Request to consider a modified roadway cross-section for Locust Street between North College Rd. E and Falls Ave. E

City Engineer Jackie Fields made a request to consider a modified roadway cross-section for Locust Street between North College Rd. E and Falls Ave. E.

Discussion ensued on the following:

Council Member Talkington: What is the length of the proposed sidewalks?

Mayor Barigar: Spoke in favor of this sidewalk project.

Council Member Lanting: Spoke in favor of this sidewalk project.

MOTION: **Council Member Reid** moved to approve the request to consider a modified roadway cross-section for Locust Street between North College Rd. E. and Falls Ave. E. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Talkington spoke about the Blue Lakes & Caswell intersection signage and asked if the signage could be looked at to make it clearer.

Council Member Hawkins spoke about the Meals on Wheels program in the City of Twin Falls and asked for those that can help with the program.

Council Member Reid spoke about the materials for the City Restrooms

Mayor Barigar acknowledged Council Member Hawkins for her recognition as Women of the Year.

City Manager Rothweiler reminded the Council that there will be no meeting on March 25, 2019 and that Deputy City Manager Pike will be acting City Manager while City Manager Rothweiler is out of the office.

MOTION: **Council Member Talkington** moved to re-adjourn to Executive Session 74-206(1)(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated to fill a particular vacancy or need, unless a vacancy in an elective office is being filled. Executive Session 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of. 7 to 0.

Adjourned to Executive Session at 5:45 pm. Returned to Session at 6:00 pm.

8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request to amend PUD #264 to allow "Hotel" as a permitted use and increase maximum building height to sixty feet (60') for property located at 2151 Fillmore Street c/o EHM Engineers on behalf of Geronimo, LLC. (PZ18-0099)

***City Planner Steve O'Connor** made a request to amend PUD #264 to allow "Hotel" as a permitted use and increase maximum building height to sixty feet (60') for property located at 2151 Fillmore Street c/o EHM Engineers on behalf of Geronimo, LLC. (PZ18-0099)*

Mayor Barigar recused himself from these proceedings. **Vice Mayor Boyd** took over officiating of the meeting and gave a rundown of how the meeting will proceed.

Discussion ensued on the following:

Council Member Hawkins: Asked for clarification of the Council actions needed tonight.

Council Member Reid: Asked for clarification of the traffic impact.

P&Z Director Spendlove: Explained the traffic impact

Council Member Lanting: *Microphone not used unable to hear what was asked*

Council Member Reid: Adjustment from 60 ft to 49 ft clarification and encroachment clarification.

Council Member Pierce: 486 is 56 ft in height? What are the other buildings in the area? City Staff explained the different heights of the buildings in the area.

Public Discussion ensued on the following:

All those in favor of this project:

Citizen Gerald Martins: Tina Jasper: Brandon Byce: Richard Crowley: Lisa Mix: Andrew Mix: Jeff Stokes: Steve Di Lucca: Hillary Gadd: Jarod Vanderkovi: Nathan Welch: Greg Shieles: Lane Jacobson: Andrew Dipetri: Fran Florence.

All those against this project:

Citizen Kermit Leir: Steve Woods: Eleanore Burkhart: Shawn Willsey: Tami Billman: Keely Venglin :Theresa Hyndman: Kami Michelli: Bill Atkinson: Pablo Munoz: Richard Aldama: James Pendergrass: Donna Pendergrass: Kay Dardy: John Twiss: Cooper Brossy: Stanley Nebeker:

Public Hearing Closed.

City Attorney Nope: Explained the height definition.

Council Member Talkington: Thanked the citizens for their input on this project.

Council Member Lanting: What is the Canyon overlay height? Elevation 486 to get their permit they had to provide a public plaza, will this project provide this? How far away from the Canyon is Petco?

Council Member Talkington: Asked for clarification on what is needed tonight.

MOTION: Council Member Talkington moved to approve the request to amend PUD #264 to allow "Hotel" as a permitted use and increase maximum building height to sixty feet (60') for property located at 2151 Fillmore Street c/o EHM Engineers on behalf of Geronimo, LLC. (PZ18-0099). **Council Member Hawkins** moved to amend the motion to allow 50' building height with the 7' decorative sections as shown on the proposal: **Council Member Lanting** seconded the motion.

Council Member Lanting: Spoke in favor of the project.

Council Member Hawkins: Spoke in favor of the project.

Council Member Talkington: Spoke against the additional height of the project.

Council Member Reid: Voiced his likes and dislikes about the project. Height is the main concern. Will be voting against because of the height.

Vice Mayor Boyd: Spoke about unfinished things in our community. Appreciates the look of the project. Will be voting for this project.

Council Member Pierce: Very pleased with the changes that have been made and will be voting for this project.

Roll call vote showed all members present voted in favor of the amended motion with **Council Member Talkington** voting against. 5 to 1.

MOTION: Vice Mayor Boyd moved to approve the request to amend PUD #264 to allow "Hotel" as a permitted use and increase maximum building height to fifty feet (50'), with additional seven feet (7') height at the two locations, as amended, for property located at 2151 Fillmore Street c/o EHM Engineers on behalf of Geronimo, LLC. (PZ18-0099). **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted with Council Member Talkington and Reid voting against. Approved 4 to 2.

9) ADJOURNMENT

The meeting adjourned at 08:09 PM



Date: Monday, April 1, 2019
To: Parks and Recreation Commission
From: Steve O'Connor, Planner

ACTION ITEM

Request:

ACTION ITEM: Request to approve a Parks In Lieu Request for Fieldwood Subdivision c/o Brad Wills.

Time Estimate:

Approximately 5 minutes.

Background:

This is a request for a Parks in Lieu contribution for Fieldwood Subdivision. A 5.16-acre subdivision proposing 26 residential units.

The requested Parks in Lieu cash contribution is calculated at \$23,940.96 after the 50% reduction, for infill development, from \$47,881.92. This is based on the January 2019 appraisal price of the property.

This is a request for a Parks in Lieu contribution for Fieldwood Subdivision. A 5.16-acre subdivision proposing 26 residential units.

Per City Code 10-12-3-11 a “minipark” is a minimum of 15,000sq-ft and a “neighborhood” park is at least 3 acres of flat open space. The amount of land to set aside for parkland is equal to the number of residential units multiplied by 0.01. For this subdivision that would equal .26 acres for a park. This would not meet the minimum standard.

The fee structure for cash contributions for the acquisition of parkland shall be the appraised value of the required land area at the time of the application.

The development may qualify for a 50% reduction on their cash contribution in lieu of parkland if the development meets all criteria to be called an “infill” development. (Ord. 2954, 11-3-2008)

This development meets all five criteria for the 50% reduction.

The requested Parks in Lieu cash contribution is calculated at \$23,940.96 after the 50% reduction, for infill development, from \$47,881.92. This is based on the January 2019 appraisal price of the property.

There is not an identified location for a neighborhood park per the Parks Master Plan for this area. This development would not produce the minimum standards required for a neighborhood park. Therefore accepting a Parks in Lieu cash contribution would comply with the master plan.

On March 12th, 2019, the Parks & Recreation Commission forwarded a positive recommendation to the Council with a vote of 7-0.

Approval Process:

In accordance with City Code Section 10-12-3-11 Section F: The city council may, at their discretion, approve and accept cash contributions in lieu of parkland with improvements.

The commission is tasked with forwarding a recommendation to City Council based on, 1) the minimum standards or regulations set forth in City Code, and 2) the guiding principles of the Twin Falls Parks and Recreation Master Plan.

Budget Impact:

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

The Commission is tasked with forwarding a positive or negative recommendation to City Council on whether to accept a Parks in Lieu cash contribution.

Attachments:

1. Parks in Lieu Staff Report PZ19-0021
2. 1 - Preliminary Pla
3. 2 - Vicinity Map
4. 3 - Apprasial
5. 4 - 20190312 P&R Draft Meeting Minutes
6. PZ19-0021 PNLAPP (002)



Comprehensive Staff Report

To: Parks & Recreation Commission

From: Wendy Davis

Presenter: Steve O'Connor, City Planner

Request: Request to recommend approval of a Parks in Lieu contribution for Fieldwood Subdivision.

Application: PZ19-0021

Applicant:

Wills, Inc.

c/o Brad Wills

222 Shoshone St. W.

Twin Falls, ID 83301

208.420.0314

Public Meeting: March 12th, 2019

Analysis

This is a request for a Parks in Lieu contribution for Fieldwood Subdivision. A 5.16 acre subdivision proposing 26 residential units.

The requested Parks in Lieu cash contribution is calculated at \$23,940.96 after the 50% reduction, for infill development, from \$47,881.92. This is based on the January 2019 appraisal price of the property.

Approval Process

In accordance with City Code Section 10-12-3-11 Section F: The city council may, at their discretion, approve and accept cash contributions in lieu of park land with improvements.

The commission is tasked with forwarding a recommendation to City Council based on, 1) the minimum standards or regulations set forth in City Code, and 2) the guiding principles of the Twin Falls Parks and Recreation Master Plan.

Applicable Regulations or Codes

Per City Code 10-12-3-11 a "minipark" is a minimum of 15,000sq-ft and a "neighborhood" park is at least 3 acres of flat open space.

The amount of land to set aside for park land is equal to the number of residential units multiplied by 0.01. For this subdivision that would equal .26 acres for a park. This would not meet the minimum standard.

The fee structure for cash contributions for acquisition of park land shall be the appraised value of the required land area at the time of the application.

The development may qualify for a 50% reduction on their cash contribution in lieu of park land if the development meets all criteria to be called an "in fill" development. (Ord. 2954, 11-3-2008)

This development meets all five criteria for the 50% reduction.

Master Plan Compliance

There is not an identified location for a neighborhood park per the Parks Master Plan for this area. This development would not produce the minimum standards required for a neighborhood park. Therefore accepting a Parks in Lieu cash contribution would comply with the master plan.

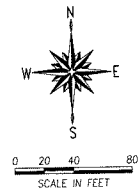
Conclusion

The Commission is tasked with forwarding a positive or negative recommendation to City Council on whether to accept a Parks in Lieu cash contribution.

Attachments

1. Fieldwood Preliminary Plat
2. Vicinity Map
3. Appraisal

FIELDWOOD SUBDIVISION, a PUD
A Re-Subdivision and Re-Numbering of
Lots 1-5, Block 1
Fieldstone Professional Subdivision, a PUD
Located In
SE 1/4 NE, Section 6
Township 10 South, Range 17 East Boise
Meridian
Twin Falls County, Idaho
2019



Development Notes:

1. TRACT C IS CURRENTLY A STORM WATER RETENTION AREA OWNED & MAINTAINED BY THE FIELDSTONE HOMEOWNERS ASSOCIATION. THE TRACT C RETENTION BASIN SHALL BE COMBINED WITH FIELDWOOD RESIDENTIAL RETENTION AND THE BASIN EXPANDED INTO FIELDWOOD LOT 5, BLOCK 1. THE RESULTANT RETENTION BASIN SHALL BE JOINTLY OWNED & MAINTAINED BY BOTH THE FIELDSTONE & FIELDWOOD HOMEOWNERS ASSOCIATIONS. AN EASEMENT FOR THE EXPANDED AREA SHALL BE PROVIDED BY SEPARATE DOCUMENT PRIOR TO THE COMMENCEMENT OF PHASE 1 CONSTRUCTION.

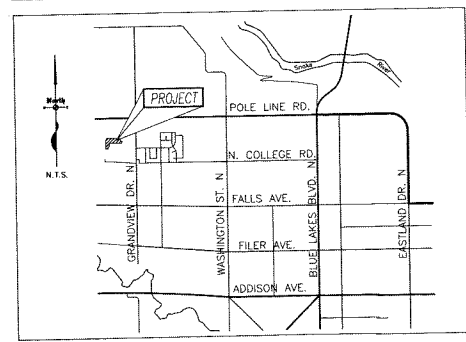
Design Data:

PROJECT NUMBER:	RP1913001002, RP1913001003, RP1913001004, RP1913001005	WATER:	CITY WATER
OWNER/DEVELOPER:	WELLS INC. 222 SHOSHONE WEST TWIN FALLS, ID 83301 PH (208) 734-4411	IRRIGATION:	CITY PRESSURE IRRIGATION
ENGINEER:	E.H.M. ENGINEERS, INC. 621 N. COLLEGE RD., SUITE 100 TWIN FALLS, ID 83301 PH (208) 734-4888	STREETS:	ROADS MUST MEET CUL-DE-SAC TO BE CONSTRUCTED PER FIELDSTONE PROFESSIONAL SUBD. APPROVED CONSTRUCTION PLANS. ALL OTHER STREETS EXIST.
EXISTING ZONE:	R-4 PRO PUD	SETBACKS:	AS PER CITY OF TWIN FALLS ZONING ORDINANCE & PLUD
PROPOSED ZONE:	R-4 PRO PUD	EASEMENTS:	15' UTILITY EASEMENT ALONG ALL ROADWAY FRONTAGES. ALL OTHER EASEMENTS ARE LABELED.
EXISTING USE:	PROFESSIONAL UNDEVELOPED	UTILITIES:	UNDERGROUND POWER, TELEPHONE, GAS, & CABLE TELEVISION
PROPOSED USE:	RESIDENTIAL PER PLUD AGREEMENT & PROFESSIONAL	BENCHMARK:	BENCH MARK 2799 BRIDGE CAP IN SE CORNER RR STR W/5 GRANDVIEW 2000'S ELEVATION = 3640.93
DEVELOPMENT AREA:	5.18 ACRES		
VARIANCE:	NONE REQUESTED		
SEWER:	CITY SEWER		

Topographic Legend:

PROPOSED	EXISTING
CATCH BASIN	BM
PRESSURE IRRIGATION METER	○
IRRIGATION VALVE	○
IRRIGATION AIR INJECTION ASSEMBLY	○
IRRIGATION BLOW-OFF ASSEMBLY	○
SEWER MANHOLE	○
CLEAN OUT	○
WATER METER	○
FIRE HYDRANT	○
WATER VALVE	○
LIGHT POLE	○
POWER POLE	○
TELEPHONE RISER	○
MAIL BOX	○
DRAINAGE FLOW ARROW	→
BUSH / SHRUB	○
SEMI-ARID SLOPE LINE	—
STORM DRAIN LINE	—
WATER LINE	—
GRAVITY IRRIGATION LINE	—
PRESSURE IRRIGATION LINE	—
TELEPHONE LINE	—
FENCE LINE	—
EDGE OF ASPHALT	—
EDGE OF GRAVEL	—
VERTICAL CURB AND GUTTER	—
POLLED CURB AND GUTTER	—
CONCRETE SIDEWALK	—
BUILDING FOOTPRINT	—
EXISTING GROUND CONTOUR	—

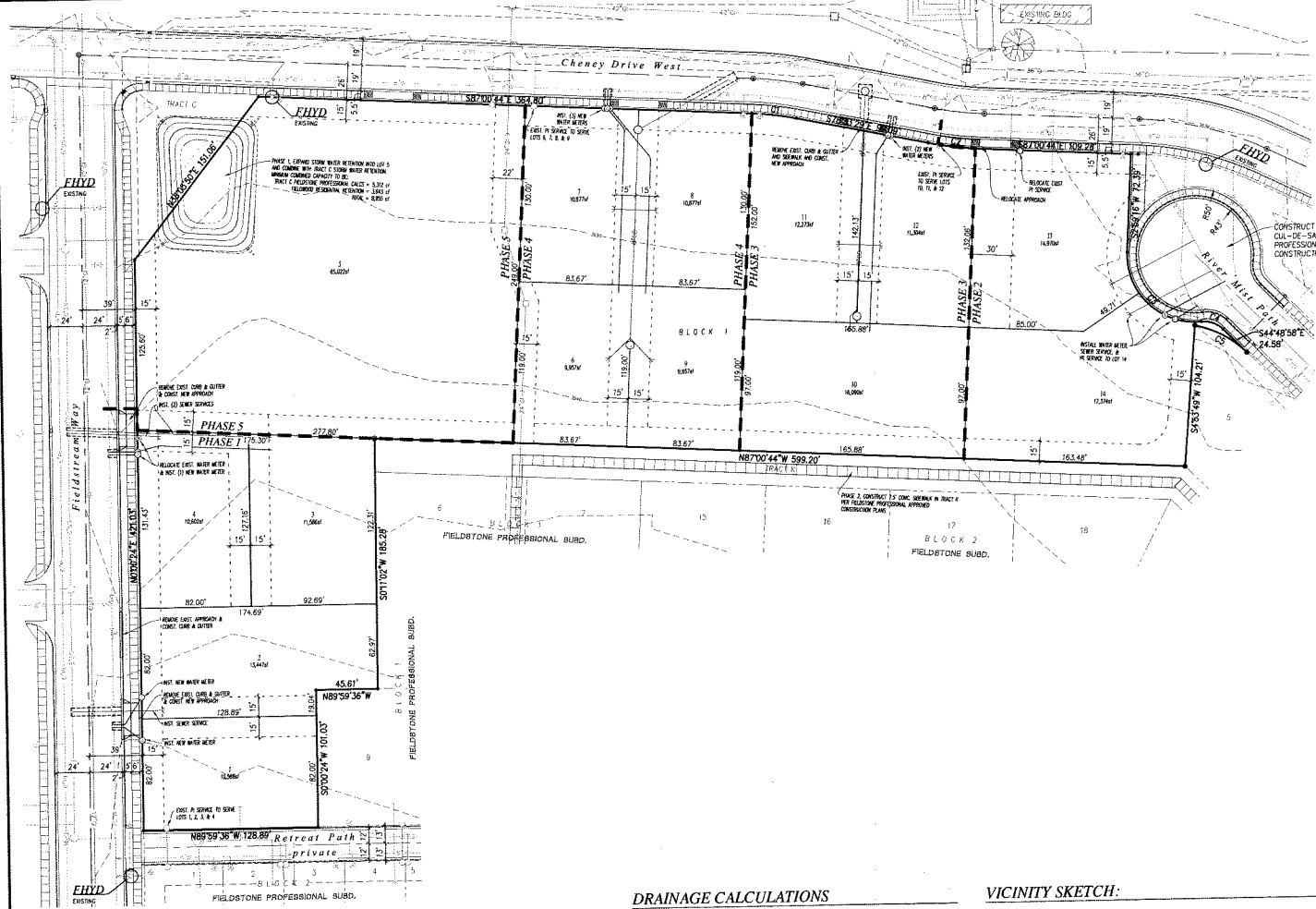
VICINITY SKETCH:

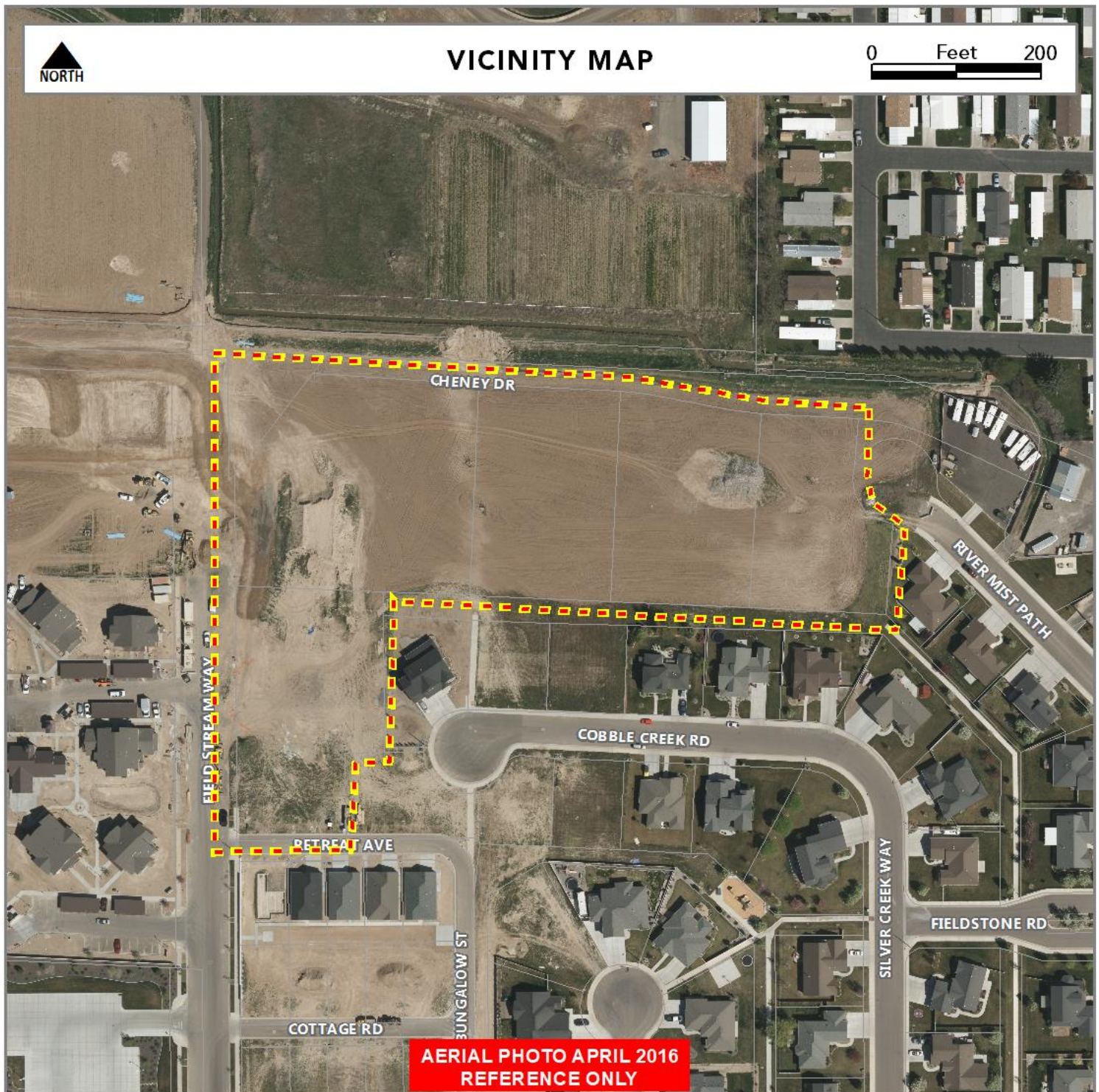


DRAINAGE CALCULATIONS

NOTES:
DRAINAGE RUNOFF COEFFICIENTS (C):
Impervious Areas = 0.95
Landscape Areas = 0.25
Pre-Development = -0.35 (Residential Only)
Dry Well Net Area = Voids 40%
Design Storm = 24hr, 24in.
Design Storm Rainfall = 1.6in/24 = 0.133 ft.
RESIDENTIAL LOT < 12,000 sf
42% Impervious 58% Landscape
Weighted Coefficient = (0.95x42%) + (0.25x58%) = 0.35 = 0.194
Lots 1, 3, 4, 6, 7, 8, 9, & 12, Block 1 = 65,728 sf
85,728 sf x 0.133 ft. x 0.194 = 2,212 cf
RESIDENTIAL LOT > 12,000 sf
30% Impervious 65% Landscape
Weighted Coefficient = (0.95x35%) + (0.25x65%) = 0.35 = 0.145
Lots 2, 10, 11, 13, & 14, Block 1 = 74,184 sf
74,184 sf x 0.133 ft. x 0.145 = 1,431 cf
Total Retention = 3,643 cf

PROFESSIONAL LOT
Lot 5, Block 1 = 65,022 sf
100% Retention will be required on Lot 5 at the time of professional site development.





Current Zoning: R-4 PRO PUD

Existing Land Use: Vacant

Comprehensive Plan: Town Neighborhood

Proposed Land Use: Residential & Commercial

Surrounding Zoning Designations & Land Use(s)

North: Cheney Dr. W.; C-1 PUD & R-2 Aol;

East: R-2; Residential

Commercial & Residential

South: R-2; Residential

West: Field Stream Way; R-6 PUD; Residential

Applicable Regulations

10-12-3-11

RESTRICTED
REAL ESTATE APPRAISAL REPORT
OF

WEST CHENEY AND GRANDVIEW DRIVE
5.16 ACRES BARE LAND
AT SOUTHEAST CORNER OF CHENEY DRIVE,
AND FIELDSTREAM WAY
TWIN FALLS, IDAHO 83301

PRESENTED TO

BRAD WILLS
WILLS, INC.
222 SHOSHONE STREET WEST
TWIN FALLS, IDAHO 83301

AS OF

JANUARY 13, 2019

PREPARED BY

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

American Real Estate & Appraisal LLC

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

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

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

January 15, 2019

Mr. Brad Wills
Wills, Inc.
222 Shoshone Street West
Twin Falls, Idaho 83301

RE: West Cheney Drive and Grandview Drive
5.16 Acres of Bare Land
Southeast Corner of Cheney Drive
and Fieldstream Way
Twin Falls, Idaho 83301

Dear Mr. Wills:

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

The Restricted Appraisal Report is intended to comply with the reporting requirements set forth under all of Standards Rule 2-2(B) of the 2018-2019 Uniform Standards of Professional Appraisal Practice for a restricted appraisal report. As such, it presents only minimal discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the opinion of value. Supporting documentation concerning the data, reasoning, and analysis is retained in our file. The depth of discussion contained in this report is specific to your needs and for the intended use as indicated below. We are not responsible for unauthorized use of this report.

As a result of my analyses and studies made, and subject to the Assumptions and Limiting Conditions included within this report, I have established an opinion that as of January 13, 2019, the estimated market value for the subject property, according to its zoning restrictions and "as is," was estimated to be:

SEVEN HUNDRED EIGHTY-SIX THOUSAND SEVEN HUNDRED DOLLARS

(\$786,700.00)

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

Sincerely,



Douglas D. Vollmer, SRA, SRPA



DRAFT
Twin Falls Parks and Recreation Commission
Minutes

Tuesday, March 12, 2019, 12:00 PM

203 Main Ave.
Twin Falls, Id 83301

Members: Chairman, Vacant; Vice-Chairman, Marc Lambert; Richard Birrell; Z J Martinez; Sherry Murray; Gabe Ostyn; Brian Rice; Chance Munns.

1) Confirmation of Quorum/Call Meeting to Order

Cindy Collins called the meeting to order at 12:06 PM

A quorum was present.

Commissioners present: Cindy Collins, Marc Lambert, Chance Munns, Richard Birrell, ZJ Martinez, Sherry Murray, Gabe Ostyn.

Commissioner absent: Brian Rice, Aaron Camacho

Council present: Nikki Boyd

Staff Present: Wendy Davis, Stacy McClintock, John Pauley, Kevin Skelton, Nikki Miller, Kevin Skelton, Steve O'Connor

Guest: Brad Wills

2) Consent Calendar

- a) Approve Minutes of February 12, 2019 Meeting

MOTION: ZJ Martinez moved to approve the meeting minutes from February 12, 2019 as written. Sherry Murray seconded the motion. Members present voted. Motion passed 7 to 0.

3) Items of Consideration

- a) Consider a request to recommend City Council approve a Parks In Lieu Request for Fieldwood Subdivision c/o Brad Wills

Steve O'Connor presented the In Lieu request for the Fieldwood Subdivision.

MOTION: Rich Birrell moved to recommend to City Council the request to accept the Parks in Lieu Request for the Fieldwood Subdivision. ZJ Martinez seconded the motion. Members present voted. Motion passed 7 to 0.

- b) Consider a request to remove trees located at 1503 9th Ave. East

Kevin Skelton presented the request to remove trees located at 1503 9th Ave. E.

MOTION: ZJ moved to approve the request. Chance Munns seconded the motion. Members present voted. Motion passed 7 to 0.

- c) Consider request to remove tree located at 143 Pierce St.

Kevin Skelton presented the request to remove trees located at 143 Pierce St.

MOTION: Chance Munns moved to approve the request Gabe Ostyn seconded the motion. Members present voted. Motion passed 7 to 0.

- d) Consideration of a memorial tree donation request from Walker Water Systems Inc. Kevin Skelton presented the memorial tree donation request. Chance Munns indicated that the donation be put on hold until the Master Plan for Harmon Park is completed. The Commission has accepted the donation and we will plant the tree in accordance with the Master Plan and the family will be notified that it will be planted around September.

4) Department Updates

- a) Updates
No changes or questions to the department updates.

Wendy updated the Commission on the request taken to City Council to raise the vehicle entrance fee to \$5.00. The Council approved the fee increase. The season pass, coupon books and bus passes will remain the same.

Sherry Murray asked about the request to add tether ball at Cascade Park. Kevin indicated that all the notes have been considered and will pursue with the Master Plan for that Park. Cascade Park is currently in process. Wendy indicated that she is waiting for an estimate and said the smaller jobs, if within the budget, we can contract with someone and move forward.

Wendy thanked Cindy Collins and Aaron Camacho for their service on the Commission. A formal recognition will be held at a future Council meeting. Gabe Ostyn has agreed to stay with the Commission for another 3 years. Wendy indicated that we are now in need of two Commissioners so if any of the current Commissioners know of anyone interested please have them fill out the form that is online. If you know of any one that has some knowledge in aquatics that would be a good fit. Cindy expressed her joy in participating on the Commission. The dog park is open and direction has been given to come up with some ideas on how to repair and manage the area. Wendy explained how management of the park is currently and talked about getting the public educated so that they can understand and help us out to keep the turf in good shape.

Richard Birrell indicated that the bathrooms at the Golf Course are done and they look great. Wendy said she would like to take the Commissioners out to tour the Golf Course.

Sherry Murray updated the Commission on the status of the Recreation Center and the work that the Committee has done thus far. The Committee will be going to Council on April 8 to request approval to go on to Phase II.

5) Adjournment

The meeting adjourned at 12:00 PM. Next meeting is April 9, 2019 at City Hall, 203 Main Ave e.

RECEIVED

FEB 27 2019

CITY OF TWIN FALLS
PLANNING & ZONING

PARKS IN LIEU CONTRIBUTION APPLICATION-2014

2PT19130010040

P219-0021

Date: January 22, 2019

Subdivision Name: Fieldwood Subdivision

Number of Dwelling/Household Units/Acres: 26 Household Units / 5.16 Acres

Developer: Wills, Inc. c/o Brad Wills

Address/Phone #: 222 Shoshone Street West, Twin Falls, ID 83301

208-420-0314

Appraiser: American Real Estate & Appraisal, LLC

Address/Phone #: P.O. Box 566, Twin Falls, Idaho 83303

208-734-5650

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

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

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

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

- (a) Determine the per acre appraised value of the Land in the development.
See 10-12-3-11 (F). Appraisal value of the Land: (L) \$152,461.24
- (b) The current Park Development cost is \$31,700 per acre. (PD) \$31,700
- (c) Total the number of Household units in the development. (H) 26

1-The proposed Cash Contribution using #1: (L+PD)(H)(.01) (CC) \$ \$47,881.92

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

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

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

If development qualifies for the 50% reduction, divide Cash Contribution (CC) amount by two (2). \$23,940.96

RECEIVED

DEC 11 1966

COMMUNICATIONS
SECTION

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

- (a) Determine the per acre appraised value of the Land in the development.
See 10-12-3-11 (F). Appraisal value of the Land: (L) _____
- (b) The current Park Development cost is \$31,700 per acre. (PD) \$31,700
- (c) Total the number of Household units in the development. (H) _____

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

- (d) Developed Trail Cost:
- i. Cost of land underneath the trail (per square foot): (A) _____
 - ii. Cost to develop the trail (per square foot): (B) _____
- Developed Trail Cost = (A + B) (total trail cost per square foot): (TC) _____
- (e) Land Portion = (L)(H)(0.01) - (TC) (LP) _____
Note: Land portion cannot be less than 50% of (L)(H)(.01).
- (f) Park Improvement Portion = (31,700)(H)(.01): (PIP) _____
- (g) Land Portion + Park Improvement portion (LP + PIP) = _____

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

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

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

PRIOR TO SUBMITTAL OF THIS APPLICATION HAVE YOU:

- ☒ X. Talked to the Parks & Recreation Department about the requirements?
- ☒ X. Enclosed a copy of the appraiser's value for the land.
- ☒ na. Enclosed a copy of bid/material costs to construct walking path/bike trail.

Date Submitted: January 22, 2019

City Council Agenda Date: _____

Application accepted by City Administrator: _____

Engineering Approval: _____

RESTRICTED
REAL ESTATE APPRAISAL REPORT
OF

WEST CHENEY AND GRANDVIEW DRIVE
5.16 ACRES BARE LAND
AT SOUTHEAST CORNER OF CHENEY DRIVE,
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TWIN FALLS, IDAHO 83301

PRESENTED TO

BRAD WILLS
WILLS, INC.
222 SHOSHONE STREET WEST
TWIN FALLS, IDAHO 83301

AS OF

JANUARY 13, 2019

PREPARED BY

*DOUGLAS D. VOLLMER, SRA, SRPA
AMERICAN REAL ESTATE & APPRAISAL LLC
210 SIXTH AVENUE EAST
POST OFFICE BOX 566
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January 15, 2019

Mr. Brad Wills
Wills, Inc.
222 Shoshone Street West
Twin Falls, Idaho 83301

RE: West Cheney Drive and Grandview Drive
5.16 Acres of Bare Land
Southeast Corner of Cheney Drive
and Fieldstream Way
Twin Falls, Idaho 83301

Dear Mr. Wills:

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The Restricted Appraisal Report is intended to comply with the reporting requirements set forth under all of Standards Rule 2-2(B) of the 2018-2019 Uniform Standards of Professional Appraisal Practice for a restricted appraisal report. As such, it presents only minimal discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the opinion of value. Supporting documentation concerning the data, reasoning, and analysis is retained in our file. The depth of discussion contained in this report is specific to your needs and for the intended use as indicated below. We are not responsible for unauthorized use of this report.

As a result of my analyses and studies made, and subject to the Assumptions and Limiting Conditions included within this report, I have established an opinion that as of January 13, 2019, the estimated market value for the subject property, according to its zoning restrictions and "as is," was estimated to be:

SEVEN HUNDRED EIGHTY-SIX THOUSAND SEVEN HUNDRED DOLLARS

(\$786,700.00)

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

Sincerely,



Douglas D. Vollmer, SRA, SRPA

CLIENT AND INTENDED USERS

Brad Wills
Wills, Inc.
222 Shoshone Street West
Twin Falls, Idaho 83301

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

APPRAISER

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

COMPETENCY PROVISION AND APPRAISER DISCLOSURES

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

SUBJECT

West Cheney Drive and Grandview Drive
5.16 acres of bare land
Southeast corner of Cheney Drive and Fieldstream Way
Twin Falls, Idaho 83301

PURPOSE OF THE APPRAISAL

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

INTENDED USE OF REPORT

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

INTEREST VALUED

Fee Simple Estate (See Definition in Addendum)

EFFECTIVE DATE OF VALUE

January 13, 2019

DATE OF REPORT

January 15, 2019

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

APPRAISAL DEVELOPMENT AND REPORTING PROCESS

SCOPE OF WORK

The appraiser is required to identify the scope of work sufficient to produce credible assignment results that are supported to the degree necessary for the intended use of the assignment. It is important that both the appraiser and the client fully understand the scope of work to ensure that it is appropriate for the intended use of the assignment. This requires that the appraiser must identify the problem to be solved, determine the scope of work necessary to develop credible assignment results and to disclose the scope of work in the report. It is the intent of this assignment that all appropriate data regarded to be pertinent to the development of this appraisal be collected, confirmed and reported in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) in conformity with the intended use of the assignment.

The Scope of Work sufficient to produce credible appraisal assignment results for the subject property is described as follows:

1. The basic problem(s) to be solved associated with achieving credible appraisal assignment results are identified as: (1) Produce an opinion of market value supported by an analysis of comparable market data; (2) The highest and best use of the comparable sales will focus on land sales.
2. An inspection of the subject land is required for this assignment.
3. Discussions between the client and appraiser resulted in agreement that the appropriate report type for this assignment is a Restricted Appraisal Report in a narrative report format.
4. The appraisal client and any other intended users, intended use of the appraiser's opinions and conclusions, type and definition of value, effective date of the appraiser's opinions and conclusions and subject of the assignment and its relevant characteristics are described in detail elsewhere in this report.
5. The appraiser(s) reserves the right to alter statements, analyses, conclusions, or any opinions of value in the appraisal if any new facts pertinent to the valuation process are discovered which were unknown when the appraisal report was prepared.

My concluded market value opinion developed herein is not based on extraordinary assumptions or hypothetical conditions.

6. Property inspection contact: Brad Wills

APPRAISAL DEVELOPMENT AND REPORTING PROCESS

SCOPE OF WORK, CONTINUED

7. Information concerning the subject property, if any, was obtained from: Owner, Public Records, and Inspection.
8. A Land Valuation Analysis will be completed for this assignment.
9. A Sales Comparison Approach to Value based on an analysis of comparable land will be completed for this assignment with a summary explanation of differences applied in the valuation analysis.
10. An Income Capitalization Approach to Value will not be completed for this assignment.
11. A Cost Approach to Value will not be completed for this assignment.
12. The assignment requires a summary description of the improvements, if any.
13. This assignment requires a summary description of the land.
14. Comparable sales have been obtained, if any, from in-house appraiser data files, confirmation with buyers and sellers, public property records, assessor's office, real estate brokers, data sources available to REALTORS, and data sharing with outside real estate professionals.
15. Appropriate research will be conducted pertaining to current market conditions relating to the specific market demand for the subject property. The geographic area to be searched for market data will be in the Twin Falls area.

The opinion of value conclusion for the subject real estate involves a reconciliation of the previous indications of value which are regarded to meaningfully contribute to this appraisal assignment. The valuation analyses are described in detail elsewhere in this report together with a statement explaining the exclusion of any of the three traditional valuation methods. Consideration of these valuation analyses along with professional judgement forms the basis for an opinion of value.

NEIGHBORHOOD DESCRIPTION

(See Neighborhood Map and Aerials in Addendum)

The subject neighborhood is located in an area of mixed influences between Falls Avenue and the Snake River Canyon. The neighborhood boundaries are defined rather clearly on the west by Rock Creek Canyon and the east by Blue Lakes Boulevard. The Snake River Canyon is the boundary on the north. The south boundary would be Falls Avenue.

Within this described neighborhood are mixed uses. There are commercial uses on the east fronting Blue Lakes Boulevard and Pole Line Road. There are residential uses on the south and the west, along with the College of Southern Idaho and St. Luke's Regional Medical Center.

The subject property is in the northwestern portion of the neighborhood with residential uses further to the west; the east and south is commercial uses such as a Travel store, Costco, a Winco grocery store, a Target store, several fast-food restaurants, hotels, commercial centers, a Ford automobile dealership, and a GMC dealership. Other neighbors are Wal-Mart, a high school, a regional hospital, and new office buildings. Overall, the neighborhood is developing; and it is expected that the remaining vacant commercial areas will develop in the relatively near future with the vacant residential areas being somewhat faster to develop.

The neighborhood is approximately 80% to 90% built up and has continued to have good growth. This has been increasing recently due to supply and demand.

In the recent one to three years, rents have been increasing. There is a strong indication that values here have been increasing. This will relate to the influx of population and business, which both appear to be increasing.

Overall, the neighborhood is clearly the center of the retail community, not only in Twin Falls, but for south-central Idaho and the Magic Valley. Access is good from Washington Street, Pole Line Road, U.S. Highway 93, Blue Lakes Boulevard, and various other city and private streets in the neighborhood. There appears to be some desire for new development in the neighborhood; and because some of the vacant land, mostly in the northern area, is available for development, some residential and older structures have either been razed or converted for various uses.

NEIGHBORHOOD DESCRIPTION, CONTINUED

Conclusions:

The neighborhood is currently showing a trend to increasing uses and values. In comparison to other similar areas in Twin Falls, the subject neighborhood near the subject is considered very good.

Values and rents have been strong; this is indicative of the economic desirability of the area. When mortgage interest rates were lowered to an acceptable level, economic and population trends were more positive, this neighborhood did keep pace with the general increases of value expected elsewhere.

SITE DESCRIPTION

(See Photos, Site Maps, Aerials, Flood Map, and Zoning Map in Addendum)

The subject site contains 5.16 acres, with frontage on Fieldstream Way and Cheney Drive. All utilities are supplied to the subject property; and it is currently zoned R-4 PUD with Professional Overlay. This zoning does allow for commercial use of the property. The subject site is level to sloping and is considered to have an average location. It is not located in a special flood zone per the flood maps available.

Bordering the subject site on the north is Cheney Drive, on the west by Fieldstream Way and bare land, and on the east by commercial activity. On the south it is bordered by residential subdivisions.

Other businesses in the corridor are banks, retirement facilities, and several other retail facilities that have constructed projects. In addition to these uses, there is a large religious facility to the north; and to the east there is the St. Luke's Magic Valley Regional Hospital.

LEGAL DESCRIPTION

Lots 1 through 5, Fieldstone Professional Subdivision, Twin Falls County, Idaho

OWNERSHIP HISTORY

The subject is in the name of Wills, Inc., and has been for several years. The property is not under contract but was offered for sale at \$1,381,935 since 2015 and has expired. This is far in excess of market value for this area, as substantiated by sales in the area.

HIGHEST AND BEST USE

The property is zoned R-4 PUD Professional Overlay by the city of Twin Falls and is near other professional activity. The site is currently in the process of changing zoning and PUD to include multi-family residences, due to its not selling with current zoning.

EXPOSURE TIME AND MARKETING TIME

Exposure time and marketing time is expected to be between 6 and 12 months respectfully, after zoning change.

SUMMARY OF ANALYSIS AND VALUATION

Following is a summary of the information analyzed, the appraisal procedures followed, and the reasoning that supports the analyses, opinions, and conclusions.

VALUATION PROCESS

The appraiser has utilized one approach to value (Market Approach) in estimating the current market value for the subject property. The following is a summary of the approach to value utilized by the appraiser in estimating the current market value of the subject.

COST AND INCOME APPROACHES

The Cost Approach and the Income Approach to value are not utilized in the analysis and evaluation portion of this appraisal report by agreement with the client. The Cost Approach can be an accurate utilization of the principle of substitution if any of the improvements are new. The principle of substitution is based on the proposition that the informed purchaser will pay no more for the property than the cost of producing a substitute property, with the same utility as the subject property.

The Income Approach to value is commonly utilized to value investment property that is typically owned to obtain a return on investment through rental of the property. Since the typical buyer of Vacant Land will purchase a property to eventually develop with appropriated improvements, based on the highest and best use of the site, the income approach to valuing this property "as is" is not consistent with the typical buyer's motivations.

MARKET APPROACH

LAND VALUE

Comparable Selection:

The subject consists of 5.16 acres of bare land. I have analyzed several comparable sales with an emphasis placed on location, age, quality, and size. The sales occurred in the recent past to the current date.

Adjustments:

For the sales, no adjustments are warranted for property rights conveyed, financing terms, conditions of sale, expenditures immediately after purchase and non-realty components. Regarding market conditions, discussions with active market participants indicated that property values had been trending upward through 2006 at a moderate rate. As a result of the economic recession of 2008 and 2009, values have been on a stabilization trend after peaking in 2009. Then values started rising again in late 2009 and 2010 with increases in 2011, 2012, and the current date. However, many of the properties never regained their pre-recession values.

When analyzing the comparables, primary consideration was given to physical characteristics such as location, access/linkage, age/quality, condition/appeal and size. A general discussion of these factors on a qualitative basis is presented in the following pages.

MARKET CONDITIONS

An analysis was conducted for sales and offerings in the area in the local Multiple Listing Service system. In the recent months, there were a few parcels that sold in the market area of the subject. There are currently many parcels for sale in the area that are similar to the subject property. This would indicate an oversupply for similar parcels available to purchase at this time.

MARKET APPROACH, CONTINUED

MARKET DATA DISCUSSION OF SALES

There are several projects within close proximity to the subject property that are undeveloped and developed land. These sales occurred in the recent past to up to five years ago. Bare land sales in the area, similar to the subject, range from a low of \$2.50 per square foot up to \$5.00 per square foot. All of the sales had city services available to them. Many parcels are available and have sold, but are much superior to the subject.

To the west, one-quarter mile north, and on the north side of Cheney Drive and the south side of Pole Line Road, is another subdivision that is on the market for \$8.00 per s.f. for individual lots. Not all of this is improved except for Pole Line Road on the north and Cheney Drive on the south. Several parcels were sold out of this project and others some time ago and an assisted living center and an apartment project were constructed. The balance of the land is vacant and ready for purchase of land after additional roads are installed. Past sales for these projects sold from \$3.00 to \$5.00 per s.f.; one sale was \$7.00 but is not the market at this time.

CONCLUSION OF VALUE

The sales give a good indication of value for the subject property. All of the comparables are commercial in nature. The market appears to be stabilizing in the area of the subject. Based on sales found, other areas indicate a softening of value due to over supply.

The site is well supported to be \$3.50 per square foot.

5.16 acres (224,770 s.f.) bare land x \$3.50/s.f. = \$786,695.00 (rounded to):

SEVEN HUNDRED EIGHTY-SIX THOUSAND SEVEN HUNDRED DOLLARS

\$786,700.00

FINAL RECONCILIATION AND CONCLUSION OF VALUE

Subject to the Assumptions and Limiting Conditions included herein, and to the information contained in my files and in this restricted report, and from the analyses and data presented in this report, I have formed the opinion that as of the effective date of this appraisal, the unencumbered fee simple estate of the subject property has a market value of:

SEVEN HUNDRED EIGHTY-SIX THOUSAND SEVEN HUNDRED DOLLARS

\$786,700.00

If you have any further questions regarding this appraisal report, or if I can be of any further assistance to you, please do not hesitate to contact me. Thank you for this opportunity to be of service to you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas D. Vollmer".

Douglas D. Vollmer, SRA, SRPA

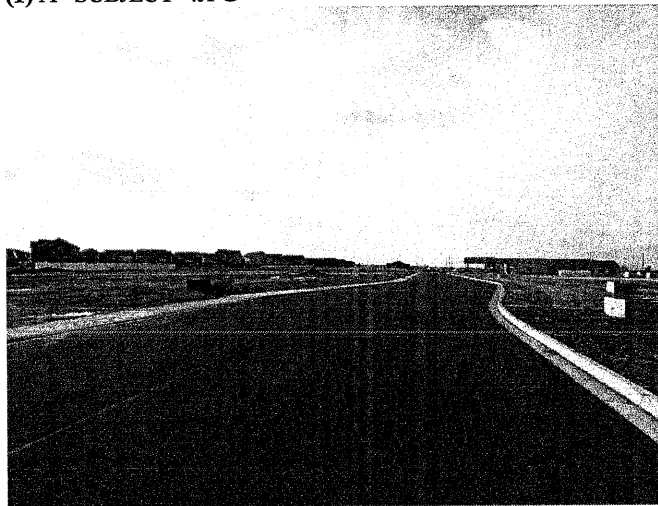
ADDENDUM



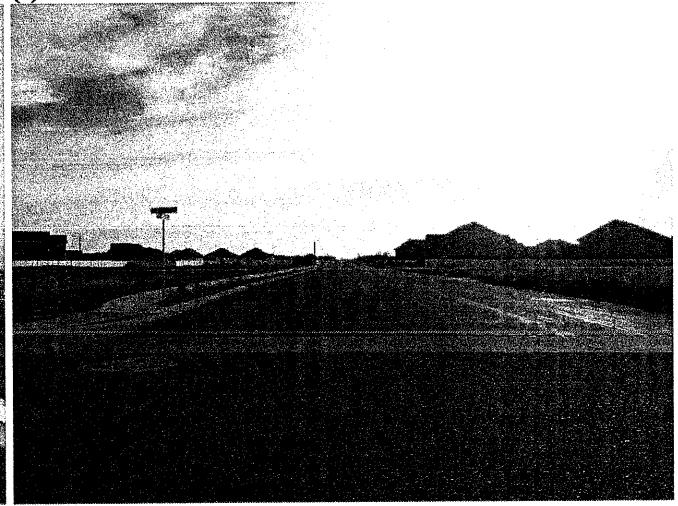
(1) A SUBJECT .JPG



(2) B SUBJECT .JPG

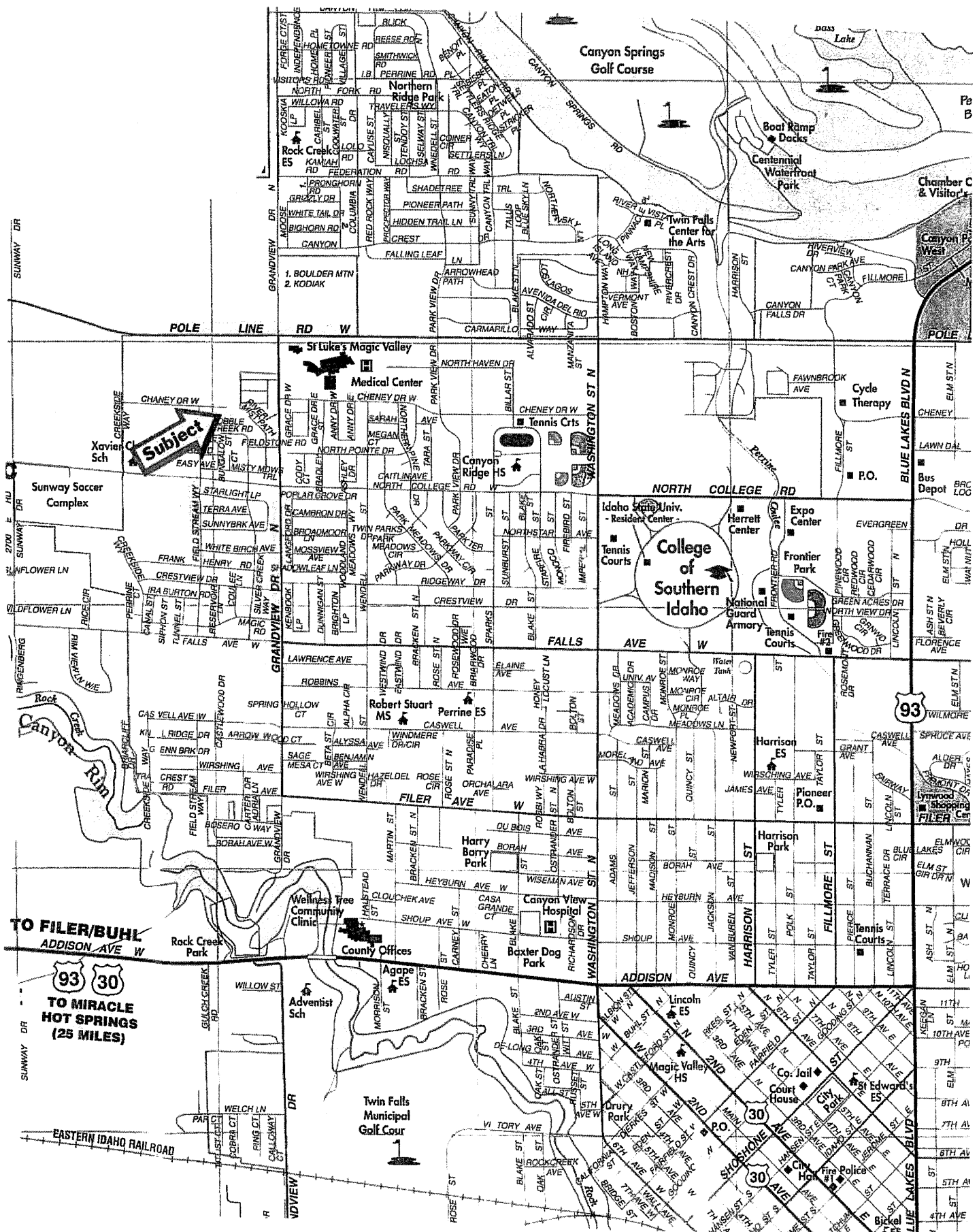


(3) C CHENEY ST. SUBJECT LEFT .JPG



(4) D FIELDSTREAM ST SUBJECT LEFT .JPG

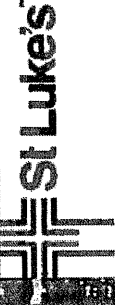
NEIGHBORHOOD MAP



Fieldstone Professional Sub

TWIN FALLS
reformed church

Serenity Healthcare



St Luke's
Regional Medical Ctr

Cheney Drive

Cheney Drive

Grandview Dr. No

Fieldstone Rd

Cobbie Creek Rd

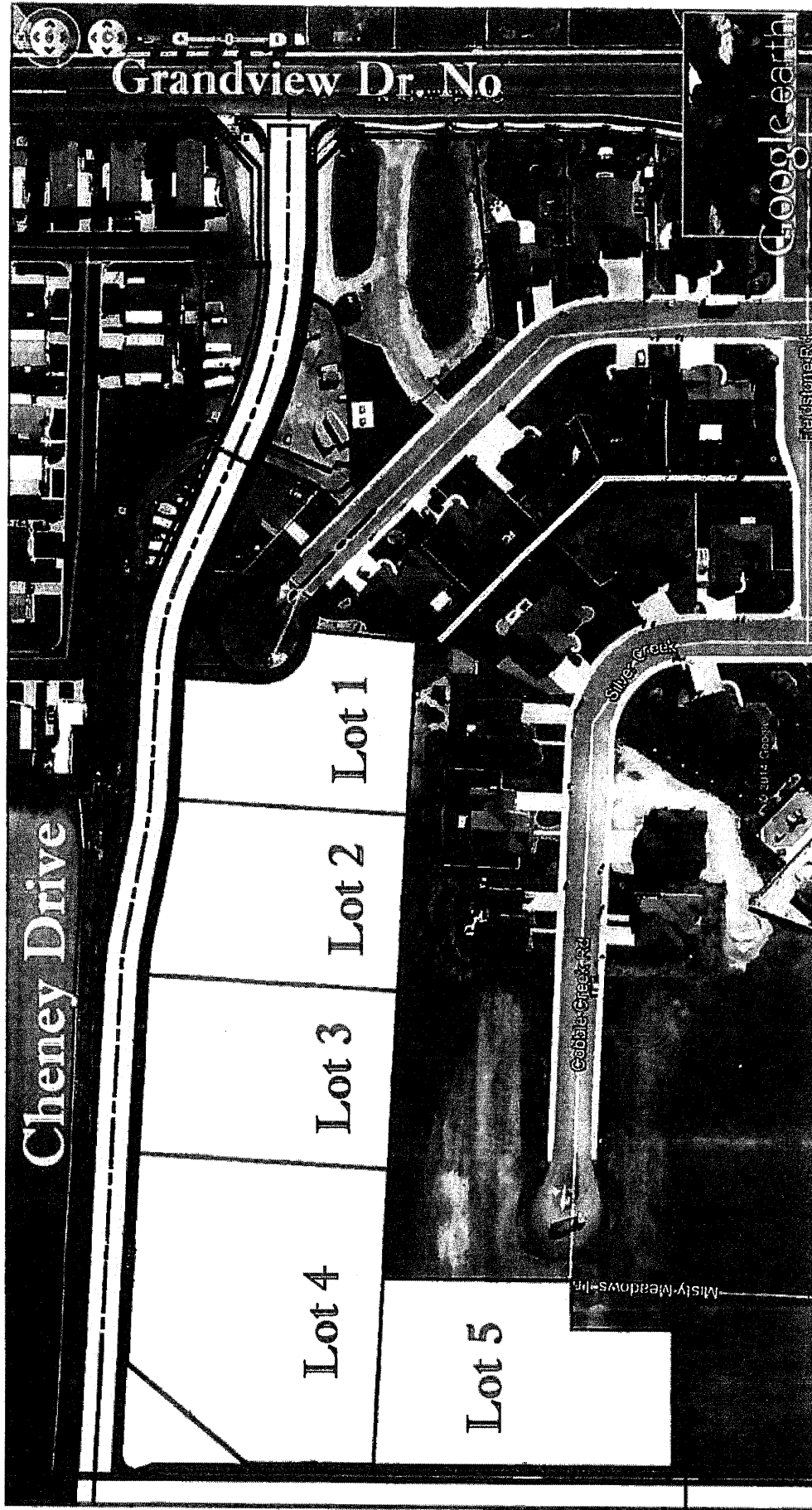
CANYON
LUTHERAN CHURCH

Memory Care Center

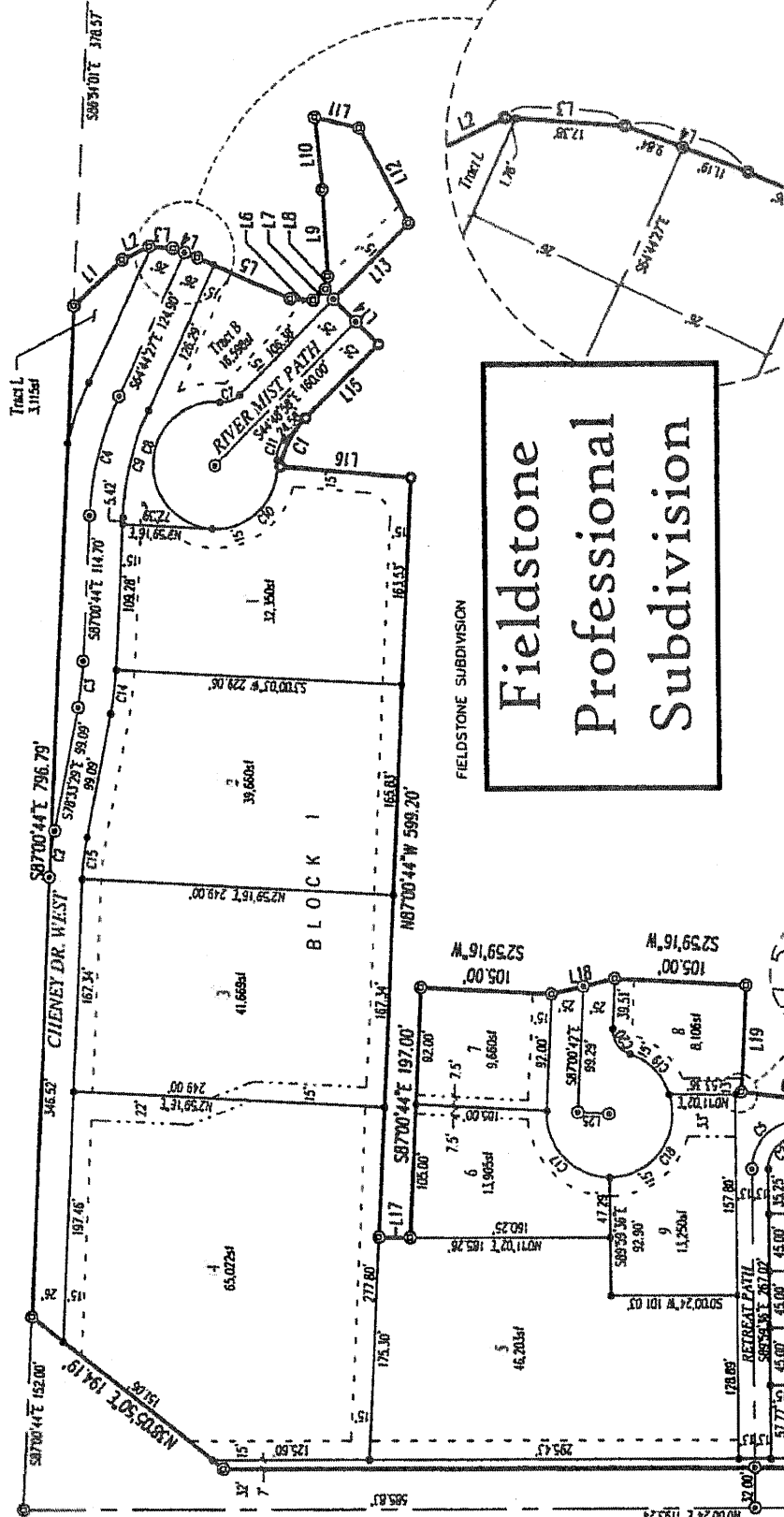
Lot 4	Lot 3	Lot 2	Lot 1
65,022 SF \$ 422,643	41,669 SF \$ 250,014	39,666 SF \$ 237,996	32,344 SF \$ 194,064

Lot 5
46,203 SF
\$ 277,218

Fieldstone Professional Plaza



UNPLATTED



Fieldstone
Professional
Subdivision

FIELDSTONE SUBDIVISION

Owner

Property Address **Field Stream Way & Cheney Drive West**

City **Twin Falls**

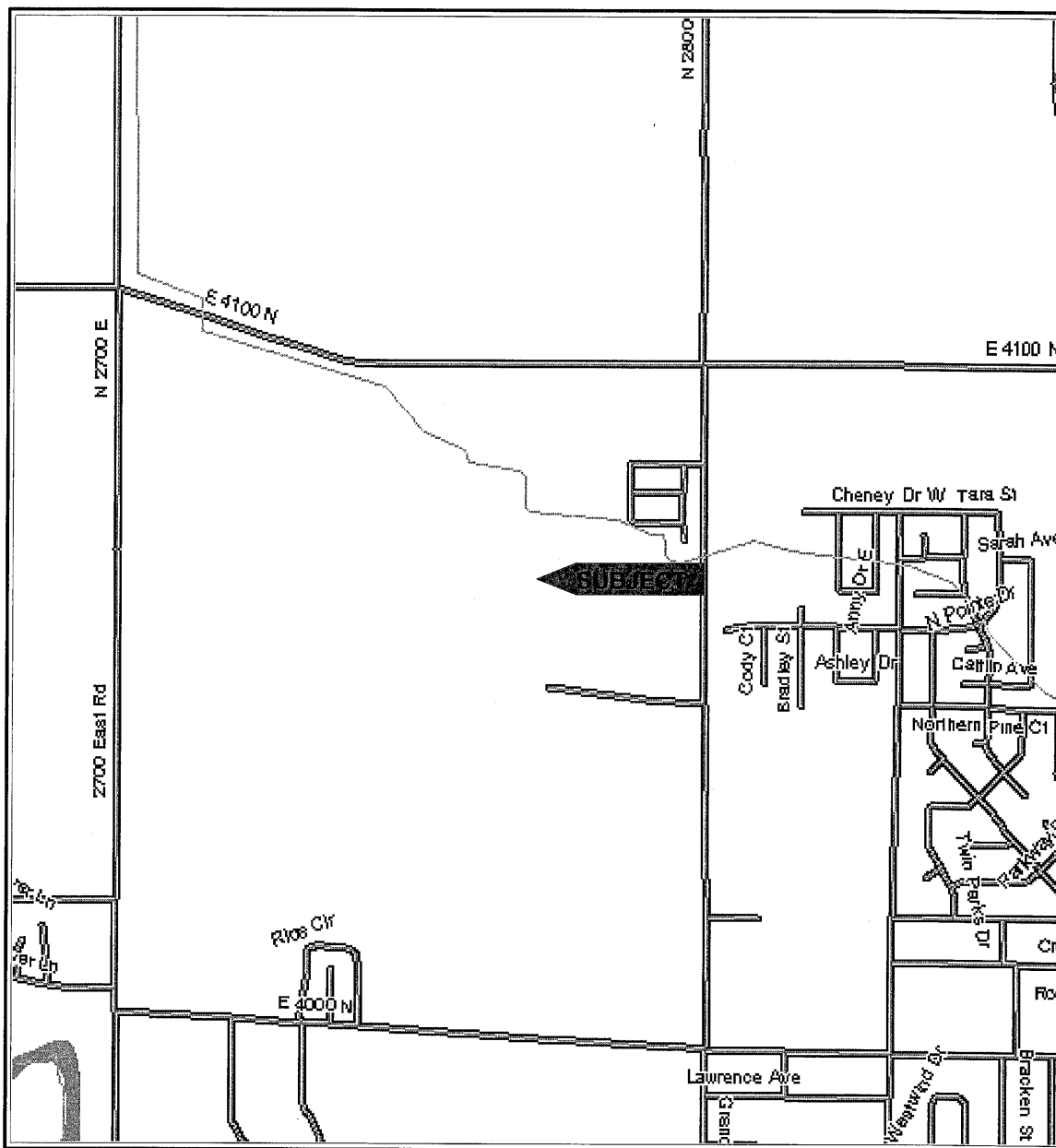
County **Twin Falls**

State **ID**

Zip Code **83301-4695**

Client

Address



Flood Map Legends

Flood Zones

- Areas inundated by 500-year flooding
- Areas outside of the 100 and 500 year flood plains
- Areas inundated by 100-year flooding
- Areas inundated by 100-year flooding with velocity hazard
- Floodway areas
- Floodway areas with velocity hazard
- Areas of undetermined but possible flood hazard
- Areas not mapped on any published FIRM

Flood Zone Determination

SFHA (Flood Zone): **Out**

Within 250 ft. of multiple flood zones? **No**

Community: **160120**

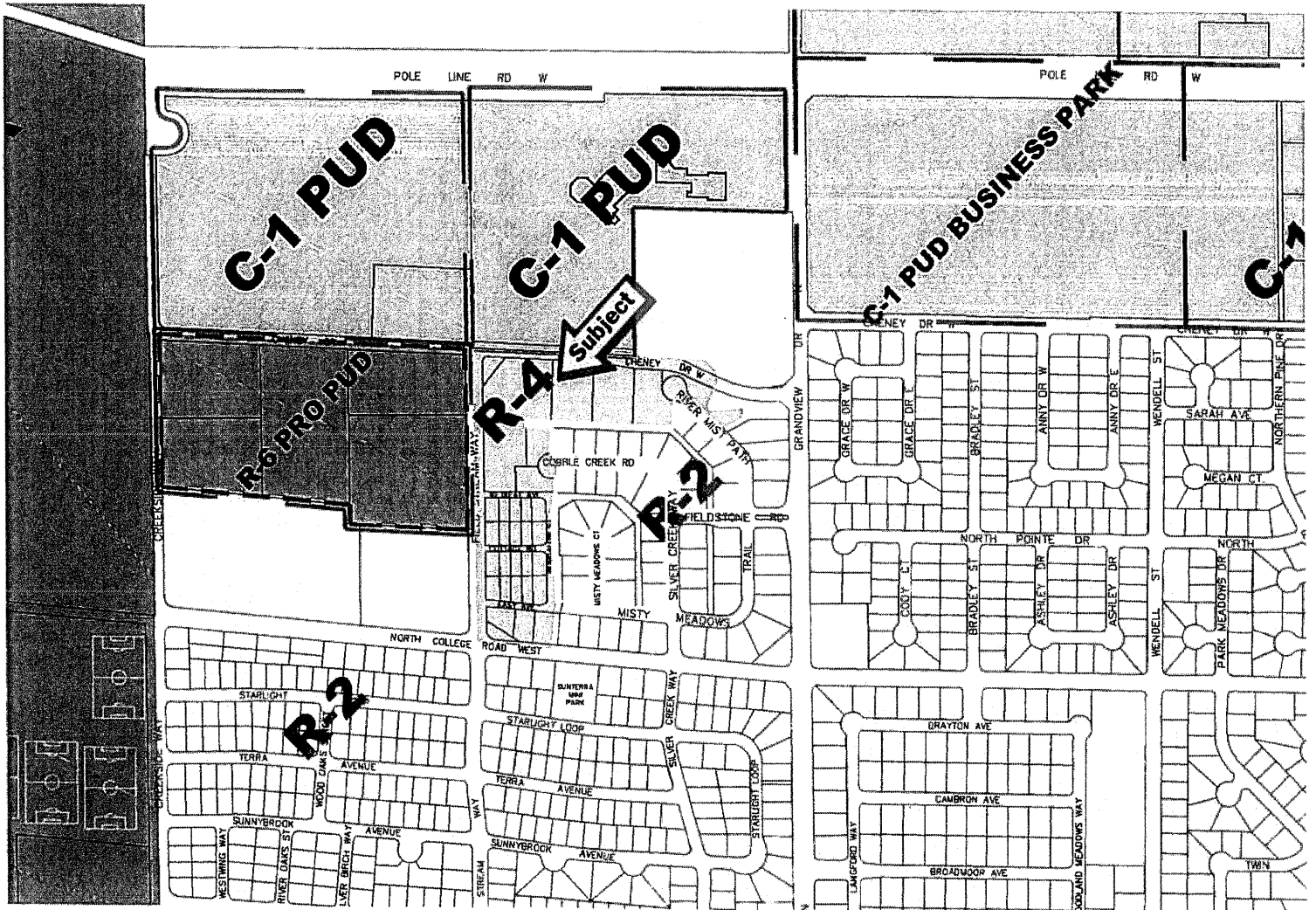
Community Name: **TWIN FALLS, CITY OF**

Zone: **X** Panel: **160120 1359C** Panel Date: **09/26/2008**

FIPS Code: **16083** Census Tract: **0007.00**

This Report is for the sole benefit of the Customer that ordered and paid for the Report and is based on the property information provided by that Customer. That Customer's use of this Report is subject to the terms agreed to by that Customer when accessing this product. THE SELLER OF THIS REPORT MAKES NO REPRESENTATIONS OR WARRANTIES TO ANY PARTY CONCERNING THE CONTENT, ACCURACY, OR COMPLETENESS OF THIS REPORT INCLUDING ANY WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. The seller of this Report shall not have any liability to any third party for any use or misuse of this Report.

ZONING MAP



ASSUMPTIONS AND LIMITING CONDITIONS

As agreed upon with you prior to the preparation of this appraisal, this is a restricted appraisal with or without the use of any departure provision of the Uniform Standards of Professional Appraisal Practice. As such, information pertinent to the valuation has not been considered and/or the full valuation process has been applied.

This is a restricted appraisal report which is intended to comply with the reporting requirements set forth under all of Standard Rule 2-2(B) of the Uniform Standards of Professional Appraisal Practice for a restricted appraisal report. As such, it may not include discussions of the data, reasoning, and analysis that were used in the appraisal process to develop the opinion of value. Supporting documentation concerning the data, reasoning, and analysis is retained in the office work file.

General Underlying Assumptions

Legal Matters: The legal description used in this report is assumed to be correct, but it may not necessarily have been confirmed by survey. No responsibility is assumed in connection with a survey or for encroachments or overlapping or other discrepancies that might be revealed thereby. Any sketches included in the report are only for the purpose of aiding the reader in visualizing the property and are not necessarily a result of a survey.

No responsibility is assumed for an opinion of legal nature, such as to ownership of the property or condition of title.

The appraisers assume the title to the property to be marketable; that, unless stated to the contrary, the property is appraised as an unencumbered fee which is not used in violation of acceptable ordinances, statutes, or other governmental regulations.

Unapparent Conditions

The appraisers assume that there are no hidden or unapparent conditions of the property, subsoil, or structures which would render it more or less valuable than otherwise comparable and property. The appraisers are not experts in determining the presence or absence of hazardous substance, defined as all hazardous or toxic materials, waste, pollutants or contaminants (including, but not limited to, asbestos, PCB, UFFI, or other raw materials or chemicals) used in construction or otherwise present on the property. The appraisers assume no responsibility for the studies or analysis which would be required to conclude the presence or absence of such substances or for loss as a result of the presence of such substances. The client is urged to retain an expert in this field, if desired. The value estimate is based on the assumption that the subject property is not so affected.

ASSUMPTIONS AND LIMITING CONDITIONS, CONTINUED

Information and Data

The information and data, supplied to the appraisers by others and considered in the valuation, is from sources believed to be reliable, but no further responsibility is assumed for its accuracy. All mortgages, liens, encumbrances, and servitudes have been disregarded unless so specified within the appraisal report. The subject property is appraised as though under responsible ownership and competent management.

Zoning and Licenses

It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconforming use has been stated, defined, and considered in the valuation.

It is assumed that the subject property complies with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the valuation.

It is assumed that the information relating to the location of or existence of public utilities that has been obtained through a verbal inquiry from the appropriate utility authority, or has been ascertained from visual evidence, is correct. No warranty has been made regarding the exact location or capacities of public utility systems.

It is assumed that all licenses, consents, or other legislative or administrative authority from local, state, or national governmental or private entity or organization have been, or can be, obtained or renewed for any use on which the value estimate contained in the valuation report is based.

ASSUMPTIONS AND LIMITING CONDITIONS, CONTINUED

General Limiting Conditions

The appraisers will not be required to give testimony or appear in court because of having made the appraisal with reference to the subject property in question unless arrangements have been previously made.

Possession of the report does not carry with it the right of publication. Out-of-context quoting from or partial reprinting of this appraisal report is not authorized. Further, neither all nor any part of this appraisal report shall be disseminated to the general public by the use of media for public communication without the prior written consent of the appraisers signing this appraisal report.

The authentic copies of this report are signed in blue ink. Any copy that does not have original signatures of the appraisers is unauthorized and may have been altered, and is considered invalid.

Disclosure of the contents of this report is governed by the By-Laws and Regulations of the State of Idaho and State of Nevada. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers or the firm with which they are connected, or any reference to an appraisal group or to a designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media, or any other public means of communication without the prior written consent and approval of the author.

The distribution of the total valuation in this report, between land and improvements, is applicable only as a part of the whole property. The land value opinion, or the separate value opinion of the improvements, must not be used in conjunction with any other appraisal or estimate and is invalid if so used.

No environmental impact studies were either requested or made in conjunction with this appraisal report. The appraisers, thereby, reserve the right to alter, amend, revise, or rescind any of the value opinions based upon any subsequent environmental impact studies, research, or investigation.

ASSUMPTIONS AND LIMITING CONDITIONS, CONTINUED

General Limiting Conditions, Continued

The Americans with Disabilities Act ("ADA") became effective January 26, 1992. The appraisers have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since the appraisers have no direct evidence relating to this issue, possible noncompliance with the requirements of ADA in estimating the value of the property has not been considered.

An appraisal related to an estate in land that is less than the whole fee simple estate applies only to the fractional interest involved. The value of this fractional interest plus the value of all other fractional interests may or may not equal the value of the entire fee simple estate considered as a whole.

The appraisal report related to a geographical portion of a larger parcel is applied only to such geographical portion and should not be considered as applying with equal validity to other portions of the larger parcel or tract. The value for such geographical portions plus the value opinion of all other geographical portions may or may not equal the value of the entire parcel or tract considered as an entity.

This appraisal is subject to any proposed improvements or additions being completed as set forth in the plans, specifications, and representations referred to in the report, and all work being performed in a good and workmanlike manner. The appraisal is further subject to the proposed improvements or additions being constructed in accordance with the regulations of the local, county, and state authorities. The plans, specifications, and representations referred to are an integral part of the appraisal report when new construction or new additions, renovations, refurbishing, or remodeling applies.

Important Definitions are attached.

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I have completed the continuing education program for Designated Members of the Appraisal Institute.

Sincerely,



Douglas D. Vollmer, SRA, SRPA

IMPORTANT DEFINITIONS

Definition of Market Value:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well-informed or well-advised, and acting in what they consider their best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

(The Dictionary of Real Estate Appraisal, 4th Ed., published by the Appraisal Institute, 2002.)

Market Value Comments:

The factors of utility, scarcity, desire and effective purchasing power are apparent in the definition. The implication that buyer and seller are working under equal pressure is seldom completely true, although typical motivation for each does imply a reasonable balance for a market value transaction.

Market prices do not necessarily follow all of these concepts and are often affected by salesmanship and the urgency and need of the buyer and/or seller. The central difference between market price and market value lies in the premise of knowledge and willingness both of which are contemplated in market value, but maybe not in market price. Stated differently, at any given moment of time, market value denotes what a property is actually worth under certain specified conditions, while market price denotes what it actually sold for.

Probability of Value Change:

The market value of the property appraised in the report is estimated as of the aforementioned date. Constantly changing economic, social, political and physical conditions have varying effects upon real property values. Even after the passage of a relatively short period of time, property values may change substantially and require a review of the appraisal and recertification.

IMPORTANT DEFINITIONS, CONTINUED

Definition of Fee Simple Estate:

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat. (The Dictionary of Real Estate Appraisal, 4th Edition, by the Appraisal Institute, 2002.)

Definition of Leased Fee Interest:

An ownership interest held by a landlord with the rights of use and occupancy conveyed by lease to others. The rights of the lessor (the leased fee owner) and the lessee are specified by contract terms contained within the lease. (The Dictionary of Real Estate Appraisal, 4th Edition, by the Appraisal Institute, 2002.)

Definition of Leasehold Interest or Position:

The most important obligation associated with the rights to the use and occupancy of a leasehold interest is the payment of rent. Contract rent is the actual rental income specified in a lease. Rent is commonly paid by the tenant to the lessor according to a specified schedule. A leasehold interest usually has value when contract rent is less than market rent. Market rent is the rental income that a property would most probably command in the open market. Most negotiated leases reflect contract rent equal to market rent.

When market rent exceeds contract rent, the leasehold interest may have value, assuming that the lease term is long enough to be marketable and the lease allows for subletting or assignment. When contract rent exceeds market rent, the leasehold is said to have negative value. (The Appraisal of Real Estate, Thirteenth Edition, Appraisal Institute, 2008.) Marketability is a key issue that must be addressed. In other words, would another tenant be found to pay an equal rent? Is the property marketable for the same use at a similar rental?

Definition of Leasehold Interest:

The interest held by the lessee (the tenant or renter) through a lease transferring the rights of use and occupancy for a stated term under certain conditions.

(The definition of leasehold interest was taken from the Dictionary of Real Estate Appraisal, 4th ed., published by the Appraisal Institute, 2002.)

IMPORTANT DEFINITIONS, CONTINUED

Definition of Highest and Best Use:

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity. (The Dictionary of Real Estate Appraisal 4th ed., by the Appraisal Institute. 2002.)

The definition immediately preceding applies specifically to the highest and best use of land and/or property. It is to be recognized that in cases where a site has existing improvements on it, the highest and best use may very well be concluded to be different from the existing use. The existing use will continue, however, unless and until land value in its highest and best use exceeds the total value of the property in its existing use.

Also implied, is that the estimation of highest and best use results from judgment and analytical skill, i.e., that the use concluded from analysis represents an opinion, not a fact to be found. In appraisal practice, the concept of highest and best use represents the foundation on which market value rests. In the context of the most probable selling price (market value), another appropriate term to reflect highest and best use would be the most probable use. In the context of investment value, an alternative term would be the most profitable use.

The highest and best use of both land as though vacant and property as improved must meet four criteria. The highest and best use must be: 1) physically possible, 2) legally permissible, 3) financially feasible, and 4) maximally productive. These criteria are usually considered sequentially. A use may be financially feasible, but this is irrelevant if it is legally prohibited or physically impossible. Only when there is a reasonable possibility that one of the prior, unacceptable conditions can be changed is it appropriate to proceed with the analysis. If, for example, current zoning does not permit a potential highest and best use, but there is a possibility that the zoning can be changed, the proposed use can be considered on that basis. A full analysis may be included in the report when the conclusions are based on techniques applied to identify the highest and best use among two or more potential uses. (The Appraisal of Real Estate, Thirteenth Edition by Appraisal Institute, 2008.)

APPRAISER QUALIFICATIONS

*Douglas D. Vollmer, SRA, SRPA
American Real Estate & Appraisal LLC
210 Sixth Avenue East
Post Office Box 566
Twin Falls ID 83303-0566*

*Cell: (208) 420-5650
Office: (208) 734-5650
Fax: (208) 734-5653
doug@areaidaho.com*

ASSOCIATION MEMBERSHIPS

Appointed by Governor to serve on Idaho Real Estate Appraisal Board
Licensed Realtor, State of Idaho since 1964, Broker since 1971
Appraisal Institute - SRPA (Senior Real Property Appraiser) and SRA (Senior Residential Appraiser) since 1982
Idaho State Certified General Real Estate Appraiser since 1991, CGA-53
Nevada Certified General Appraiser since 1992, A.0000610-CG
Member, National Association of Home Builders
Member, National Association of Realtors and Greater Twin Falls Board of Realtors
Member, Intermountain Multiple Listing Service and Mini-Cassia MLS

COURT AND APPRAISAL EXPERIENCE

District & Federal Court testimony; testimony for local attorneys, individuals, and businesses.
Independent Fee Appraiser, Twin Falls, Idaho 1967 to 1969
Staff Appraiser, Security Pacific National Bank, Los Angeles, California 1969 to 1972
Independent Appraiser for Nevada and Idaho 1972 to present.

PARTIAL LIST OF CLIENTS SERVED

D.L. Evans Bank; Farmers National Bank; Magic Valley Bank; First Interstate Bank; US Bank; Town and Country Bank, Las Vegas; Zions First National Bank; First Federal Savings Bank; Washington Federal Savings; Home Federal Savings; First Financial; Wells Fargo Bank; Idaho Transportation Department (condemnation appraisals); Federal Aviation Administration (condemnation); FDIC; FSLIC; Fannie Mae; City of Twin Falls, Idaho; City of Las Vegas, Nevada; Elko County, Nevada; College of Southern Idaho; University of Nevada, Las Vegas.

EDUCATION, COURSES AND SEMINARS

1969 - 1973	UCLA, School of Real Estate with Certificate in Real Estate Appraisal
1965 - 1967	Extension courses, University of Idaho, received Certificate of Real Estate
1973 - 1984	Course 101, Real Estate Valuation; Course 201; Income Property Valuation; Course 301 Analyst Courses Various courses and seminars each year to the present, including: Market and Marketability Analysis, Investment Feasibility Analysis, Cash Flow and Risk Analysis
1975&1987	AIREA Course 8 Residential Valuation
2000	Writing The Narrative Appraisal Report
2001	Problem Solving in Residential Real Estate Appraising; Sales Comparison Approach, Techniques and Applications
2003	Preparing the Expert Witness
2004	Business Practices & Ethics AI; Analyzing Distressed Real Estate; Income Capitalization Techniques II; Small Hotel/Motel Valuation
2006 - 2007	ASFMRA: Current Appraisal Topics; Introduction to Business Enterprise Appraisal; ASFMRA Principles of Rural Appraisals; Advanced Applications AI
2009 - 2010	Apartment Appraisal, Concepts & Applications; Commercial Appraisal Engagement and Review Seminar; Environmental Pollution & Mold; USPAP Update Course; Sales Verification: Principles, Procedures, & Case Studies
2011-2012	Evolution of Finance & the Meeting Market; Land & Site Valuation; Nuts & Bolts of Green Building for Appraisers; Dirty Dozen (USPAP); Essential Elements of Disclosures & Disclaimers; Intro to Regression Analysis for Appraisers.
2013	General Appraiser Sales Comparison Approach; AI
2014 - 2015	USPAP Update Course; Disciplinary Cases - What Not To Do; Water Rights Survival Course
2015	General Appraiser Report Writing and Case Studies AI
2016 - 2017	USPAP Update Course

APPRAISER'S LICENSE

Bureau of Occupational Licenses Department of Self Governing Agencies

The person named has met the requirements for licensure and is entitled
under the laws and rules of the State of Idaho to operate as a(n)

CERTIFIED GENERAL APPRAISER

DOUGLAS D VOLLMER
210 6TH AVENUE EAST
TWIN FALLS ID 83301

Tana Cory
Tana Cory
Chief, B.O.L.

CGA-53
Number

02/04/2019
Expires



Date: Monday, April 1, 2019
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to approve a Trust Agreement for Addison Springs Subdivision, placing Lots 1, 2, 3, 4, and 5; Block 1 in trust.

Time Estimate:

N/A

Background:

The Addison Springs Subdivision is located at the northeast corner of the intersection of Addison Avenue East and Carriage Lane. The developer is requesting to place the aforementioned lots in trust in lieu of constructing the improvements or providing a financial guarantee.

Approval Process:

N/A

Budget Impact:

None

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 accept the Trust Agreement and authorize the Mayor to sign.

Attachments:

1. Addison Springs - Trust Agreement
2. Addison Springs - Aerial Image
3. Final Plat

TRUST AGREEMENT

This Trust Agreement (the "Agreement") is made and entered into this _____ day of _____, 2019, by and between **Robert C. Grabowski and Barbara G. Grabowski, Trustees of the ROBERT C. AND BARBARA G. GRABOWSKI FAMILY TRUST, as to an as to an undivided 50% interest And THAD FARNHAM AND ANETTE FARNHAM, husband and wife, as to an as to an undivided 50% interest**, (hereinafter "Trustor"); **TITLEFACT, INC.**, (hereinafter "Trustee"); and the **CITY OF TWIN FALLS, IDAHO** (hereinafter "Beneficiary"), and is made with respect to the following facts and objectives:

WITNESSETH:

WHEREAS, Trustor is the owner of the real property described below (the "Property"); and

WHEREAS, it is the desire and intent of Trustor to arrange, by and through this Agreement, for the orderly development and sale of the Property, in a manner that is conducive to achieving full compliance with applicable rules and regulations of Twin Falls County, Idaho, and the City of Twin Falls, Idaho, in effect on the date of approval of the subdivision of the property.

NOW THEREFORE, it is agreed between the parties hereto as follows:

1. That upon the execution of this Agreement by both parties, the Trustor agrees to execute and deliver to the Trustee a Warranty Deed, conveying to the Trustee, in Trust, to be held solely for the benefit of the Beneficiary, the Property, to-wit:

Lots 1, 2, 3, 4, and 5, Block 1, **ADDISON SPRINGS SUBDIVISION**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book _____ of Plats, page _____, records of Twin Falls County, Idaho.

2. The Trustor and the Trustee agree that the Trustee shall hold said title to the Property in trust, solely for the benefit of the Beneficiary under the terms hereof, and that title to the Property shall be and remain good and marketable and free from any defects, liens, conditions or encumbrances of any kind or nature, other than those appearing of record in the office of the Twin Falls County Recorder, and conditions of the Phase Control Development Notice for Lots 1, 2, 3, 4, and 5, Block 1, **ADDISON SPRINGS SUBDIVISION**, a copy of which is attached hereto as Exhibit "A," or those which are placed on the Property with the prior written consent of the Trustee. The Trustee shall not convey, transfer or encumber all or any interest in the Property, save and except to the extent as directed by the Trustor by written instrument delivered to the Trustee.
3. It is understood and agreed that the purpose of this Agreement is to provide Trustor with a convenient means of, subdividing, developing and selling the Property. It shall be the entire responsibility of the Trustor to effect such developing, subdividing and selling of the Property and to provide whatever subdivision plat it may desire and to pay all costs and expenses of said developing, subdividing and selling, and Trustee shall have no liability for any costs or expenses therefor or for any claim, damage, loss or liability sustained to the Property or Trustor or to any other person or persons in connection with said matter, save and except to the extent caused by Trustee's failure or refusal to comply with the terms and conditions of this Agreement.
4. The Trustor may, as it desires from time to time, sell all or any portion of the Property in its sole and complete discretion. The Trustee agrees that, when it is so instructed in writing by Trustor, Trustee shall execute and deliver to the person or persons designated by Trustor, a fiduciary deed conveying good and marketable title to the Property or any part thereof as designated, and at said time the Trustor agrees to pay to Trustee any reasonable costs and expenses incurred by the Trustee hereunder and to pay the normal and customary fee for the cost of an owner's title insurance policy to be issued by **TITLEFACT, INC.**
5. It is agreed that Trustee shall not be liable or responsible for the condition of title to the Property, except as may be provided in any title insurance policy issued by the Trustee, and Trustee shall have no liability concerning possession or survey or any taxes, costs or expenses in connection with the Property, other than as herein provided.
6. It is agreed that the term of this Agreement shall expire when all of the above described Lots have been conveyed by the Trustee pursuant to Trustor's written instructions.

7. It is agreed that this Trust Agreement may not be revoked or amended without the prior written approval of the Beneficiary. If Trustee is presented with written notice of Termination by both Trustor and Beneficiary, and Trustee receives Trustor's payment of all reasonable out-of-pocket costs and expenses incurred by Trustee in connection with this Agreement, if any, the Trustee shall immediately reconvey to Trustor the remaining part of the Property; and thereafter no party hereto shall have any further liability to the others in connection with the Property or under the terms of this Agreement.
8. Trustor agrees to indemnify and save harmless Trustee from any claims, demands, judgments, costs and expenses including reasonable attorney's fees and any other obligation or liability of any kind or nature that the Trustee may for any reason suffer, incur or expend by reason of this Trust Agreement or in the administration thereof, other than for or as a result of Trustee's misconduct, breach of this Agreement, or willful neglect.
9. This Agreement shall bind the parties hereto, their heirs, representatives, successors and assigns.

Date: 3/19/2019

TRUSTORS:

ROBERT C. AND BARBARA G. GRABOWSKI FAMILY TRUST

BY: Robert C. Grabowski
Robert C. Grabowski, Trustee

BY: Barbara G. Grabowski, JLG
Barbara G. Grabowski, Trustee

Date: 3/18/2019

BY: Thad Farnham
Thad Farnham

BY: Anette Farnham
Anette Farnham

Date: _____

TRUSTEE:

TITLEFACT, INC.

BY: Richard B. Stivers, Chairman of the Board
R. Todd Blass, President

Date: _____

BENEFICIARY:

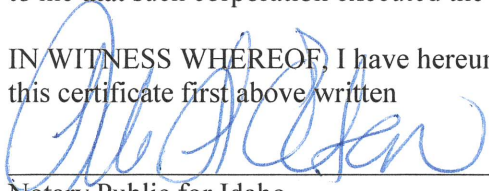
CITY OF TWIN FALLS, IDAHO

BY: _____

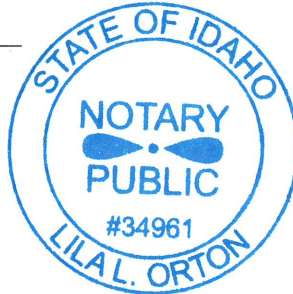
STATE OF IDAHO
County of Twin Falls

On this 19th day of March, 2019, before me, the undersigned, Notary Public in and for said State, personally appeared R. Todd Blass, known to me to be the President of the corporation that executed this 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 affixed my official seal, the day and year in this certificate first above written



Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 10-26-2024



STATE OF IDAHO

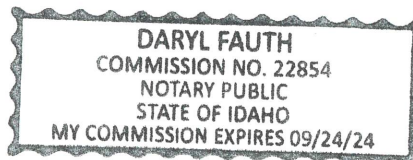
County of Blaine

On the 19th day of March, 2019, before me, a Notary Public in and for said State, personally appeared **ROBERT C. GRABOWSKI AND BARBARA G. GRABOWSKI**, known or identified to me to be the Trustees of the Trust that executed this instrument, or the persons who executed the instrument on behalf of said Trust, and acknowledged to me that they executed the same as such Trustees.

Notary Public for Idaho

Residing in Blaine, ID

Commission Expires 9/24/24



* * * * *

STATE OF IDAHO

County of Blaine

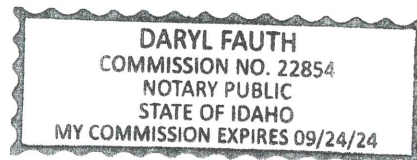
On this 18 day of March, 2019, before me, a Notary Public in and for said State, personally appeared **THAD FARNHAM AND ANETTE FARNHAM**, known or identified to me to be the persons whose names subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Notary Public for Idaho

Residing at Blaine, ID

Commission expires: 9/24/24



* * * * *

STATE OF IDAHO

County of Twin Falls

On this _____ day of _____, 2019, before me, the undersigned, Notary Public in and for said State, personally appeared **RICHARD B. STIVERS**, known or identified to me to be the President of the said corporation that executed this 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 affixed my official seal, the day and year in this certificate first above written.

Notary Public for Idaho

Residing at:

My Commission expires:

* * * * *

STATE OF IDAHO

County of Twin Falls

On this _____ day of _____, 2019, before me, the undersigned, Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ for the City of Twin Falls, Idaho, and known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same on behalf of the City of Twin Falls, Idaho.

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 for Idaho

Residing at:

My Commission expires:

"EXHIBIT A"

PHASE CONTROL DEVELOPMENT NOTICE

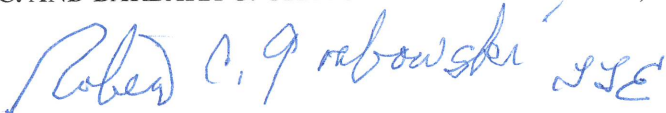
THIS NOTICE prohibits the conveyance of undeveloped Lots 1, 2, 3, 4, and 5, Block 1, **ADDISON SPRINGS SUBDIVISION**, until such time as an Improvement Agreement for Developments between the City of Twin Falls and the Developer is recorded designating the lots and blocks in each phase which are approved for conveyance.

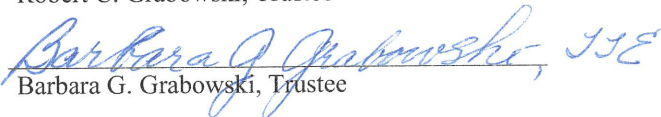
TITLEFACT, INC., will hold the deed to all undeveloped lots in Escrow with instructions to convey only those lots covered by the recorded Improvement Agreement for Developments.

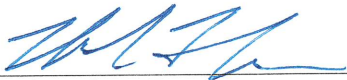
The real property subject to this notice is Lots 1, 2, 3, 4, and 5, Block 1, **ADDISON SPRINGS SUBDIVISION**, as platted in the records of Twin Falls County, Idaho.

Dated this 19th day of March, 2019.

ROBERT C. AND BARBARA G. GRABOWSKI FAMILY TRUST, Developer

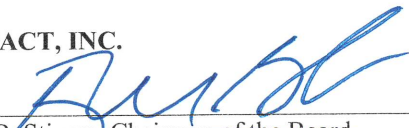
BY: 
Robert C. Grabowski, Trustee

BY: 
Barbara G. Grabowski, Trustee

BY: 
Thad Farnham, Developer

BY: 
Anette Farnham, Developer

TITLEFACT, INC.

BY: 
~~Richard B. Stivers, Chairman of the Board~~
R. Todd Blass, President

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

WARRANTY DEED

FOR VALUE RECEIVED

Robert C. Grabowski and Barbara G. Grabowski, Trustees of the ROBERT C. AND BARBARA G. GRABOWSKI FAMILY TRUST, as to an as to an undivided 50% interest and THAD FARNHAM AND ANETTE FARNHAM, husband and wife, as to an as to an undivided 50% interest, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto **TITLEFACT, INC., an Idaho corporation, as Trustee** for the benefit of Robert C. Grabowski and Barbara G. Grabowski, Trustees of the ROBERT C. AND BARBARA G. GRABOWSKI FAMILY TRUST, as to an as to an undivided 50% interest and THAD FARNHAM AND ANETTE FARNHAM, husband and wife, as to an as to an undivided 50% interest, hereinafter called grantee, whose address is: P.O. Box 3535, Ketchum, Idaho 83340, the following described premises, in **Twin Falls County, Idaho**, to-wit:

Lots 1, 2, 3, 4, and 5, Block 1, **ADDISON SPRINGS SUBDIVISION**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book _____ of Plats, page _____, records of Twin Falls County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: March 18, 2019

ROBERT C. AND BARBARA G. GRABOWSKI FAMILY TRUST

BY: Robert C. Grabowski
Robert C. Grabowski, Trustee

BY: Barbara G. Grabowski
Barbara G. Grabowski, Trustee

Thad Farnham
Thad Farnham

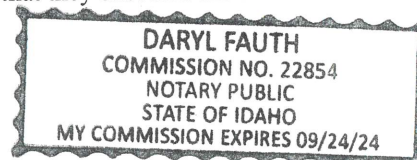
Anette Farnham
Anette Farnham

* * * * *

STATE OF IDAHO
County of Blaine

On the 19th day of March, 2019, before me, a Notary Public in and for said State, personally appeared **ROBERT C. GRABOWSKI AND BARBARA G. GRABOWSKI**, known or identified to me to be the Trustees of the Trust that executed this instrument, or the persons who executed the instrument on behalf of said Trust, and acknowledged to me that they executed the same as such Trustees.

Notary Public for Idaho
Residing in Idaho
Commission Expires 9/24/24

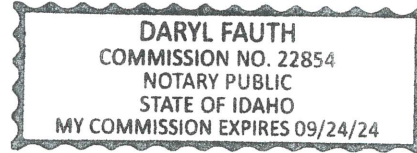


STATE OF IDAHO
County of Blaine

On this 18 day of March, 2019, before me, a Notary Public in and for said State, personally appeared **THAD FARNHAM AND ANETTE FARNHAM**, known or identified to me to be the persons whose names subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Notary Public for Idaho
Residing at
Commission expires:



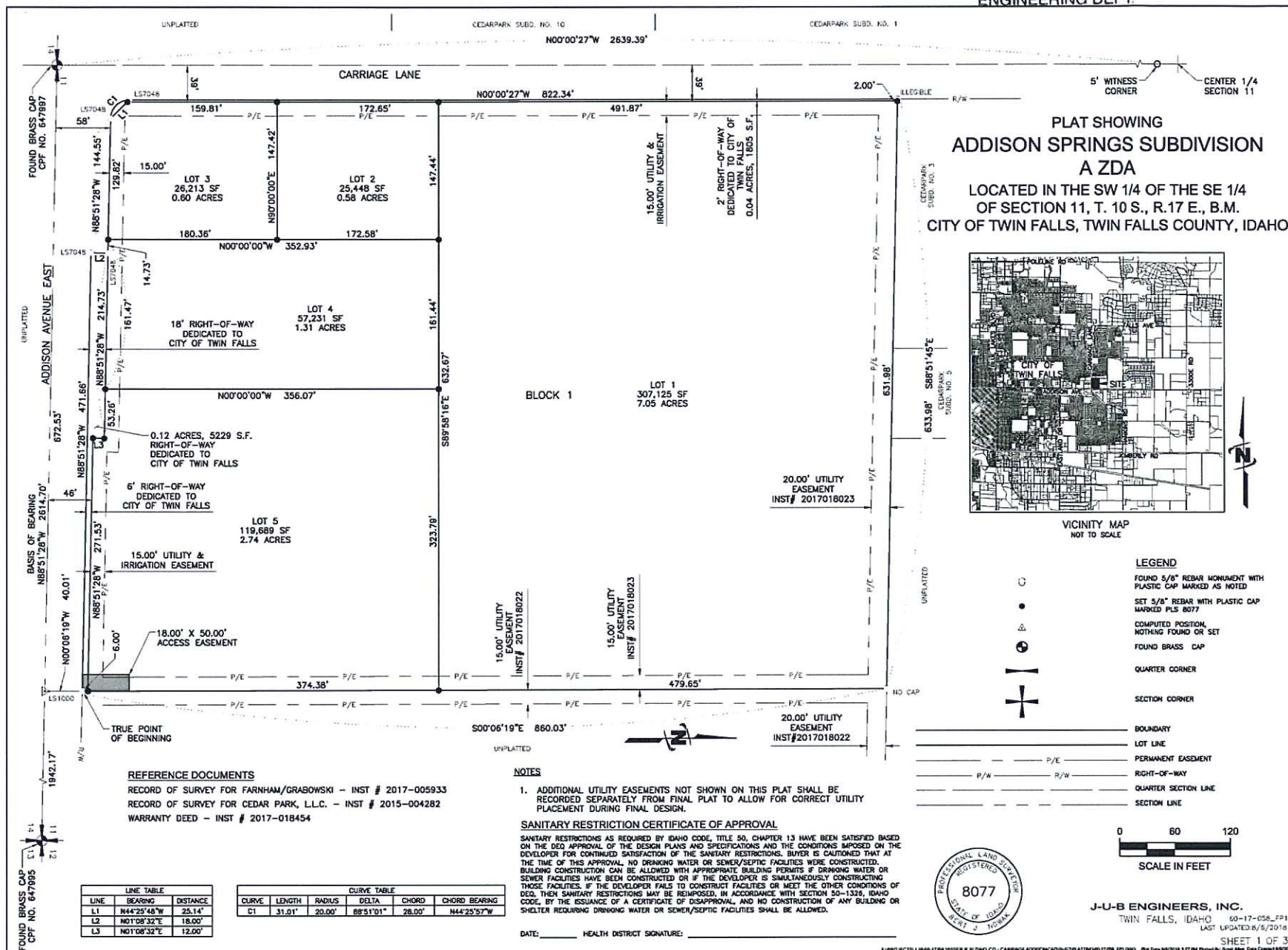
9/24/24



RECEIVED

AUG 07 2018

CITY OF TWIN FALLS
ENGINEERING DEPT.



CERTIFICATE OF OWNER

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED ARE THE OWNERS OR REPRESENTATIVES OF THE OWNERS, IN FEE SIMPLE, OF THE REAL PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING WITHIN A PORTION OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH $\frac{1}{4}$ CORNER OF SECTION 11, BEING A BRASS CAP, PROCEED SOUTH 88°51'28" EAST, 672.53 FEET, ALONG THE SOUTHERLY BOUNDARY OF SAID SECTION 11, THENCE NORTH 0°6'19" WEST, 40.01 FEET, TO THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD (ADDISON AVENUE), MARKED BY A $\frac{3}{8}$ " REBAR BY E.H.M., BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 88°51'28" WEST, 471.66 FEET, ALONG THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD TO A $\frac{3}{8}$ " REBAR BY PLS 7048;

THENCE NORTH 01°08'32" EAST, 18.00 FEET, ALONG THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD TO A $\frac{3}{8}$ " REBAR BY PLS 7048;

THENCE NORTH 88°51'28" WEST, 144.55 FEET, ALONG THE NORTHERLY RIGHT-OF-WAY OF 3900 NORTH ROAD TO A $\frac{3}{8}$ " REBAR BY PLS 7048

THENCE 31.01 FEET, ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 20.00 FEET, A DELTA OF 88°51'01", A TANGENT OF 19.60 FEET, AND A CHORD LENGTH OF 28.00 FEET THAT BEARS NORTH 44°25'57" WEST TO A $\frac{3}{8}$ " REBAR BY PLS 7048

THENCE NORTH 00°00'27" WEST, 822.34 FEET, ALONG THE EASTERLY RIGHT OF WAY OF CARRIAGE LANE, TO A $\frac{3}{8}$ " REBAR WITH AN ILLEGIBLE CAP;

THENCE SOUTH 88°51'45" EAST, 633.98 FEET, ALONG THE NORTHERLY BOUNDARY OF THE FARNHAM/GRABOWSKI PARCEL TO A $\frac{3}{8}$ " REBAR WITH NO CAP

THENCE SOUTH 00°06'19" EAST, 860.03 FEET, TO THE TRUE POINT OF BEGINNING, CONTAINING 12.46 ACRES MORE OR LESS.

BASIS OF BEARINGS IS SOUTH 88°51'28" EAST BETWEEN SOUTH $\frac{1}{4}$ CORNER OF SECTION 11 AND THE SOUTHEAST CORNER OF SAID SECTION 11, BEING THE SAME BASIS OF BEARING AS CEDAR PARK SUBDIVISION NO. 1.

IT IS THE INTENTION OF THE UNDERSIGNED TO, AND THEY DO, HEREBY INCLUDE SAID LAND IN THIS PLAT. THAT THE UNDERSIGNED BY THESE PRESENTS DEDICATE TO THE PUBLIC USE FOREVER THE ROAD RIGHTS OF WAY AS SHOWN ON THIS PLAT. THE EASEMENTS INDICATED ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES DESIGNATED ON THIS PLAT. NO STRUCTURE OTHER THAN FOR SUCH UTILITY AND OTHER DESIGNATED PUBLIC USES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS.

PURSUANT TO IDAHO CODE 50-1334, I, THE UNDERSIGNED, AS OWNER, DO HEREBY STATE THAT THE LOTS ON THIS PLAT ARE ELIGIBLE TO RECEIVE DOMESTIC WATER SERVICE FROM THE CITY OF TWIN FALLS MUNICIPAL WATER SYSTEM.

PURSUANT TO IDAHO CODE 31-3805, I, THE UNDERSIGNED, AS OWNER, DO HEREBY STATE THAT THE IRRIGATION WATER RIGHTS APPURTENANT AND THE ASSESSMENT OBLIGATION OF THE LANDS IN THIS PLAT HAVE BEEN TRANSFERRED FROM SAID LANDS. THE LOTS WITHIN THE SUBDIVISION WILL NOT BE ENTITLED TO ANY IRRIGATION WATER RIGHTS AND WILL NOT BE OBLIGATED FOR ASSESSMENTS FROM ANY IRRIGATION DISTRICT AND/OR CANAL COMPANY.

IN WITNESS WHEREOF, I HAVE SET MY HAND THIS _____ DAY OF _____, 201____.

THAD FARNHAM

ROBERT C. GRABOWSKI

ANETTE FARNHAM

BARBARA GRABOWSKI

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

ON THIS _____ DAY OF _____, 201____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED THAD FARNHAM AND ANETTE FARNHAM AND ACKNOWLEDGED TO ME THEY EXECUTED THE ABOVE CERTIFICATE OF OWNER.

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

ON THIS _____ DAY OF _____, 201____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ROBERT C. GRABOWSKI AND BARBARA GRABOWSKI AND ACKNOWLEDGED TO ME THEY EXECUTED THE ABOVE CERTIFICATE OF OWNER.

NOTARY PUBLIC FOR IDAHO

NOTARY PUBLIC FOR IDAHO

MY COMMISSION EXPIRES _____ RESIDING AT TWIN FALLS, IDAHO

MY COMMISSION EXPIRES _____ RESIDING AT TWIN FALLS, IDAHO

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ADDISON SPRINGS SUBDIVISION A ZDA WERE RECORDED AS INSTRUMENT NO. _____ IN THE MISCELLANEOUS RECORDS OF TWIN FALLS COUNTY, IDAHO ON THE _____ DAY OF _____, 201____.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ADDISON SPRINGS SUBDIVISION A ZDA WERE RECORDED AS INSTRUMENT NO. _____ IN THE MISCELLANEOUS RECORDS OF TWIN FALLS COUNTY, IDAHO ON THE _____ DAY OF _____, 201____.

ADDISON SPRINGS SUBDIVISION A ZDA

J-U-B ENGINEERS, INC.
TWIN FALLS, IDAHO 60-17-058_FP2
LAST UPDATED: 8/6/2018

SHEET 2 OF 3

CERTIFICATE OF SURVEYOR

I, BERT J. NOWAK, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT ADDISON SPRINGS SUBDIVISION A ZDA AS DESCRIBED IN THE CERTIFICATE OF OWNERS AND THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

BERT J. NOWAK



CERTIFICATE OF COUNTY SURVEYOR

I, _____, A LICENSED PROFESSIONAL LAND SURVEYOR FOR TWIN FALLS COUNTY, IDAHO, DO HEREBY STATE THAT I HAVE CHECKED THE PLAT OF ADDISON SPRINGS SUBDIVISION A ZDA AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

COUNTY SURVEYOR

DATE

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

ON THIS _____ DAY OF _____, 201____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____ KNOWN OR IDENTIFIED TO ME TO BE THE ACTING COUNTY SURVEYOR FOR TWIN FALLS COUNTY, IDAHO THAT EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME ON BEHALF OF SAID COUNTY.

NOTARY PUBLIC FOR IDAHO

MY COMMISSION EXPIRES _____ RESIDING AT TWIN FALLS, IDAHO

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

APPROVAL OF CITY COUNCIL

ACCEPTED BY THE CITY COUNCIL OF TWIN FALLS, IDAHO AT THEIR MEETING ON THE _____ DAY OF _____, 201____.

MAYOR

CITY CLERK

CERTIFICATE OF COUNTY TREASURER

I, _____ COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO PER THE REQUIREMENTS OF IDAHO CODE 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION 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)
COUNTY OF TWIN FALLS) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF THAD FARNHAM, ANETTE FARNHAM, ROBERT C. GRABOWSKI AND BARBARA GRABOWSKI AT _____ MINUTES PAST _____ O'CLOCK, _____ M., THIS _____ DAY OF _____, 201____, IN MY OFFICE AND WAS DULY RECORDED IN BOOK _____ OF PLATS AT PAGES _____ AND _____

DEPUTY

EX-OFFICIO RECORDER

ADDISON SPRINGS SUBDIVISION
A ZDA

J-U-B ENGINEERS, INC.

TWIN FALLS, IDAHO 60-17-058_FP3
LAST UPDATED: 8/9/2018

SHEET 3 OF 3



Date: Monday, April 1, 2019
To: Honorable Mayor and City Council
From: Sergeant Justin Diamond, Twin Falls Police Department

ACTION ITEM

Request:

ACTION ITEM: Request to approve the Child Abuse Prevention Rally to be held on April 3, 2019.

Time Estimate:

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

Background:

Silvia Renova-Gaxiola has submitted a Special Event Application requesting to hold the Child Abuse Prevention Rally on April 3, 2019, in the Downtown Commons. This event will begin at 11:30 a.m. and will conclude at approximately 1:30 p.m.

Those attending the event will meet near the Twin Falls County Courthouse at 11:30 a.m. The group will then walk to the Downtown Commons area while chanting "No excuse for child abuse." Those walking will be required to obey all pedestrian traffic laws.

Upon arrival at the Downtown Commons, a rally will be held in which three to four guest speakers will address the group. School choirs from area schools will participate by singing songs. It is anticipated that a number of community organizations will also participate in this event.

The purpose of the march is to bring awareness to the problem of child abuse and to the importance of child abuse prevention.

Approval Process:

Consent of the Council

Budget Impact:

There is no budget impact.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

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

Attachments:

None



Date: Monday, April 1, 2019
To: Honorable Mayor and City Council
From: Sergeant Justin Dimond, Twin Falls Police Department

ACTION ITEM

Request:

ACTION ITEM: Request to hold the annual "Walk a Mile in Her Shoes" event on April 27, 2019.

Time Estimate:

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

Background:

Voices Against Violence has submitted a Special Event Application requesting to hold the annual Walk a Mile in Her Shoes event at the Twin Falls Visitor Center and the Canyon Rim Trail on April 27, 2019. This event will take place from 11:00 a.m. to 1:00 p.m.

Voices Against Violence is a non-profit community organization founded for providing shelter, support, and hope to people victimized by domestic and sexual violence within Twin Falls, Jerome, Gooding and Lincoln Counties. The annual Walk a Mile in Her Shoes event is held to bring awareness and to help stop rape, sexual assault, and gender violence. As part of this campaign to raise awareness, this event will feature men walking a mile on the Canyon Rim Trail while wearing women's high-heeled shoes.

The event will have amplified sound in the form of public speakers and pre-recorded music.

The event organizers will be responsible for cleanup within any areas affected by the 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:

The Twin Falls Police Department Staff and other relevant City Staff members have reviewed the application and recommend that the City Council approve the Walk a Mile in Her Shoes event based on the information provided.

Attachments:

None



Date: Monday, April 1, 2019
To: Honorable Mayor and City Council
From: Shawn Barigar, Mayor

ACTION ITEM

Request:

ACTION ITEM: Request to confirm the appointment of Dr. Marilu Perez to the Planning and Zoning Commission.

Time Estimate:

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

Background:

The City advertised for applicants interested in becoming a City representative on the Planning and Zoning Commission. Staff worked with the City PIO in listing the opening on the City Web page over a 4-6 week period.

An interview committee composed of Mayor Shawn Barigar, Planning Commission Vice-Chair Craig Kelly, and Planning and Zoning Director Jonathan Spendlove interviewed four candidates. The committee was impressed by all the candidates, and ultimately agreed by consensus to move forward with Dr. Marilu Perez.

Dr. Perez lives in the city limits and works remotely for Iowa State University as a Chemist in the Critical Materials Institute.

Approval Process:

Per City Code 10-17-3, members of the Planning and Zoning Commission shall be appointed by the mayor and confirmed by a majority vote of the full council.

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

Analysis:

Conclusion:

It is requested the council confirm the appointment of Dr. Marilu Perez to the Planning and Zoning Commission.

Attachments:

None

Chapter 6-23

TWIN FALLS SMOKE-FREE AIR ORDINANCE

Sections:

	• SHORT TITLE
6-23-2	AUTHORITY
6-23-3	FINDING AND INTENT
6-23-4	DEFINITIONS
6-23-5	APPLICATION TO CITY-OWNED FACILITIES
6-23-6	PROHIBITION OF SMOKING IN ENCLOSED PUBLIC PLACES
6-23-7	PROHIBITION OF SMOKING IN ENCLOSED PLACES OF EMPLOYMENT
6-23-8	PROHIBITION OF SMOKING IN OUTDOOR AREAS
6-23-9	WHERE SMOKING IS NOT REGULATED
6-23-10	DECLARATION OF ESTABLISHMENT AS NONSMOKING
6-23-11	POSTING OF SIGNS AND REMOVAL OF ASHTRAYS
6-23-12	ENFORCEMENT
6-23-13	RESPONSIBILITIES, VIOLATIONS, AND PENALTIES
6-23-14	OTHER APPLICABLE LAWS
6-23-15	LIBERAL CONSTRUCTION
6-23-16	SEVERABILITY

6-23-1 Short title

This Chapter shall be known as the Twin Falls Smoke-free Air Ordinance, and any other ordinances or resolutions in conflict herewith are repealed upon the effective date of the ordinance codified in this Chapter.

6-23-2 Authority

This Chapter is adopted pursuant to the authority granted by Idaho Code, Sections 39-5511, 39-5713, 50-302, and 50-304.

6-23-3 Findings and intent

Public health officials have concluded that secondhand tobacco smoke causes disease, including lung cancer and heart disease, in nonsmoking adults, as well as causing serious conditions in children such as asthma, respiratory infections, middle ear infections, and sudden infant death syndrome. In addition, public health officials have concluded that secondhand smoke can exacerbate adult asthma and allergies and cause eye, throat and nasal irritation. The conclusions of public health officials concerning secondhand tobacco smoke are sufficient to warrant measures that regulate smoking in public places in order to protect the public health and the health of employees who work in public places.

The intent of this chapter is to protect the public health, the health of employees who work in public places, and the rights of nonsmokers to breathe clean air by prohibiting smoking in public places and in places of employment.

6-23-4 Definitions

As used in this Chapter:

1. “Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, bikini-bars, and cabarets.
2. “Business” means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
3. “E-cigarette or Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
4. “Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for an employer.
5. “Employer” means a person, business, association, municipal corporation, or trust that employs the services of one or more individual persons.
6. “Enclosed Area” means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.
7. “Exclusive Retail Tobacconist” means a retail tobacco business which derives more than ninety-five percent of sales from tobacco and tobacco products sold on the premises for consumption off the premises and which the sale, manufacture, or promotion of other products is merely incidental. The status as an exclusive retail tobacco business is lost if at any time the business premises provide seating for more than four patrons or is used to sell or serve food or drink, vend lottery tickets or newspapers or magazines not primarily for tobacco enthusiasts, or if the premises are used for dancing, karaoke, gaming, or live entertainment or performance of any kind.
8. “Health Care Facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

9. "Place of Employment" means an area under the control of a public or private employer.
10. "Public Place" means an area to which the public is invited or in which the public is permitted for any purpose, whether the place is publicly owned or private.
11. "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, and food stands, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.
12. "Retail tobacco business" means a business which, during the normal course of business, primarily distributes any tobacco and/or tobacco product or provides any equipment or material used for the consumption of tobacco.
13. "Service Line" means an indoor or outdoor location in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, persons waiting to use an ATM, attend a concert, obtain food or drink from a vendor, purchase movie tickets, purchase or board public transit or attend a sporting event.
14. "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
15. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.
16. "Sports Arena" means places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events. This term includes, but is not limited to, sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.
17. "Temporary Special Event Zone" means any outdoor area set aside to accommodate people in a smoke-free space for such activities as concerts, movies, or other entertainment in a public space. A Temporary Special Event Zone shall be designated by a perimeter of "No Smoking" signs placed at each entrance to the zone and spaced approximately every fifty feet at a height of between three feet (measured from the top edge of the sign) and five feet (measured from the bottom edge of the sign). The signs shall be no less than 100 square inches with the words "No Smoking" in letters at least one inch high or displaying the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. If the permit is issued for an area in which smoking is not otherwise

prohibited, a Temporary Special Event Zone may be required as a condition of issuance of a Special Event Permit/Citizen Use Permit for the entire duration of the event authorized in the permit.

18. "Tobacco and Tobacco Products" means tobaccos, cigarettes, cigars, pipes, tobacco pipe tobaccos, humidors, cigar cutters, pipe cleaners, pipe maintenance tools, and literature primarily for tobacco enthusiasts.

6-23-5 Application to City-owned facilities

All vehicles and enclosed areas owned, leased, or operated by the City of Twin Falls shall be subject to the provisions of this Chapter.

6-23-6 Prohibition of smoking in enclosed public places

Smoking shall be prohibited in all enclosed public places within the limits of the City of Twin Falls, including but not limited to, the following places:

- A. Aquariums, galleries, libraries, and museums.
- B. Businesses patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.
- C. Bars.
- D. Bingo facilities.
- E. Child care and adult day care facilities.
- F. Convention facilities.
- G. Educational facilities, both public and private.
- H. Elevators.
- I. Gaming facilities.
- J. Health care facilities.
- K. Hotels and motels, except as provided in Idaho Code.
- L. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, except where permitted by Idaho Code, nursing homes, and other multiple-unit residential facilities.
- M. Polling places.
- N. Private clubs.

- O. Public transportation vehicles, including buses and taxicabs, under the authority of the City/County/Town, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities.
- P. Restaurants.
- Q. Restrooms, lobbies, reception areas, hallways, and other common use areas.
- R. Retail Tobacco Businesses, except an exclusive retail tobacconist.
- S. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of a public agency, board, commission, committee or council of a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City of Twin Falls.
- T. Shopping malls.
- U. Sports arenas, including enclosed places in outdoor arenas.
- V. Theaters and theatrical productions, except as provided in Idaho Code.

6-23-7 Prohibition of smoking in enclosed places of employment

Smoking shall be prohibited in all enclosed places of employment in the City of Twin Falls without exception. This includes, but is not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, retail spaces and showrooms, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and garages.

6-23-8 Prohibition of smoking in outdoor areas

Smoking shall be prohibited in the following outdoor public places:

- A. Within twenty (20) feet of all other bus stops, benches, stations, platforms, and shelters.
- B. Within twenty (20) feet of entrances or exits to schools including public and private elementary, secondary, vocational, and trade schools or colleges, so as to ensure that tobacco smoke does not enter those areas.
- C. Within twenty (20) feet of entrances or exits to buildings owned or managed by the City of Twin Falls, so as to ensure that tobacco smoke does not enter those areas.

- D. Within twenty (20) feet of any public facing business or business opened to the public.
- E. Within twenty (20) feet of all outdoor service lines.
- F. Within any designated “Temporary Special Event Zone.”

6-23-9 Where smoking is not regulated

Notwithstanding any other provision of this Chapter to the contrary, the following areas shall be exempt from the provisions of Sections 6-23-06, 6-23-07, and 6-23-08:

- A. Private residences, unless used as a childcare, adult day care, or health care facility, or as a home office that is accessible to one or more employees or members of the public.
- B. Privately owned outdoor spaces legally accessible only to persons age twenty-one and over, including rooftop patios and court yards of bars, but not including sidewalk cafés. Any such privately owned outdoor spaces established consistent with all applicable building and zoning codes existing at the time of the effective date of this ordinance shall be exempt from the twenty foot rule in Section 08 F above.
- C. An exclusive retail tobacconist as defined in section 04 of this title and chapter.
- D. American Indian/Alaska Native Ceremonies. A religious ceremony using a traditional pipe under this section is subject to any applicable state or local law, except as provided in this section. A person is exempt from the restrictions of this chapter if the person:
 - 1. Is a member of an American Indian/Alaska Native tribe whose members are recognized as eligible for the special programs and services provided by the United States to American Indians/Alaska Natives who are members of those tribes; and
 - 2. Is an American Indian/Alaska Native who actively practices an American Indian/Alaska Native religion, the origin and interpretation of which is from a traditional American Indian/Alaska Native culture; and
 - 3. Is smoking tobacco using the traditional pipe of an American Indian/Alaska Native tribal religious ceremony, of which tribe the person is a member, and is smoking the pipe as part of that ceremony; and
 - 4. The ceremony is conducted by a pipe carrier, American Indian/Alaska Native spiritual person, or medicine person recognized by the tribe of which the person is a member and by the American Indian/Alaska Native community.

6-23-10 Declaration of establishment as nonsmoking

Notwithstanding any other provision of this Chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any area in which a sign conforming to the requirements of Section 6-23-11 is posted.

6-23-11 Posting of signs and removal of ashtrays

The owner, operator, manager, or other person in control of a place of employment or a public place where smoking is prohibited by this Chapter shall:

- A. Clearly and conspicuously post in that place:
 - 1. “No Smoking” signs or the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it; and
 - 2. A sign at every entrance that clearly states that smoking is prohibited. If the place of employment is a vehicle, there shall be at least one conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.
- B. Remove all ashtrays from any area where smoking is prohibited by this Chapter, except for ashtrays displayed for sale and not for use on the premises.

6-23-12 Enforcement

In addition to any law enforcement officer, any citizen who desires to complain about a violation of this Chapter for which there is probable cause may initiate enforcement by requesting to sign a Uniform Citation as the complaining party and state’s witness.

6-23-13

Responsibilities, violations, and penalties

- A. Smoking where prohibited. A person who smokes in any public place where smoking is prohibited by the provisions of this Chapter shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50.00) as prescribed by the Idaho Infraction Rules for smoking in violation of the Idaho Indoor Clean Air Act.
- B. An employer, owner, manager, operator, or employee of an establishment regulated by this Chapter, who observes a person smoking in apparent violation of this chapter shall ask the person to extinguish all lighted smoking products. If the person persists in violating this chapter, the employer, person in charge, agent or employee shall ask the person to leave the premises. Any person who refuses to either extinguish all lighted smoking products or leave the premises is guilty of an infraction and is subject to a fine not to exceed fifty dollars (\$50.00) as prescribed by the Idaho Infraction Rules for smoking in violation of the Idaho Indoor Clean Air Act. Any violation may be reported to a law enforcement officer.
- C. Permitting smoking where prohibited. No employer or other person in charge of a public place or publicly-owned building or office shall knowingly or intentionally permit smoking in violation of this chapter. Any employer or other person in charge of a public

place or publicly-owned building or office who violates the provisions of this section is guilty of a separate act of permitting smoking where smoking is prohibited, each of which is punishable by a fine not to exceed one hundred dollars (\$100) as prescribed by the Idaho Infraction Rules for smoking in violation of the Idaho Indoor Clean Air Act.

- D. Any employer who discharges or in any manner discriminates against an employee because that employee has made a complaint or has given information to the Department of Health and Welfare or the Department of Labor pursuant to this section shall be subject to a civil penalty of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each violation.
- E. Violation of this Chapter is hereby declared to be a public nuisance, which may be abated by the City of Twin Falls by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City of Twin Falls may take action to recover attorneys fees and/or costs of the nuisance abatement.

6-23-14 Other applicable laws

This Chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

6-23-15 Liberal construction

This Chapter shall be liberally construed so as to further its purposes.

6-23-16 Severability

If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

(6828, 11/29/2011, Enacted)

Smoke Free Twin Falls Listening Sessions

1/16/19

Employees/ Owners of Bars in opposition of Smoke Free:

Klover Klub

Ground Round

Employees/ Owners of Bars in support of Smoke Free:

The Pocket

General Discussion:

Opposition;

- Takes away legal right, and individual freedom, no compelling public need
- Infringes on property rights, legal right to run a business as owner chooses
- Individuals and employees have a choice of where they go if it is smoking or not

Supportive;

- Smokers are a minority and shouldn't impact others, can still go outside to smoke where it doesn't impact others
- Cost benefit of business interest is an improved bottom line, some won't go into places where smoking is allowed
- Appreciate that public events, like concerts, after business events, baseball/ football games, smokers leave to smoke anyway, this would help enforce that and reduce littering

Other;

- Employee and environmental health and safety should be considered, possible resolve with HVAC systems

2/7/19

Discussion/ Comments/ Questions; approximately 10 people in attendance, roughly 3 coming in later

- Owners/ employee of Klover Klub presented a poster board/ visual that demonstrated the number of bars currently known as smoking or non-smoking, 80% of their customers are smokers, and would therefore lose 80% of business, nonsmokers frequent their bar and do not mind the smoke, beer and wine bars will likely go out of business
- Asked if they could be grandfathered in as a smoking bar until they sell business
- Could continue allowing smoking if they changed to a membership establishment with membership fee?
- Question of vaping/ electronic cigarettes being included, fear it would negatively impact vaping business; Response: We would recommend all vaping and e-cigarettes be included to protect employee health, but the decision is up to the council if they move forward with an ordinance

- For those that play in leagues (pool/ darts/ etc.) they don't always have a choice of where they play if they want to continue participating
- Shouldn't be allowed to smoke anywhere children are allowed
- Question of smoking in cars with youth present; Response: We have not pursued this as it was not included in comments and requests received, although it has been done in other places
- Question of smoking allowed in parks in Boise; Response: Boise has smoke free parks, and 20 foot distance from pathways
- Question on when this would be in front of City Council; Response: City staff and Smoke Free Idaho members shared City Council information on how to contact, to find city council meetings and opportunities for public input.



SmokeFree Idaho

Everyone has the right to breathe clean air

Comprehensive Smoke Free Model Ordinance Language Components

A model ordinance prohibiting smoking in all workplaces and public places (100% smoke free) includes:

- Application to all city owned properties (Sec. 1003)
 - All buildings owned, leased or operated by city
 - All vehicles owned, leased or operated by city employees
 - All enclosed areas of city property and outdoor areas adjacent to property
 - Outdoor areas under the control of city
- Prohibition in all enclosed public places (Sec. 1004)
 - Public facilities
 - ◆ Examples: aquariums, galleries, libraries, museums, educational facilities (both public and private)
 - Businesses with areas open to the general public
 - ◆ Examples: banks, laundromats, professional offices, retail stores and service establishments, sports arenas, shopping malls, restrooms, lobbies, reception areas, and other common-use areas
 - Bars, restaurants, theaters, performance facilities
 - Convention and public meeting facilities
 - ◆ Examples: bingo halls, exposition buildings, casinos and similar gambling establishments, public assembly rooms, chambers, polling places and school buildings under the control of an agency, board, commission, committee or council of the city
 - Child care and adult day care facilities, health care facilities
 - Hotels and motels
 - Multi-unit residences and businesses shared spaces
 - ◆ Examples: elevators, lobbies, hallways, common areas in buildings, condominiums, trailer parks, retirement facilities, nursing homes
 - Public transportation, facilities, and waiting areas
 - ◆ Examples: parking structures, service lines, public transportation vehicles, including buses and taxicabs, ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport
- Prohibition in enclosed places of employment (Sec. 1005)
 - **Common work areas**

- ♦ Examples: shared work spaces, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities
- Prohibition in private clubs (Sec. 1006) and residential facilities (Sec. 1007)
 - Private clubs
 - ♦ Examples: private golf, tennis, and country clubs, private and semi-private rooms in nursing homes
 - All hotel and motel guest rooms, boarding rooms, and guest inns
- Prohibition in outdoor public places (Sec. 1008); It is recommended to prohibit smoking within a distance of 15 to 25 feet of designated areas. If an exception for a smoking area is provided, it is recommended to limit the percent of area taken and use the distance recommendations from buildings and ventilation systems.
 - Outdoor seating and serving areas of restaurants and bars
 - Outdoor malls, parking structures and lots, public transportation stations, shelters, platforms under the authority of the city
 - Outdoor arenas, stadiums, amphitheaters, bleachers, grandstands and seating areas at sporting, performance, and other public events
 - Outdoor recreational areas, trails, playgrounds, and public recreational places
 - Outdoor service lines, pedestrian and vehicles
 - ♦ Examples: drive-thru bank tellers, parking lot attendants, ticket or toll takers
 - Outdoor residential and business common areas
 - ♦ Examples: apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, business offices and other multiple-unit facilities
 - Outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited
- Prohibition in outdoor places of employment (Sec. 1009)
 - Examples: work areas, construction sites, temporary offices such as trailers, restroom facilities, and vehicles

Recommended violations and penalties of a comprehensive smoke free ordinance:

- A person smoking in a prohibited area is punishable by a fine not exceeding \$50
- An owner, manager, operator, or someone who otherwise controls public places and places of employment subject to this article is guilty of an infraction, punishable by a fine not exceeding \$100 on the first violation, \$200 for second violation within the year, and \$500 for each additional violation within the year. Violation may also result in license or permit suspension or revocation for the premises. Violation is declared a public nuisance, and may be abated by the city by means provided by the city to take action and recover costs.

Other provisions of a comprehensive smoke free ordinance:

- Smoking not restricted in private residences, unless used as child, adult or health care facility (Sec.1010)
- Can be established by owner, operator, manager, or other person in control of an establishment, facility, or outdoor area (Sec. 1011)
- Signage should be conspicuously posted in all establishments, vehicles, and outdoor areas where prohibited by ordinance, outdoor location signage assistance can be determined by public health district or authorized designee, signage can be tailored in size, language, other ways, and is available through the public health district and the department of health and welfare, ashtrays for use must be removed (Sec. 1012)
- No retaliation can be taken against employees, residents, customers exercising rights afforded by this article, violation punishable by \$1000 fine (Sec. 1013)
- Enforcement by city manager or authorized designee, notice shall be given to all business licenses subject to this article, all health, fire, or police department inspections already mandated may inspect for compliance, citizens may register complaints under this article, owners, managers, operators, and employees can request persons violating this article to extinguish or turn off device or in the case of refusal be asked to leave the premises, in case of refusal, law enforcement shall be contacted, legal action can be taken to enforce the code, and injunctive relief may be applied for (Sec. 1014)
- The city may engage in public education efforts to clarify purpose and requirements to citizens and business owners and operators, and to assist in compliance (Sec. 1016)
- The city shall request other governmental operating agencies having facilities within the city to update existing policies to be consistent with this article (Sec. 1017)

Chapter 6-23

BOISE CITY SMOKE-FREE AIR ORDINANCE

Sections:

6-23-01	SHORT TITLE
6-23-02	AUTHORITY
6-23-03	FINDING AND INTENT
6-23-04	DEFINITIONS
6-23-05	APPLICATION TO CITY-OWNED FACILITIES
6-23-06	PROHIBITION OF SMOKING IN ENCLOSED PUBLIC PLACES
6-23-07	PROHIBITION OF SMOKING IN ENCLOSED PLACES OF EMPLOYMENT
6-23-08	PROHIBITION OF SMOKING IN OUTDOOR AREAS
6-23-09	WHERE SMOKING IS NOT REGULATED
6-23-10	DECLARATION OF ESTABLISHMENT AS NONSMOKING
6-23-11	POSTING OF SIGNS AND REMOVAL OF ASHTRAYS
6-23-12	ENFORCEMENT
6-23-13	RESPONSIBILITIES, VIOLATIONS, AND PENALTIES
6-23-14	OTHER APPLICABLE LAWS
6-23-15	LIBERAL CONSTRUCTION
6-23-16	SEVERABILITY

6-23-01 Short title

This Chapter shall be known as the Boise City Smoke-free Air Ordinance, and any other ordinances or resolutions in conflict herewith are repealed upon the effective date of the ordinance codified in this Chapter.

6-23-02 Authority

This Chapter is adopted pursuant to the authority granted by Idaho Code, Sections 39-5511, 39-5713, 50-302, and 50-304.

6-23-03 Findings and intent

Public health officials have concluded that secondhand tobacco smoke causes disease, including lung cancer and heart disease, in nonsmoking adults, as well as causing serious conditions in children such as asthma, respiratory infections, middle ear infections, and sudden infant death syndrome. In addition, public health officials have concluded that secondhand smoke can exacerbate adult asthma and allergies and cause eye, throat and nasal irritation. The conclusions of public health officials concerning secondhand tobacco smoke are sufficient to warrant measures that regulate smoking in public places in order to protect the public health and the health of employees who work in public places.

The intent of this chapter is to protect the public health, the health of employees who work in public places, and the rights of nonsmokers to breathe clean air by prohibiting smoking in public places and in places of employment.

6-23-04 Definitions

As used in this Chapter:

1. “Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, bikini-bars, and cabarets.
2. “Business” means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
3. “E-cigarette” means any electronic oral device, such as one composed of a heating or ultrasonic element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substance, and use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.
4. “Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for an employer.
5. “Employer” means a person, business, association, municipal corporation, or trust that employs the services of one or more individual persons.
6. “Enclosed Area” means all space between a floor and a ceiling that is bounded on all sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.
7. “Exclusive Retail Tobacconist” means a retail tobacco business which derives more than ninety-five percent of sales from tobacco and tobacco products sold on the premises for consumption off the premises and which the sale, manufacture, or promotion of other products is merely incidental. The status as an exclusive retail tobacco business is lost if at any time the business premises provide seating for more than four patrons or is used to sell or serve food or drink, vend lottery tickets or newspapers or magazines not primarily for tobacco enthusiasts, or if the premises are used for dancing, karaoke, gaming, or live entertainment or performance of any kind.
8. “Health Care Facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

9. "Place of Employment" means an area under the control of a public or private employer.
10. "Public Place" means an area to which the public is invited or in which the public is permitted for any purpose, whether the place is publicly owned or private. Public places are as further defined in Boise City Code 6-23-06.
11. "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, and food stands, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.
12. "Retail tobacco business" means a business which, during the normal course of business, primarily distributes any tobacco and/or tobacco product or provides any equipment or material used for the consumption of tobacco.
13. "Service Line" means an indoor or outdoor location in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, persons waiting to use an ATM, attend a concert, obtain food or drink from a vendor, purchase movie tickets, purchase or board public transit or attend a sporting event.
14. "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
15. "Smoking" means inhaling, exhaling, burning, carrying, or possessing any combusting (heated, lit, or smoldering) tobacco or any other substance, whether contained in a cigar, cigarette, or pipe, or any other object. Smoking does not include possession of an unlit or unheated cigar, cigarette, or pipe. Smoking does not include use of an e-cigarette which creates only a vapor without any smoke.
16. "Sports Arena" means places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events. This term includes, but is not limited to, sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.
17. "Temporary Special Event Zone" means any outdoor area set aside to accommodate people in a smoke-free space for such activities as concerts, movies, or other entertainment in a public space. A Temporary Special Event Zone shall be designated by a perimeter of "No Smoking" signs placed at each entrance to the zone and spaced approximately every fifty feet at a height of between three feet (measured from the top edge of the sign) and five feet (measured from the bottom edge of the sign). The signs shall be no less than 100 square inches with the words "No Smoking" in letters at least one inch high or displaying the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. If the permit is issued for an area in which smoking is not otherwise

prohibited, a Temporary Special Event Zone may be required as a condition of issuance of a Special Event Permit/Citizen Use Permit for the entire duration of the event authorized in the permit.

18. "Tobacco and Tobacco Products" means tobaccos, cigarettes, cigars, pipes, tobacco pipe tobaccos, humidors, cigar cutters, pipe cleaners, pipe maintenance tools, and literature primarily for tobacco enthusiasts.

6-23-05 Application to City-owned facilities

All vehicles and enclosed areas owned, leased, or operated by the City of Boise City shall be subject to the provisions of this Chapter.

6-23-06 Prohibition of smoking in enclosed public places

Smoking shall be prohibited in all enclosed public places within the limits of the City of Boise City, including but not limited to, the following places:

- A. Aquariums, galleries, libraries, and museums.
- B. Businesses patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.
- C. Bars.
- D. Bingo facilities.
- E. Child care and adult day care facilities.
- F. Convention facilities.
- G. Educational facilities, both public and private.
- H. Elevators.
- I. Gaming facilities.
- J. Health care facilities.
- K. Hotels and motels, except as provided in Idaho Code.
- L. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, except where permitted by Idaho Code, nursing homes, and other multiple-unit residential facilities.
- M. Polling places.
- N. Private clubs.

- O. Public transportation vehicles, including buses and taxicabs, under the authority of the City/County/Town, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities.
- P. Restaurants.
- Q. Restrooms, lobbies, reception areas, hallways, and other common use areas.
- R. Retail Tobacco Businesses, except an exclusive retail tobacconist.
- S. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of a public agency, board, commission, committee or council of a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City of Boise City.
- T. Shopping malls.
- U. Sports arenas, including enclosed places in outdoor arenas.
- V. Theaters and theatrical productions, except as provided in Idaho Code.

6-23-07 Prohibition of smoking in enclosed places of employment

Smoking shall be prohibited in all enclosed places of employment in the City of Boise City without exception. This includes, but is not limited to, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, retail spaces and showrooms, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and garages.

6-23-08 Prohibition of smoking in outdoor areas

Smoking shall be prohibited in the following outdoor public places:

- A. Within the bus transfer location known as the Downtown Boise Transit Mall, consisting of the entire sidewalk on the north side of Idaho Street from Capitol Boulevard to 9th Street and the entire sidewalk on the south side of Main Street from Capitol Boulevard to 9th Street.
- B. Within the bus transfer location at the Towne Square Mall, consisting of the entirety of the raised concrete waiting location and extending out twenty (20) feet into the parking lot on all sides.
- C. Within twenty (20) feet of all other bus stops, benches, stations, platforms, and shelters.
- D. Within twenty (20) feet of entrances or exits to schools including public and private elementary, secondary, vocational, and trade schools or colleges, so as to ensure that tobacco smoke does not enter those areas.
- E. Within twenty (20) feet of entrances or exits to buildings owned or managed by the City of Boise City, so as to ensure that tobacco smoke does not enter those areas.

- F. Within twenty (20) feet of any sidewalk café (as defined by the designated footprint area set forth in the sidewalk café map on file with the Boise City Clerks Office and/or the Idaho State Police Bureau of Alcohol Beverage Control) and in any dining patio, and/or outdoor seating or serving areas of restaurant legally accessible to persons under the age of twenty-one.
- G. Within twenty (20) feet of all outdoor service lines.
- H. Within the Grove Plaza bounded by Capitol Boulevard, Ninth Street, Main Street and Front Street, except for those areas specifically designated for smoking by the Boise City Clerk or designee following recommendation of those areas by the Capital City Development Corporation.
- I. Within the sidewalk and roadway of Eighth Street, extending from Main Street to Bannock Street and from the building faces on either side and into the alleyways for the first twenty (20) feet measured from start of the building faces along Eighth Street.
- J. Within any designated "Temporary Special Event Zone."

6-23-09 Where smoking is not regulated

Notwithstanding any other provision of this Chapter to the contrary, the following areas shall be exempt from the provisions of Sections 6-23-06, 6-23-07, and 6-23-08:

- A. Private residences, unless used as a childcare, adult day care, or health care facility, or as a home office that is accessible to one or more employees or members of the public.
- B. Privately owned outdoor spaces legally accessible only to persons age twenty-one and over, including rooftop patios and court yards of bars, but not including sidewalk cafés. Any such privately owned outdoor spaces established consistent with all applicable building and zoning codes existing at the time of the effective date of this ordinance shall be exempt from the twenty foot rule in Section 08 F above.
- C. An exclusive retail tobacconist as defined in section 04 of this title and chapter.
- D. American Indian/Alaska Native Ceremonies. A religious ceremony using a traditional pipe under this section is subject to any applicable state or local law, except as provided in this section. A person is exempt from the restrictions of this chapter if the person:
 - 1. Is a member of an American Indian/Alaska Native tribe whose members are recognized as eligible for the special programs and services provided by the United States to American Indians/Alaska Natives who are members of those tribes; and
 - 2. Is an American Indian/Alaska Native who actively practices an American Indian/Alaska Native religion, the origin and interpretation of which is from a traditional American Indian/Alaska Native culture; and
 - 3. Is smoking tobacco using the traditional pipe of an American Indian/Alaska Native tribal religious ceremony, of which tribe the person is a member, and is smoking the pipe as part of that ceremony; and
 - 4. The ceremony is conducted by a pipe carrier, American Indian/Alaska Native spiritual person, or medicine person recognized by the tribe of which the person is a member and by the American Indian/Alaska Native community.

6-23-10 Declaration of establishment as nonsmoking

Notwithstanding any other provision of this Chapter, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any area in which a sign conforming to the requirements of Section 6-23-11 is posted.

6-23-11 Posting of signs and removal of ashtrays

The owner, operator, manager, or other person in control of a place of employment or a public place where smoking is prohibited by this Chapter shall:

- A. Clearly and conspicuously post in that place:
 - 1. “No Smoking” signs or the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it; and
 - 2. A sign at every entrance that clearly states that smoking is prohibited. If the place of employment is a vehicle, there shall be at least one conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.
- B. Remove all ashtrays from any area where smoking is prohibited by this Chapter, except for ashtrays displayed for sale and not for use on the premises.

6-23-12 Enforcement

In addition to any law enforcement officer, any citizen who desires to complain about a violation of this Chapter for which there is probable cause may initiate enforcement by requesting to sign a Uniform Citation as the complaining party and state’s witness.

6-23-13

Responsibilities, violations, and penalties

- A. Smoking where prohibited. A person who smokes in any public place where smoking is prohibited by the provisions of this Chapter shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50.00) as prescribed by the Idaho Infraction Rules for smoking in violation of the Idaho Indoor Clean Air Act.
- B. An employer, owner, manager, operator, or employee of an establishment regulated by this Chapter, who observes a person smoking in apparent violation of this chapter shall ask the person to extinguish all lighted smoking products. If the person persists in violating this chapter, the employer, person in charge, agent or employee shall ask the person to leave the premises. Any person who refuses to either extinguish all lighted smoking products or leave the premises is guilty of an infraction and is subject to a fine not to exceed fifty dollars (\$50.00) as prescribed by the Idaho Infraction Rules for smoking in violation of the Idaho Indoor Clean Air Act. Any violation may be reported to a law enforcement officer.
- C. Permitting smoking where prohibited. No employer or other person in charge of a public place or publicly-owned building or office shall knowingly or intentionally permit smoking in violation of this chapter. Any employer or other person in charge of a public

place or publicly-owned building or office who violates the provisions of this section is guilty of a separate act of permitting smoking where smoking is prohibited, each of which is punishable by a fine not to exceed one hundred dollars (\$100) as prescribed by the Idaho Infraction Rules for smoking in violation of the Idaho Indoor Clean Air Act.

- D. Any employer who discharges or in any manner discriminates against an employee because that employee has made a complaint or has given information to the Department of Health and Welfare or the Department of Labor pursuant to this section shall be subject to a civil penalty of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each violation.
- E. Violation of this Chapter is hereby declared to be a public nuisance, which may be abated by the City of Boise City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City of Boise City may take action to recover attorneys fees and/or costs of the nuisance abatement.

6-23-14 Other applicable laws

This Chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

6-23-15 Liberal construction

This Chapter shall be liberally construed so as to further its purposes.

6-23-16 Severability

If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

(6828, 11/29/2011, Enacted)

Public Input Session

Proposed: Smoke Free City of Twin Falls

4 to 7 p.m. – City Hall

Attendance: 18 January 16, 2019

Luke Cavener, Smoke Free Twin Falls, explained the goal of the session is to receive public input.

Zack Martinez, spoke as a citizen and veteran. He strongly opposes the idea. This is one of the freedoms of our nation.

Robert Sanchez, Jr., spoke as a citizen and for the Clover Club staff. Opposes the idea and believes in having the freedom to choose. He understands the health issues and has chosen not to smoke. He does not want to infringe on non-smoking upon businesses. He has heard comments from customers who are upset with the idea.

David Leavitt, spoke as a citizen and a veteran against a smoke free city. Does the government have the right to dictate what businesses can or cannot do on their property? The proposal is coming from people who are not from the area. Individuals have liberties and property rights. Individuals and property owners have the right to decide.

C.R. Larsen, owner of the Ground Round, stated he is the only owner who serves food and allows smoking. He is against the idea. It is legal in the state and country and is ridiculous to push an agenda. If the ban were to take place he would lose a significant portion of his income. It is the rights of the property owner to make the decision. Smoking is not banned in Meridian.

Carl Wormsbaker, owner of The Pocket, chose a smoke free bar beginning on February 10th. People who don't smoke have money. Bars smell better. Concerns include his health. His has received good input.

Ken Major, as a citizen and veteran, spoke against smoke free. He has his meals at the Ground Round twice a day.

Mr. Auth, Navy retiree, stated that it is the business owner's decision. Spoke on freedoms and choices. Think about and look at actual health aspect for those who work in the bar.

Luke Cavener explained the request of a proposed smoke free city originated from a citizen's email.

C.L. Larsen asked where data is definitive that cigarettes cause cancer.

Carrie (?), spoke against a smoke free city. The customer can go somewhere else. It is everybody's right to choose.

Zack Martinez explained that AmeriPride has designated smoking areas. Is there anything that will impact their business? Will the City ordinance go beyond the state law?

Luke Cavener explained that there is no proposed ordinance.

Cody Orchard from South Central Health District explained that he teaches smoking cessation classes and to please contact him if interested in classes.

Travis Rothweiler explained the open house is to take information and relay to the City Council.

A request was made for the City Attorney to be present at future open house meetings.

It was clarified that smoke free would include vaping.

Travis Rothweiler explained that the City was approached a year ago by Erin Bennett and Luke Cavener. The American Heart Association gave a presentation at a City Council meeting in November, 2018.

Suzanne Hawkins stated that she received 3 to 4 emails regarding a smoke free city.

(?) disabled veteran stated that he is the citizen that contacted Luke Cavener.

Discussion followed among the citizens present regarding the beginnings of the City of Twin Falls going smoke free.

Several attendees commented that an outside organization shouldn't be coming into Twin Falls recommending a smoke-free Twin Falls.

Travis Rothweiler explained that the next open forum will be held on February 7, 2019, at the Library, from 4 to 7 p.m.

Warren Hinton stated that at the summer municipal band concerts and basketball games those present do not smoke.

Jon Idso stated that he does not support the elimination of smoking at golf courses, parks and bars. Businesses should be allowed to make the decision. He believes the City is good shape and no need to change it.

Leila A. Sanchez
Recording Secretary

SMOKING

- * WHISKEY CREEK
- * LOG
- * SHUFFLE
- * KLOVER KLUB
- * MIA'S
- * HIDEOUT
- * GROUND BOUND



WE ALL HAVE NON-SMOKING RIGHTS

DON'T SMOKE
GO HERE →

← SMOKE
GO HERE

WE SHOULD HAVE THE RIGHT TO
CHOOSE

UNDERAGE CHILDREN ALLOWED, PARENTS
DRINKING AND DRIVING WITH THEM →

← ADULTS ONLY

MY BUSINESS IS NONE OF
YOUR BUSINESS

TABACCO IS LEGAL

- * O'DUNKENS
- * RED LION
- * POCKET
- * WINDBREAK
- * BUMPIN BERNIES
- * SCOOTERS
- * BRICK HOUSE
- * BOUGE
- * RED ZONE
- * ANCHOR
- * COVE



Open House - Smoke Free Idaho – PUBLIC INPUT

Thursday, February 7, 2019

4 pm – 6:45 pm.

American Cancer Society – Cancer Action Network: 3

Staff Present: Mitch Humble, Josh Palmer, Leila A. Sanchez

Council Present: Chris Reid and Ruth Pierce

Public Attendance: 13

Luke Cavener shared a presentation made to the City Council in November 2018.

Gage Rolf submitted a display with the following information:

SMOKING	<u>WE ALL HAVE RIGHTS</u>	NON-SMOKING
Whiskey Creek	Don't Smoke Go Here →	O'Dunkens
Log	← Smoke Go Here	Red Lion
Shuffle	WE SHOULD HAVE THE RIGHT TO CHOOSE	Pocket
Klover Klub		WindBreak
Mia's	UNDERAGE CHILDREN ALLOWED,	Bumpin Bernies
Hideout	PARENTS DRINKING AND DRIVING WITH THEM	Scooters
Ground Round	← ADULTS ONLY	Brick House
	MY BUSINESS IS NONE OF OUR BUSINESS	Rouge
	TOBACCO IS LEGAL	Red Zone
		Anchor

Mr. Rolf stated the following:

Presently there are seven smoke free bars

Smoking is a big part of business and accounts for 80% of the Klover Klub's business

More non-smoking bars than smoking bars

To drink or not drinking is also a choice

Non-smoking will hurt beer bars

Alexis Gadsby (MSVAPE) stated that vaping should be a separate discussion and should not be lumped together with cigarette smoking. Businesses should have the choice to allow or not allow smoking
Children should not be around cigarette smoke.

Chris Reid asked the audience their thoughts on restricting smoking on parks and pathways.

General comments made:

Where children are smoking should not be allowed.

Kristi and Traci Stone asked that if bars are required to become non-smoking, current smoking bars be grandfathered in to allow smoking. No difference between smoking and liquor. Both are a choice.
Mitch Humble commented that smoking is currently not allowed around playgrounds, ballfields and specific amenities in the park. Today's meeting is to gain input from the public. The City Council has not made a decision.

Todd Rambur stated smoking should not be allowed in cars where children are present or in public areas. This would not exclude electronic cigarettes.

Ruth Pierce asked if this would include hotels and businesses that allow smoking. Luke Cavener stated state law created an exemption for hotels and businesses.

Greg Malberg (?) - He quit smoking but has the following concerns:

He plays on a pool league and works in an almost non-smoking bar (The Pocket); however, children should not be exposed to cigarette smoke in parks and in stores.

The government should not be getting involved and bars should have the right to decide what they do with their property. Believes in personal choice.

Resident of Twin Falls (asked that name not be disclosed), agrees with smoke free. Priority importance is health.

Mark Tarkalson supports smoke free at parks and trails. Not firm on bars.

Megan Devaney supports smoke free at parks and public places. Not to worry about bars. Leave them out.

Melanie Gonzales submitted a letter in support of a smoke free ordinance in support of a smoke free Twin Falls.

Preston Gonzales spoke in support of a smoke free Twin Falls. This would include vaping.

Leila A. Sanchez
Recording Secretary

I would like to express my support of the smoke free ordinance in the city of Twin Falls. As a parent of a child with asthma, my son is affected by the secondhand smoke that is in the air. In the summer he enjoys participating outdoor activities offered in Twin Falls. Unfortunately, the smoke affects his ability to enjoy the concerts at the splash pad, walking along the canyon rim trail, business entrances and parks. He must move, or leave, because the smoke in the air causes his asthma to act up and need to use his inhaler. He has learned from experience that smoke from e-cigarettes causes an even more severe asthma reaction when around it. Your support of the smoke free ordinance will allow my son and others with asthma to fully enjoy and experience the opportunities offered by the City.

As for myself, when I am around people that smoke or use e-cigarettes, it ruins the experience for me. Last summer at the concerts at the splash pad, the smokers ruined my enjoyment of the event. I would have to move to get away from the smoke. I had gotten there early to get a place in the shade to enjoy the music, just to have to move because a smoker sat near me. I got to the point that I just quit going to the concerts because I could not get away from the smoke. When friends asked me how the concert was, I would tell them that I did not go because of the smoke. I cannot enjoy the concert when I am breathing toxic air.

Finally, cigarette butts are the most littered item in our world-- and at the concerts at the splash pad. The mess left by smokers ruins the beauty of Twin Falls parks and trails. Visitors to the magic valley form an impression about our community based on what they see as they visit our parks and trails.

Unfortunately, they see the innumerable cigarette butts.

Support of the smoke-free ordinance would help keep our parks and trails clean while affording all citizens the opportunity to partake of all we have to offer without worry of needing to use an inhaler. Thank you for your time and consideration of my comments.

Melanie Gonzales

I would like to express my support of the smoke free ordinance in the city of Twin Falls. As a parent of a child with asthma, my son is affected by the secondhand smoke that is in the air. In the summer he enjoys participating outdoor activities offered in Twin Falls. Unfortunately, the smoke affects his ability to enjoy the concerts at the splash pad, walking along the canyon rim trail, business entrances and parks. He must move, or leave, because the smoke in the air causes his asthma to act up and need to use his inhaler. He has learned from experience that smoke from e-cigarettes causes an even more severe asthma reaction when around it. Your support of the smoke free ordinance will allow my son and others with asthma to fully enjoy and experience the opportunities offered by the City.

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Unfortunately, they see the innumerable cigarette butts.

Support of the smoke-free ordinance would help keep our parks and trails clean while affording all citizens the opportunity to partake of all we have to offer without worry of needing to use an inhaler. Thank you for your time and consideration of my comments.

Melanie Gonzales

Leila Sanchez

From: Travis Rothweiler
Sent: Friday, February 8, 2019 6:03 AM
To: Leila Sanchez
Subject: Fwd: Please Support Smoke Free Twin Falls

FYI

Sent from my iPad

Begin forwarded message:

From: Ruth Pierce <rpierce@tfid.org>
Date: February 7, 2019 at 5:22:52 PM MST
To: Travis Rothweiler <trothweiler@tfid.org>
Subject: Fwd: Please Support Smoke Free Twin Falls

Sent from my iPhone

Begin forwarded message:

From: Amanda Tyler <ican@acscan.org>
Date: February 7, 2019 at 4:23:19 PM MST
To: Ruth Pierce <rpierce@tfid.org>
Subject: Please Support Smoke Free Twin Falls
Reply-To: Amanda Tyler <amandalynn278@gmail.com>

Feb 7, 2019

Council Member Ruth Pierce
321 2nd Avenue East
Twin Falls, ID 83301-6426

Dear Council Member Pierce,

I stand with you in support of the 2030 Vision to establish Twin Falls as a healthy community.

By enacting a comprehensive smoke-free ordinance, the City of Twin Falls will demonstrate their commitment to the broad-based, long-range health of its citizens and visitors as proposed in the Strategic Plan to reach the 2030 Vision.

Improving the health of employees in the service industry and the larger community will benefit Twin Falls residents today and into the future. Those in the service industry are disproportionately impacted

by secondhand smoke and more likely to suffer from bronchitis, respiratory infections, chronic illness and other lung and respiratory problems. The good news is we can stop this from happening in Twin Falls by pursuing a comprehensive smoke-free ordinance.

Thank you for considering this huge step toward a healthier Twin Falls.

Sincerely,

Dr. Amanda Tyler
1068 Terra Ave
Twin Falls, ID 83301-4712
(402) 658-7747
amandalynn278@gmail.com

Leila Sanchez

From: Dave Cox <shakeedave@hotmail.com>
Sent: Tuesday, January 15, 2019 8:11 PM
To: Leila Sanchez
Subject: RE: Making Twin Falls smoke free

To whom this may concern:

I come from a family that my mother had smoked since the early 60's. She finally quit smoking in May of 2018, she is now 73. Since her quitting, I see her breathing much better. She has COPD and is on Oxygen due to her years of smoking.

You will most likely hear from the people, that are against the smoking ban, that it is their choice. Because of their choice I am stuck paying a higher premium on my insurance that cover costs involved with having COPD or other health problems associated with smoking. Some of the people that are against the ban wont even smoke in their own home, they go outside to smoke.

I think sometimes ,the powers that be, have to make a tough decision. No Smoking in public places is a good thing, wherever that place may be.

Thank You,
David K Cox

Sent from Mail for Windows 10

From: Leila Sanchez <Lsanchez@tfid.org>
Sent: Tuesday, January 15, 2019 7:51:03 AM
To: Dave Cox
Subject: RE: Making Twin Falls smoke free

Good Morning David,

You may email it to me. Yes, it will be part of public input.

Thank you.

Leila

From: Dave Cox <shakeedave@hotmail.com>
Sent: Monday, January 14, 2019 9:51 PM
To: Leila Sanchez <Lsanchez@tfid.org>
Subject: Making Twin Falls smoke free

Public input on a proposed ordinance is Wednesday the 16th. Where would I send an email concerning this issue? Would sending an email be part of the input?

Thank You,
David Cox

Sent from Mail for Windows 10

Leila Sanchez

From: Travis Rothweiler
Sent: Friday, February 8, 2019 11:52 AM
To: Leila Sanchez
Subject: FW: Please Support Smoke Free Twin Falls

From: Ruth Pierce
Sent: Friday, February 8, 2019 11:51 AM
To: Travis Rothweiler <trothweiler@tfid.org>
Subject: Fwd: Please Support Smoke Free Twin Falls

Sent from my iPhone

Begin forwarded message:

From: Harmony Kelso <ican@acscan.org>
Date: February 8, 2019 at 11:43:02 AM MST
To: Ruth Pierce <rpierce@tfid.org>
Subject: Please Support Smoke Free Twin Falls
Reply-To: Harmony Kelso <harmonyakelso@outlook.com>

Feb 8, 2019

Council Member Ruth Pierce
321 2nd Avenue East
Twin Falls, ID 83301-6426

Dear Council Member Pierce,

I stand with you in support of the 2030 Vision to establish Twin Falls as a healthy community.

By enacting a comprehensive smoke-free ordinance, the City of Twin Falls will demonstrate their commitment to the broad-based, long-range health of its citizens and visitors as proposed in the Strategic Plan to reach the 2030 Vision.

Improving the health of employees in the service industry and the larger community will benefit Twin Falls residents today and into the future. Those in the service industry are disproportionately impacted by secondhand smoke and more likely to suffer from bronchitis, respiratory infections, chronic illness and other lung and respiratory problems. The good news is we can stop this from happening in Twin

Falls by pursuing a comprehensive smoke-free ordinance.

Thank you for considering this huge step toward a healthier Twin Falls.

Sincerely,

Miss Harmony Kelso
195 Meadowview Ln Apt 704
Twin Falls, ID 83301-8547
(208) 404-3840
harmonyakelso@outlook.com

Thursday, January 17, 2019

City of Twin Falls

203 Main Avenue East

Twin Falls, ID 83301

Dear Mayor Barigar and Twin Falls City Council Members,

When I heard that you are considering a smoke-free ordinance in Twin Falls, I was so excited. I remember when I used to go into restaurants with my dad and we would sit in the non-smoking section, the smoke always got over to me anyway. Even though it doesn't happen in restaurants anymore, it does happen in Twin Falls outside. It makes me feel sick to get a big whiff of smoke in my lungs. Tobacco is one of the leading causes of death and disease in Idaho and across the country, and there is no safe level of secondhand smoke.

As an active member of this community, I am one of the thousands of mothers committed to building a healthy, safe, and resilient place where everyone can thrive and be healthy. This includes protecting all people and children from the harms of second-hand smoking, and I appreciate your efforts to make our community a place where we can all live, work, and play free from the dangers of secondhand smoke.

Current state law offers some protections, but due to certain exemptions, many workers lack protections from the hazards of secondhand smoke. Many businesses in Twin Falls have already gone smoke-free, but a city ordinance would help others to follow along, and offer leverage for future offenders.

I absolutely support the adoption of a comprehensive smoke-free city ordinance, and encourage the members of our city council to do the same!

Thank you for taking the time to read my letter and to consider the health of our community as one of Twin Falls' top priorities.

Sincerely,



RECEIVED
JAN 23 2019

BY: _____

Leila Sanchez

From: Leila Sanchez
Sent: Monday, February 11, 2019 8:40 AM
To: Mitch Humble
Subject: FW: Please Support Smoke Free Twin Falls

From: Travis Rothweiler
Sent: Friday, February 8, 2019 11:52 AM
To: Leila Sanchez <Lsanchez@tfid.org>
Subject: FW: Please Support Smoke Free Twin Falls

FYI

From: Ruth Pierce
Sent: Friday, February 8, 2019 11:51 AM
To: Travis Rothweiler <trothweiler@tfid.org>
Subject: Fwd: Please Support Smoke Free Twin Falls

More emails

Sent from my iPhone

Begin forwarded message:

From: Mamie Petersen <ican@acscan.org>
Date: February 8, 2019 at 11:42:56 AM MST
To: Ruth Pierce <rpierce@tfid.org>
Subject: Please Support Smoke Free Twin Falls
Reply-To: Mamie Petersen <mamieapetersen@outlook.com>

Feb 8, 2019

Council Member Ruth Pierce
321 2nd Avenue East
Twin Falls, ID 83301-6426

Dear Council Member Pierce,

I stand with you in support of the 2030 Vision to establish Twin Falls as a healthy community.

By enacting a comprehensive smoke-free ordinance, the City of Twin Falls will demonstrate their commitment to the broad-based, long-range health of its citizens and visitors as proposed in the Strategic Plan to reach the 2030 Vision.

Improving the health of employees in the service industry and the larger community will benefit Twin Falls residents today and into the future. Those in the service industry are disproportionately impacted by secondhand smoke and more likely to suffer from bronchitis, respiratory infections, chronic illness and other lung and respiratory problems. The good news is we can stop this from happening in Twin Falls by pursuing a comprehensive smoke-free ordinance.

Thank you for considering this huge step toward a healthier Twin Falls.

Sincerely,

Miss Mamie Petersen
195 Meadowview Ln Apt 704
Twin Falls, ID 83301-8547
(208) 536-0750
mamieapetersen@outlook.com

January 18, 2019

Shawn Barigar, Mayor
City of Twin Falls
203 Main Avenue East
Twin Falls, ID 83301



Dear Twin Falls City Council Members,

I am pleased to hear you are considering a smoke free city ordinance. Tobacco use is one of the leading causes of death and disease in Idaho and across the country, and there is no safe level of secondhand smoke. I am especially pleased to hear the smoke free ordinance in Twin Falls would eliminate

- smoking in bars,
- all public areas including parks and walking paths, and
- within 20 feet of public entrances.

As an employee of a local health care provider, I am committed to building a healthy, safe, and resilient place where everyone can thrive. This includes protecting all workers and the public from the harms of smoking. I appreciate and support your efforts to make our community a place where everyone can live, work, and play free from the dangers of secondhand smoke.

While I do not live in Twin Falls City, I work, play and worship in Twin Falls. The health of Twin Falls will impact me directly as I spend the majority of my time here. Many businesses have already gone smoke free to reduce the risks of cancer, heart attack, and respiratory disease. A city ordinance would help level the playing field for all businesses while demonstrating commitment to the health of staff, patrons and the public overall.

Smoke free laws are popular with a vast majority of the public, and will help demonstrate our commitment to our employees, our hard-working neighbors, and the health of our community. This ordinance will keep Twin Falls moving forward in its growth and ability to attract employers.

I support the adoption of a comprehensive smoke free city ordinance and encourage you, as Mayor, to do the same.

Sincerely,

Melanie Gonzales

Twin Falls County resident

I would like to express my support of the smoke free ordinance in the city of Twin Falls. As a parent of a child with asthma, my son is affected by the secondhand smoke that is in the air. In the summer he enjoys participating outdoor activities offered in Twin Falls. Unfortunately, the smoke affects his ability to enjoy the concerts at the splash pad, walking along the canyon rim trail, business entrances and parks. He must move, or leave, because the smoke in the air causes his asthma to act up and need to use his inhaler. He has learned from experience that smoke from e-cigarettes causes an even more severe asthma reaction when around it. Your support of the smoke free ordinance will allow my son and others with asthma to fully enjoy and experience the opportunities offered by the City.

As for myself, when I am around people that smoke or use e-cigarettes, it ruins the experience for me. Last summer at the concerts at the splash pad, the smokers ruined my enjoyment of the event. I would have to move to get away from the smoke. I had gotten there early to get a place in the shade to enjoy the music, just to have to move because a smoker sat near me. I got to the point that I just quit going to the concerts because I could not get away from the smoke. When friends asked me how the concert was, I would tell them that I did not go because of the smoke. I cannot enjoy the concert when I am breathing toxic air.

Finally, cigarette butts are the most littered item in our world-- and at the concerts at the splash pad. The mess left by smokers ruins the beauty of Twin Falls parks and trails. Visitors to the magic valley form an impression about our community based on what they see as they visit our parks and trails.

Unfortunately, they see the innumerable cigarette butts.

Support of the smoke-free ordinance would help keep our parks and trails clean while affording all citizens the opportunity to partake of all we have to offer without worry of needing to use an inhaler. Thank you for your time and consideration of my comments.

Melanie Gonzales

Leila Sanchez

From: Suzanne Hawkins
Sent: Thursday, January 17, 2019 7:39 AM
To: Leila Sanchez
Subject: Fwd: Smoke Free

It's going to be a busy morning.

I thought I would pass this along to be added to your notes from yesterday.

Suzanne Hawkins

Begin forwarded message:

From: Shawna Denton <sdenton517@hotmail.com>
Date: January 17, 2019 at 7:18:03 AM MST
To: "shawkins@tfid.org" <shawkins@tfid.org>
Subject: Smoke Free

I would definitely like to see the parks and all of Twin Falls smoke free. Have you ever been to the courthouse? The smoke zone is along the walk way from the parking lot to the doors to the courthouse. Anyone wanting to enter the courthouse must pass by the smokers and breathe the second hand smoke on the way in. I don't smoke and don't want to breathe in second hand smoke when out in public.

Sincerely,
Shawna Denton

Leila Sanchez

From: Todd Rambur <iamftd@gmail.com>
Sent: Tuesday, January 22, 2019 2:43 PM
To: Leila Sanchez; Nikki Boyd
Subject: Smoke Free Twin Falls

<https://www.tobaccofreekids.org/assets/factsheets/0144.pdf?fbclid=IwAR04ctHMXU6j5TmKMxrhD6ka2dSuvlWlpMv0aqw6VxI8KzlqDLAwFFZHTuc>



SMOKE-FREE LAWS DO NOT HARM BUSINESS AT RESTAURANTS AND BARS

In recent years a groundswell of support for smoke-free restaurant and bar laws has developed from states and localities across the country. As of October 1, 2018, 66 percent of the U.S. population (or more than 200 million people) live in areas that have passed strong smoke-free laws covering restaurants and bars.¹ Strong smoke-free restaurant and bar laws are important because:

- Everyone has the right to breathe clean, smoke-free air at work and while visiting public places like restaurants and bars.
- There is overwhelming scientific evidence that secondhand tobacco smoke causes serious illnesses, including lung cancer and heart disease in non-smokers.²
- Smoke-free laws help protect restaurant and bar employees and patrons from the harms of secondhand smoke.³
- Smoke-free laws help the seven out of every ten smokers who want to quit smoking by providing them with public environments free from any pressure or temptation to smoke.⁴

Accompanying the growth in smoke-free laws nationwide has been a parallel increase in false allegations that smoke-free laws will hurt local economies and businesses.⁵ In fact, numerous careful scientific and economic analyses show that smoke-free laws do not hurt restaurant and bar patronage, employment, sales, or profits.⁶ At worst, the laws have no effect at all on business activity, and they sometimes even produce slightly positive trends. For example:

- The National Cancer Institute, with the World Health Organization, in December 2016 conducted an extensive review of the economic literature on tobacco control, concluding, “. . . the evidence clearly demonstrates that smoke-free policies do not cause adverse economic outcomes for businesses, including restaurants and bars. In fact, smoke-free policies often have a positive economic impact on businesses.”⁷
- An analysis of more than two decades’ worth of employment data (1990-2015) found that smoke-free laws “do not generally have any meaningful effect on restaurant and bar employment.” The study found that in the United States, a one-percentage point increase in population covered by a smoke-free restaurant law was associated with a small increase (approximately 0.01%) in restaurant employment. The percentage of state population covered by a smoke-free bar law was not associated with any change in bar employment.⁸
- CDC’s Community Preventive Services Task Force analyzed two reviews of over 170 studies (1988 to 2012), concluding that “Smoke-free policies did not have an adverse economic impact on the business activity of restaurants, bars, or establishments catering to tourists; some studies found a small positive effect of these policies.”⁹ The Task Force is an independent panel of experts appointed by the Director of the U.S. Centers for Disease Control and Prevention.
- A 2013 study of smoke-free policies in nine states found that smoke-free laws did not have an adverse economic impact on restaurants or bars. The study analyzed employment data from 216 smoke-free cities and counties in Alabama, Indiana, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Texas and West Virginia. For North Carolina, the study examined the impact of a 2010 statewide smoke-free law that applies to restaurants and bars. In one state, West Virginia, the local smoke-free laws were associated with a small increase in restaurant employment.¹⁰
- A 2010 analysis of economic outcomes of smoke-free laws stated, “[T]here is clear evidence that smokefree legislation does not hurt restaurant or bar businesses, and in some cases business may improve.”¹¹

- In 2009, the International Agency for Research on Cancer (IARC) examined the extensive literature on the economic impact of smoke-free policies on the hospitality sector. The analysis noted that methodologically sound research studies consistently conclude that smoke-free policies do not have an adverse economic impact on the business activity of restaurants, bars, or establishments catering to tourists, with many studies finding a small positive effect of these policies. These studies analyzed official reports of sales, employment and the number of restaurant and bar establishments.¹²
- A comprehensive examination of smoke-free laws published in 2007 concluded that, "the vast majority of scientific evidence indicates that there is no negative economic impact of clean indoor air policies, with many studies finding that there may be some positive effects on local businesses."¹³
- The Surgeon General's 2006 Report on *The Health Consequences of Involuntary Exposure to Tobacco Smoke* examined numerous studies from states and local communities across the country. The report concluded that, "Evidence from peer-reviewed studies shows that smoke-free policies and regulations do not have an adverse economic impact on the hospitality industry."¹⁴
- A study in the journal *Tobacco Control* (in 2003) offered a comprehensive review of all available studies on the economic impact of smoke-free workplace laws and concluded that: "All of the best designed studies report no impact or a positive impact of smoke-free restaurant and bar laws on sales or employment. Policymakers can act to protect workers and patrons from the toxins in secondhand smoke confident in rejecting industry claims that there will be an adverse economic impact."¹⁵

In addition to the comprehensive analyses listed above, the experience of many states and communities demonstrates that smoke-free laws protect health without harming business.

- An analysis published in 2012 examined the economic impact of 11 local smoke-free laws in **Missouri**. Eight of the 11 cities had increased taxable sales for eating and drinking establishments post-ordinance while the remaining 3 cities experienced no change.¹⁶
- A 2011 study concluded that there was no significant changes in taxable sales associated with **Ohio's** Smoke-Free Workplace Act. The study examined county-level taxable sales for the state's bars and restaurants.¹⁷
- Data from ten **Minnesota** cities (published in 2010) found that local smoke-free laws had no negative impact on bar and restaurant revenue. This was true for total taxable sales as well as revenue from alcohol sales.¹⁸ Another study found no significant changes in bar or restaurant employment (in both rural and urban regions of the state) after implementation of Minnesota's statewide smoke-free law.¹⁹
- In 2008, the **Washington** State Department of Revenue noted that businesses posted strong gains in gross income in 2007. Bars and taverns, which the Department noted feared being hit hard by the smoke-free law, generated 20.3 percent more gross income in 2007, compared to a .3 percent gain in 2006, the first full year after the law went into effect in December 2005. Their average growth rate was stronger in the two years after the smoke-free law than in the years preceding the voter-approved ballot initiative.²⁰
- A study published in 2007 assessed the economic impact of a smoke-free law in **Lexington-Fayette County, Kentucky**. The study found that, "No important economic harm stemmed from the smoke-free legislation over the period studied, despite the fact that Lexington is located in a tobacco-producing state with higher-than-average smoking rates." An analysis of employment data found restaurant employment grew after the smoke-free law went into effect (employment remained unchanged in bars). A comparison of restaurant and bar openings and closings showed no significant difference before and after the law (regardless of whether or not the establishment served alcohol).²¹
- A July 2006 report on The Health and Economic Impact of **New York's** Clean Indoor Air Act found that, "the law has not had an adverse financial impact on bars and restaurants."²² The report examined sales tax receipts from 1999 to 2004 from a sample of vendors who had filed a tax return for each quarter. The analysis showed that, "the CIAA had no apparent effect on sales tax receipts

for bars or full service restaurants or on totals from all retailers in New York City or New York State.”

- **California** was the first state to implement smoke-free restaurant (1995) and bar laws (1998). A 2005 study analyzed how the smoke-free laws affected the distribution of revenues between bars and restaurants. Critics of smoke-free restaurant and bar laws have often claimed that a prohibiting smoking reduces restaurant and bar revenues. Using tax revenue data from 1990 to 2002, the study authors note that, “our analysis suggests that the actual effect is just the opposite: the 1995 smoke-free restaurant law is associated with an increase in restaurant revenues, while the 1998 smoke-free bar law is associated with an increase in bar revenues.”²³
- A study conducted by researchers at the Harvard School of School of Public Health of the Commonwealth of **Massachusetts**’ comprehensive statewide smoke-free law that took effect July 5, 2004 found that, “Analyses of economic data prior to and following implementation of the law demonstrated that the Massachusetts state-wide law did not negatively affect statewide meals and alcoholic beverage excise tax collections. Furthermore, the number of employees in food services and drinking places and accommodation establishments, and keno sales were not affected by the law.”²⁴
- A study conducted by research economists at the University of **Florida**’s Bureau of Economic and Business Research found that the state’s voter-approved smoke-free law, which took effect July 1, 2003, has not hurt sales or employment in the hotel, restaurant and tourism industries (the Florida law exempts stand-alone bars). In addition to analyzing total sales, the study also examined restaurant revenue as a percentage of total retail revenue in order to account for underlying economic conditions in the state. The proportion of retail sales by Florida’s restaurants, lunchrooms, and catering services increased by 7.37 percent after the smoke-free law went into effect.²⁵
- On March 30, 2003, **New York City** implemented its comprehensive smoke-free workplace law prohibiting smoking in all of the city’s restaurants and bars. A March 2004 report issued by the New York City Department of Finance, Department of Health and Mental Hygiene, Department of Small Business Services, and Economic Development Corporation noted, “One year later, the data are clear. . . Since the law went into effect, business receipts for restaurants and bars have increased, employment has risen, virtually all establishments are complying with the law, and the number of new liquor licenses issued has increased—all signs that New York City bars and restaurants are prospering.”²⁶ The report noted that business tax receipts for restaurants and bars increased 8.7 percent from April 1, 2003, to January 31, 2004 compared to the same period in 2002-2003. Employment in New York City restaurants and bars increased by 10,600 jobs (about 2,800 seasonally adjusted jobs) from the implementation of the smoke-free law in March 2003 to December 2003.²⁷ The 2004 Zagat New York City Restaurant Survey provides additional evidence that New York City’s smoke-free law is not hurting business. The survey of nearly 30,000 New York restaurant-goers found that 23 percent of respondents said they are eating out more often because of the city’s smoke-free workplace law, while only four percent said they are eating out less. Zagat’s press release concludes, “The city’s recent smoking ban, far from curbing restaurant traffic, has given it a major lift.”²⁸
- In **Delaware**, business remained steady one year after the state’s Clean Indoor Air Act went into effect in November 2002. Data from the Delaware Alcohol Beverage Control Commission show that the number of restaurant, tavern and taproom licenses increased in the year since the law took effect. Data from the Delaware Department of Labor show that employment in the state’s food service and drinking establishments also increased in the year since the smoke-free law went into effect.²⁹
- A study released by the U.S. Centers for Disease Control and Prevention (CDC) found that a comprehensive smoke-free policy in **El Paso, Texas** did not affect restaurant and bar revenue in the year after it took effect in January 2002.³⁰ The CDC and the Texas Department of Health analysis found no statistically significant changes in overall restaurant and bar revenues, bar liquor sales, or restaurant and bar revenue as a percentage of total revenue. The latter finding refutes arguments often made by opponents of smoke-free laws that, even if bar and restaurant revenues grow after such laws take effect, they do not grow as fast as the rest of the economy.

Key Restaurant and Business Leaders Support Smoke-Free Laws

Members of the business community, including restaurant and bar owners, are becoming increasingly supportive of smoke-free laws, recognizing that these laws can have a positive impact on public health and the health of their business.³¹

- The 2008 Zagat Survey: America's Top Restaurants of 132,000 Americans noted that, "The verdict on smoking is overwhelming with 77% of diners saying they'd eat out less if smoking were permitted in local restaurants, and only 2% saying they'd dine out more."³² In 2009, the release of the Zagat Report remarked, "In New Orleans and Las Vegas, two of the last major cities not to have banned smoking, this is still a major issue. Recent smoking bans will offer welcome relief to health-conscious diners."³³
- In October 2010, Nicole Griffin, Executive Director of the Connecticut Restaurant Association remarked to WestportPatch Online that the smoking ban was a big issue for restaurateurs when it was implemented in October of 2003, but that today, "[t]he smoking ban is not an issue at all for restaurants." She continues, "When it first passed, restaurateurs were really nervous that once the ban was put into effect people wouldn't come out to eat and drink, and that's not what happened. Seven years later, customers are really happy to go out to bars and to eat and drink and not be in an atmosphere of smoke."³⁴
- Michael O'Neal, former president of the New York State Restaurant Association: "I feel strongly that it is pro-business and pro-health to eliminate smoking in all workplaces, including restaurants. Smoke-free workplace legislation does not hurt business . . . Smoking prohibitions in California, Utah, Vermont, Maryland and Maine as well as in hundreds of cities all over the country prove that smoke-free-workplace legislation is good for all businesses, including the restaurant business. That shouldn't be a surprise. Even smokers prefer to breathe clean air."³⁵
- A July 2006 editorial in Nation's Restaurant News stated, "The argument against smoking in public indeed has become more compelling, and this could be an appropriate time for operators and associations to reassess their positions on the issue." The editorial noted that the Pennsylvania Restaurant Association (PRA), "long an opponent of stricter smoking prohibitions – did an about-face and urged state lawmakers to ban smoking in all public workplaces, including restaurants, bars and casinos."³⁶
- Support for New York's law has grown even among bar and restaurant owners. James McBratney, President of the Staten Island Restaurant and Tavern Association, was quoted in the Feb. 6, 2005, issue of The New York Times saying "I have to admit, I've seen no falloff in business in either establishment [restaurant or bar]." According to The Times, "He went on to describe what he once considered unimaginable: Customers actually seem to like it, and so does he."³⁷
- Across the country, state and local chapters of business associations like the Chamber of Commerce are endorsing smoke-free laws. Chambers of Commerce in a number of states and communities, including Kentucky, Washington, Utah, Anchorage (AK), Beaumont (TX), Philadelphia (PA) and Manchester (NH) all supported smoke-free laws.

In January 2011, Kentucky Chamber of Commerce President and CEO Dave Adkisson joined state legislators and health advocacy groups to speak in favor of a statewide smoking policy. In a survey of Kentucky Chamber members, 86 percent of respondents said they favored a smoke-free policy for public buildings in Kentucky. "Smoking is not only killing us in Kentucky, it's bankrupting us," Adkisson said at the Capitol. "Business leaders have come to the conclusion that we have got to discourage smoking in this state."

In announcing their position, Chris Williams, Vice President of the Greater Manchester (NH) Chamber of Commerce, stated, "Over the past two months, an overwhelming number of our members have told us that they support a statewide smoking ban and believe the Chamber should publicly support it as well. What you may find interesting is the fact that 75% of our restaurant owners who are Chamber members agreed with this school of thought." Williams said that the Chamber of Commerce supported a statewide smoke-free law because, "The health of our employees is important to us as

business owners" and "The economic health of the restaurant industry will not suffer from a smoking ban."³⁸ See <http://www.no-smoke.org/goingsmokefree.php?id=538> for additional information on business leaders supporting smoke-free laws.

- David E. Garth, President and CEO of the San Luis Obispo Chamber of Commerce in California: "I must admit that, at the time the [San Luis Obispo smoke-free bar and restaurant] ordinance was presented, we were extremely wary of it. We feared that the ban on smoking would cost the community revenue, jobs, tax dollars, tourists and tourist-generated income. We ended up coming out in support of the ordinance, seeing it as a leap of faith that wouldn't hurt businesses. Suffice it to say, our initial fears were unfounded and today, I'm pleased to report that the effects have been extremely positive."³⁹
- A 2002 survey of California bar owners, managers, assistant managers and bartenders found overwhelming support for the state's smoke-free bar law, with more than eight in ten bar managers and employees (83%) saying they think the smoke-free workplace law protects their health and the health of other bar employees, and 77 percent of bar managers and employees saying that complying with the law has been "very" or "fairly" easy.⁴⁰

The Campaign for Tobacco-Free Kids, October 19, 2018

¹ Figures based on ordinances recorded by Americans for NonSmokers Rights (ANR), <http://www.no-smoke.org/lists.html>

² U.S. Department of Health and Human Services (HHS), *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*, Atlanta, GA: HHS, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006, <http://www.surgeongeneral.gov/library/secondhandsmoke/report/>.

³ HHS, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*, Atlanta, GA: HHS, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006, <http://www.surgeongeneral.gov/library/secondhandsmoke/report/>.

⁴ Fiore MC, Bailey WC, Cohen SJ, et al., *Treating Tobacco Use and Dependence*. Clinical Practice Guideline, HHS Public Health Service, June 2000. ANR, *Economic Impact of Clean Indoor Air Policies*, January 15, 2000. Internal Philip Morris document that states that the "financial impact of smoking bans will be tremendous ... Three to five fewer cigarettes per day per smoker will reduce annual manufacturers profits a billion dollars plus per year," July 1, 1993, Bates No. 2025771934/1995.

⁵ KPMG Peat Marwick for the American Beverage Institute, "Effects of 1998 California Smoking Ban on Bars, Taverns and Night Clubs," 1998; InContext for the Massachusetts Restaurant Association, "Massachusetts Restaurant Association Study," 1996; InContext for the Empire State Restaurant & Tavern Association, "Restaurant Jobs in New York City, 1993 Through First Quarter 1996, and the Restaurant Smoking Ban," 1996.

⁶ See, e.g., ANR, *Economic Impact of Clean Indoor Air Policies*, January 15, 2000.; Glantz, S, "Smoke-Free Restaurant Ordinances Do Not Affect Restaurant Business. Period.," *Journal of Public Health Management and Practice* 5:1, January 1999; Scollo M, et al., "Review of the quality of studies on the economic effects of smoke-free policies on the hospitality industry," *Tobacco Control* 12:13-20, 2003.

⁷ U.S.National Cancer Institute and World Health Organization, *The Economics of Tobacco and Tobacco Control*. National Cancer Institute Tobacco Control Monograph 21. NIH Publication No. 16-CA-8029A. Bethesda, MD: U.S.Department of Health and Human Services, National Institutes of Health, National Cancer Institute; and Geneva, CH: World Health Organization; December 2016

⁸ Shafer, P, "Impact of US Smoke-free Air Laws on Restaurant and Bar Employment, 1990-2015," *Nicotine & Tobacco Research*, ntx280, December 2017. <https://doi.org/10.1093/ntr/ntx280>

⁹ Guide to Community Preventive Services. "Reducing tobacco use and secondhand smoke exposure: smoke-free policies," <http://www.thecommunityguide.org/tobacco/smokefreepolicies.html>. Accessed 6/2/2014

¹⁰ Loomis BR, Shafer PR, van Hasselt M., "The Economic Impact of Smoke-Free Laws on Restaurants and Bars in 9 States," *Preventing Chronic Disease* 2013;10:120327. http://www.cdc.gov/pcd/issues/2013/12_0327.htm. For North Carolina, the study examined the impact of a 2010 statewide smoke-free law that applies to restaurants and bars. The other eight states each had a number of communities with local smoke-free restaurant and/or bar ordinances, but no statewide smoke-free law.

¹¹ Hahn, EJ, "Smokefree Legislation: A Review of Health and Economic Outcomes Research," *American Journal of Preventive Medicine* 39(6S1):S66-S76, 2010. <http://www.clearwaymn.org/vertical/Sites/%7BF1680E9A-EF78-41E7-8793-6913CF57DBAB%7D/uploads/%7B8274B71A-3B37-46D7-8320-E457C961A736%7D.PDF>

¹² International Agency for Research on Cancer (IARC), "Evaluating the effectiveness of smoke-free policies: IARC Handbooks of Cancer Prevention, Tobacco Control, volume 13," World Health Organization (WHO), IARC, 2009, <http://www.iarc.fr/en/publications/pdfs-online/prev/handbook13/handbook13-0.pdf>.

¹³ Eriksen, M & Chaloupka, F, "The Economic Impact of Clean Indoor Air Laws," *CA: A Cancer Journal For Clinicians* 57:367-378, 2007. <http://caonline.amcancersoc.org/cgi/content/full/57/6/367>.

¹⁴ HHS, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*, Atlanta, GA: HHS, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006, <http://www.surgeongeneral.gov/library/secondhandsmoke/report/>.

¹⁵ Scollo, M, et al., "Review of the quality of studies on the economic effects of smoke-free policies on the hospitality industry," *Tobacco Control* 12:13-20, 2003.

- ¹⁶ Kayani, N, et al., "Economic Effect of Smoke-Free Ordinances on 11 Missouri Cities," *Preventing Chronic Disease* 2012; 9: E106. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3457759/>
- ¹⁷ Ohio Department of Health. Klein, E, et al., "Summary of the Economic Impact of Ohio's Smoke-Free Workplace Act," August 2011.
- ¹⁸ Collins, N, et al., "Effects of Clean Indoor Air Laws on Bar and Restaurant Revenue in Minnesota Cities," *American Journal of Preventive Medicine* 39(6S1):S10-S15, 2010. <http://www.clearwaymn.org/vertical/Sites/%7BF1680E9A-EF78-41E7-8793-6913CF57DBAB%7D/uploads/%7B51B38485-15E2-4BAD-8FB5-97C4BF1BC056%7D.PDF>
- ¹⁹ Klein, E, et al., "Employment Change for Bars and Restaurants Following a Statewide Clean Indoor Air Policy," *American Journal of Preventive Medicine* 39(6S1): S16-S22 (2010). <http://www.clearwaymn.org/vertical/Sites/%7BF1680E9A-EF78-41E7-8793-6913CF57DBAB%7D/uploads/%7BA88787F7-9736-4C44-ADB1-F5D87490F128%7D.PDF>
- ²⁰ Washington State Department of Revenue Press Release, "Businesses bounce back from smoking ban," June 10, 2008, <http://dor.wa.gov/content/aboutus/newsroom/html/smokingban.aspx>.
- ²¹ Pyles, M, et al., "Economic effect of a smoke-free law in a tobacco-growing community," *Tobacco Control* 16:66-68, 2007.
- ²² New York State Department of Health, "The Health and Economic Impact of New York's Clean Indoor Air Act," July 2006, http://www.health.state.ny.us/prevention/tobacco_control/docs/ciaa_impact_report.pdf.
- ²³ Cowling, DW & Bond, P, "Smoke-free laws and bar revenues in California: the last call," *Health Economics* 14(12):1273-1281, 2005.
- ²⁴ Connolly G, et al., *Evaluation of the Massachusetts Smokefree Workplace Law: A Preliminary Report*, Division of Public Health Practice, Harvard School of Public Health, Tobacco Research Program, April 4, 2005, <http://ash.org/MAstudy.pdf>
- ²⁵ Dai, C, et al., *The Economic Impact of Florida's Smoke-free Workplace Law*, Bureau of Economic and Business Research, Warrington College of Business Administration, University of Florida, June 25, 2004, <http://www.tobaccoscsm.ucsf.edu/pdf/109-Florida+Economic+Impact+Final+Report.pdf>.
- ²⁶ NYC Department of Finance, NYC Department of Health & Mental Hygiene, NYC Department of Small Business Services, NYC Economic Development Corporation, "The State of Smoke-Free New York City: A One-Year Review", March 2004, <http://www.nyc.gov/html/doh/downloads/pdf/smoke/sfaa-2004report.pdf>. See also New York City Department of Health and Mental Hygiene, Press Release, "Workers, Owners, City Officials, And Health Groups Toast One-Year Anniversary Of The Smoke-Free Air Act," March 29, 2004, http://www.nyc.gov/html/doh/html/press_archive04/pr031-0329.shtml.
- ²⁷ NYC Department of Finance, NYC Department of Health & Mental Hygiene, NYC Department of Small Business Services, NYC Economic Development Corporation, "The State of Smoke-Free New York City: A One-Year Review", March 2004, <http://www.nyc.gov/html/doh/downloads/pdf/smoke/sfaa-2004report.pdf>.
- ²⁸ Zagat, Press Release, "Zagat 2004 New York City Restaurant Survey Finds Local Dining Economy in Comeback Mode," October 20, 2003.
- ²⁹ Meconi, Vincent, Secretary of the Delaware Department of Health and Social Services, "Secondhand Smoke Deserves Regulations," *Delaware State News*, December 30, 2003. See also, American Lung Association of Delaware, "Delaware's Clean Indoor Air Act – The 1st Anniversary Story."
- ³⁰ U.S. Centers for Disease Control and Prevention (CDC), "Impact of a Smoking Ban on Restaurant and Bar Revenues --- El Paso, Texas, 2002," *Morbidity and Mortality Weekly Report (MMWR)* 53(07), February 27, 2004, <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5307a2.htm>
- ³¹ For a six-minute video of restaurant and bar owners discussing the positive impact of smoke-free laws and other related resources, visit http://www.tobaccofreekids.org/what_we_do/state_local/smoke_free_laws/. ANR features quotes from restaurant and bar owners across the country on their website <http://no-smoke.org/document.php?id=260>.
- ³² Zagat Press Release, "ZAGAT RELEASES 2008 AMERICA'S TOP RESTAURANTS SURVEY."
- ³³ Zagat Press Release, "2009 ZAGAT AMERICA'S TOP RESTAURANTS SURVEY IS OUT; ECONOMIC DOWNTURN LEADS TO CHANGES IN DINING HABITS."
- ³⁴ Torrieri, M, "Smoking Ban: Seven Years Later, Dramatic Changes in Fairfield County Bars," *WestportPatch Online*, October 23, 2010. <http://westport.patch.com/articles/smoking-ban-seven-years-later-dramatic-changes-in-fairfield-county-bars-5>.
- ³⁵ O'Neal, M, "Butt Out: - The Industry Shouldn't Need Laws To Make Us Clear The Smoke From Restaurants," *Nation's Restaurant News*, April 16, 2001.
- ³⁶ Frumkin, P, "Winds of change: Latest report, attitudes should fan smoking debate down new path", *Nation's Restaurant News* Editorial, July 24, 2006.
- ³⁷ Rutenberg, J & Koppel, L, "Almost Two Years Into Cigarette Ban, New York City Bars Thrive and Many Smokers Shrug," *New York Times*, February 6, 2005.
- ³⁸ Williams, C, Vice President of the Greater Manchester Chamber of Commerce, Chamber Insight, March 10, 2006.
- ³⁹ Garth, D, President/CEO of the San Luis Obispo (CA) Chamber of Commerce, Letter To Washington DC Council In Support of Smoke-Free legislation, November 3, 2003.
- ⁴⁰ Field Research Corporation, "Bar Establishment Survey," conducted September – October 2002 for California Department of Health Services.

Input on proposed smoking ordinance.

I must preface my input, in disclosing that I am a former smoker. I smoked from my late teens to the morning of my heart attack when I was 55 years of age.

It wasn't until I became a former smoker, that I realized how intrusive my habit was to others in public venues. My lungs have been harmed by my former habit, and when I am forced to walk through a cloud of smoke to get to or from a store, restaurant, or public activity, I immediately feel discomfort in my lungs. At times, to the point of me gasping for clean air.

What I did to myself is my problem, but what others do to me is a problem that can be remediated by a sound ordinance about smoking in public spaces in my opinion. If one wishes to smoke, it just shouldn't be in a public space. Applying distances from areas is hard, as our winds can blow the smoke into unwanted areas. So, no smoke, no problems.

People will say, "it's their right to smoke". But when that right tramples my right to maintain my own health, I think my "right" should have priority.

Sincerely,
Tom Frank

Begin forwarded message:

From: Kelly K7SU <kelly@K7SU.com>

Date: January 8, 2019 at 2:50:20 PM MST

To: <sbarigar@tfid.org>, <nboyd@tfid.org>, <glanting@tfid.org>, <shawkins@tfid.org>, <ctalkington@tfid.org>, <creid@tfid.org>, <rpierce@tfid.org>

Subject: Hearing regarding Twin Falls becoming non-smoking city

I do not live in Twin Falls city but Twin Falls has been my town all my life.

It is interesting how in the last few years elected officials have somehow found it necessary to pass laws which essentially countermand the responsibility of business owners.

The proposal to make Twin Falls a non-smoking city is a good example. As a NON-SMOKER I believe that decision should be left up to the owner of the business. If people don't want to shop where smoking is allowed then they should not frequent that business. If a business owner wants to allow smoking in his business, that should be his/her decision.

Rules and regulations by elected officials have continued to erode the personal rights of many US citizens lately. It grieves me to think Twin Falls is falling into the same trap.

Sincerely,

Kelly Klaas

Twin Falls, ID.

Kelly@K7SU.com

"The Pessimist complains about the wind; the optimist expects it to change; the realist adjusts the sails."
William Arthur Ward



Virus-free. www.avast.com

Leila Sanchez

From: Joshua J. Palmer
Sent: Tuesday, November 20, 2018 5:28 PM
To: Mitch Humble; Leila Sanchez
Subject: Fwd: smoke free policy

Is there a designated staffer who is gathering public comment regarding the proposed smoking policy. If so, please include the following email. Thanks!

Begin forwarded message:

From: Lynn Dunlap <dunlaplaw1@yahoo.com>
Subject: smoke free policy
Date: November 20, 2018 at 4:53:10 PM MST
To: "jpalmer@tfid.org" <jpalmer@tfid.org>

Sir:

I am responding to the Times News article of 11/20 indicating the City is asking for input on the smoking policy.

I have smoked for over 50 years. I understand that my right to self-indulgence has been curtailed to a significant degree.

It has changed my habits to the extent that I often go outside to smoke while in a restaurant , a public building and numerous other locations. I try to accommodate others around me. However, there is a limit.

Several years ago my wife and I were In Orlando. I was up at about 3AM. I had gone down to the main floor, bought a cup of coffee and was setting outside near the pool area and about 50 feet from the entrance, quietly reading. Two or three hours later another gentleman (?) came and sat down between me and the door. About 10 feet away. There was no one else in the area. I was smoking a cigar. He asked me to move because he didn't like the smoke.

I explained to him in the calmest manner I could muster, that the Hotel had over a million square feet of no smoking area. That I was out by myself and that he could go inside or move away from me. The area I was occupying was miniscule compared to everywhere I couldn't smoke.

There is a limit to my congeniality.

The State has determined that there will be a limit on smoking in all public buildings except for bars that do not permit minors. (What parent takes a child into a bar has always baffled me – they should be banned from procreation with that mentality. The gene pool is only so deep.)

When a bar decides to permit smoking, smokers go there. It is the owners decision and the customers selection. No one is forced to work in that location. A vender may come in and not like the air – he can request that his employer give him a different route – or endure it for the few moments he must be

there. At this juncture, I believe most orders are done on line and only delivery personnel go to the location. They are there for the least amount of time they can be so as to serve their other customers with speedy delivery. Smoking has little to do with it.

Those in a bar that permit smoking elected to be there. It was their decision. They should be permitted to make a decision - good or bad. The City has previously permitted groups to act as dangerously as they desire, i.e. jumping off the Perrine bridge.

If further legislation is required, please require those who complain of smoking within 20 ft. of the front door to place ash receptacles where they do want smokers to be. Most smokers understand that they have the right to self-destruct in that limited area.

I and other smokers simply request that we be treated fairly and with a certain limit of understanding. We are not trying to damage them or inflict harm with second hand smoke. Some of us merely enjoy it for various reasons. To tell a property owner what he can and can't do is an issue of zoning. They should be grandfathered in at the very least, or just leave them alone from the outset. Those who are there have decided to be there. That alone should be sufficient.

M. Lynn Dunlap

Sent from Mail for Windows 10

Joshua Palmer
Public Information Coordinator
City of Twin Falls, Idaho
jpalm@tffd.org
O: 208-735-7312
C: 208-731-7865

The Clove Club - Tracie Stone

When are we going to stop letting other people tell us what we can do to our own bodies and property. Tobacco is just as legal as alcohol. We have the right to have a place to go, to enjoy both with our friends if we so choose. If you don't smoke go to a non-smoking bar. Don't interfere on my right to choose. There are bigger issues than my right to choose.

Some of these non-smoking bars allow young children in their bar with their parents. They are playing pool, or darts, drinking, And then they go out drive with those kids in the car. On top of that, if there is a bar fight what is going to happen to those kids. Do we have to go to private clubs, not open to the general public, in order to keep the public out of our business. There is even a lot

of smokers & non-smoking people
that would gladly pay a membership
fee to enjoy that right to choose.
People are slowly taking away our
freedoms & our rights. Everyone is
entitled to their opinion. Keep it to yourself.
Don't push it on the rest of us. Until
Tobacco is illegal. Leave us alone. I
get, no smoking around children. But we
are not around them. We are all over 21
and it is our god given right to choose.

Nick ~~Gray~~ Gray!
Angie Boustead
Evan Samuel
Daniela Gomez
Erin Pruett
Humboldt Gray
Heirsey Martinez
Chris Rollin

~~James~~ ~~Star~~ ~~Perkins~~
Alexis Leganeter

~~Carl~~
Missie Guerin

~~Caroline~~ ~~Bastian~~

~~W~~ Tarah Anderson

~~J~~ Jove

Megan Jensen

~~R~~ ~~W~~ ~~W~~ ~~W~~

① * 1-11-19 5:00 PM Let's Smoke *

- | | |
|-------------------------|-------------------------|
| 1. P. Lowe | 23. D. Sub |
| 2. T. Stone | 24. all |
| 3. Kristi Stone | 25. Amy Winkler |
| 4. in | 26. Cindy Blevins |
| 5. April Navel | 27. Bob |
| 6. G. L. F. F. F. | 28. Ron Meckam |
| 7. Cindy Winkler | 29. Tom |
| 8. Nicole Marona | 30. Mary M. F. |
| 9. Joe Helms | 31. C. J. L. L. |
| 10. Al | 32. F. L. L. |
| 11. S. L. L. | 33. W. L. L. |
| 12. Michael Delano | 34. Bin |
| 13. K. L. L. | 35. all |
| 14. L. L. L. | 36. all |
| 15. A. L. L. | 37. all |
| 16. M. L. L. | 38. all |
| 17. J. L. L. | 39. Wendy House |
| 18. Martha McCreary | 40. W. L. L. |
| 19. Steve Baire | 41. all |
| 20. all | 42. all |
| 21. all | 43. all |
| 22. all | 44. all |

②

45. K. Melton

69. Vera Carini

46. Kaylee Kent

66. Sheryl Sharpe

47. ~~Dee Ash~~

67. Jason Mangel

48. ~~Deanna Spaff~~

68. Amity C.

49. ~~Monte Mont~~

70. ~~Just Call~~

50. Kacey Atencio

71. ~~Cartier~~

51. ~~Blair~~

72. ~~Spina~~

52. Kyril Hansen

73. ~~Spina~~

53. ~~Dejara Henderson~~

74. ~~Spina~~

54. ~~Deborah New~~

75. Darren Elan

55. ~~John~~

76. ~~John~~

56. ~~John~~

77. Pamela Smith

57. Ali Ochoa

78. Larin Foundry

58. ~~John~~

79. ~~John~~

59. ~~John~~

80. ~~John~~

60. ~~John~~

81. ~~John~~

61. Raylee Woody

82. ~~John~~

62. ~~Cent L. Scott~~

83. ~~John~~

63. ~~Mark J. Guther~~

84. ~~John~~

64. ~~Shanne Lawson~~

85. ~~John~~

65. ~~Scott Lawson~~

86. ~~John~~

87. ~~John~~

(3)

88 Kyle
89 Brand Fry
90 Mark Butz

91. ALBERTO RUIZES.

92. JD Short

93. Geraldine

94. Brandon Ockene

95. Jerry Short

96. Brandon Fugate

97. Leticia Cruz

98. SKYLER EDWARDS

99. ~~Justin~~

100. Cassie Shipp

101. Shelby Simers

102. McKenzie Embrook

103. MARYLOU JALAS

104. ~~Mark~~

105. ~~Ron Smith~~

106. ~~John~~

107. Jones Sizemore

108. ~~John~~

109. Regina M Randall

110. ~~John~~

111. ~~B. Kelp~~

112. ~~John~~

113. ~~John~~

114. ~~John~~ Shipp

115. Katie Howard

116. ~~Michael~~

117. ~~John~~

118. ~~John~~

119. Dottie Kay Nuemeyer

120. Mary Creech

121. ~~Richard~~ Buz

122. ~~John~~ S. Acers

123. ~~John~~ James

124. Cameron James

125. ~~John~~ Galy

126. ~~John~~ Galy

127. ~~John~~ Galy

128. ~~John~~ Galy

129. ~~John~~ Galy

130. ~~John~~ Galy

1-12-19
11:00

(4)

131. Cameron Martinez	153	Ally
132. Rod Pote	154	Azorez Ramo
133. Daniel Jiguel	155	Cathy Inul
134. Alan Wilson	156	Jack Schwaner
135. Camie Bay	157	W. Lochan
136. Anita M Jones	158	John Smith
137. Alan Broad	159	John
138. Malinda Trevino	160	Brian Corae
139. Peter Heston	161	John Corae
140. PIERRE Corae	162	John
141. Uday W	163	Camara Johnson
142. Russ McClay	164	Brent Johnson
143. Brian	165	Shuttl DM
144. Betty McClimans	166	Kim Dale
145. Wendy	167	Melody Cruz
146. Shane Hill	168	Wayne Lewis
147. Patty Starnet	169	Wayne
148. Sirrus Ford	170	Wayne
149. James	171	David Lepore
150. John	172	Widie Lepore
151. Walter	173	Shantene Mark
152. Joseph Aguel	174	Terri Stone

Let us smoke!!!!!!

173	Nichol	197
174	Adams	198
177	Vince R.	199
178	Can	200
179	Can	201
180	Can	202
181	Can	203
182	Can	204
183	Can	205
184	Can	206
185	Can	207
186	Cliff Knoch	208
187	Amos Dwyer	209
188	Ken Dwyer	210
189	Can	211
190	Can	212
191	Don Sun	213
192		214
193		215
194		216
195		217
196		218

Let's Smoke!!

Joe Depp	Jessica Harris
Marie Lopez	Carole Barnett
Cory Luker	Henry King
Jim Shays	John King
Betty Sharp	Duke R Venture
Henry Hayes	Susan Davis
Dee Hayes	Rick Kuster
John Hayes	Karen Emery
Camille K. John	Mary Ketter
Robert R. John	Barbara Cortese
Emmyla Correll	Ruben Arzoo
RD McNEIL	Bro Arzoo
William Leinings	M. Lee
Marie Bibler	John R
John Bibler	Time Glass
Cyrelia Millay	Mussie
Jennifer Pond	John R
Neil M. St. J.	John R
Lisa J.	John Thomas
Cheryl	Charles Fisher
	Candida Rustian

Let us Smoke in B&B

Maurice Brown	Jay Grayson
Kat Brown	John
Steve TWIN FALLS	
Donna Howard	Olivia Castillo
Suee Howard	Jessie Howard
Tim McNeill	Chris Dole
Betty A. Nelson	Spencer H. H.
Jack A. Nelson	Dicki H. H.
Bryg Hatter	John
Sam B. H.	John
Jim Miller	John
Joe Martiney	John
Pawn Lewis	John
Kayla Lewis	John
Nate Bergamen	John H. H.
Allen Walter	Wendy Hensen
Kyle Marking	John
Sam H. H.	Alexis Loggins
Sara Lapras	Steven H. H.
Amber H. H.	John
Angel H. H.	John



Date: Monday, April 1, 2019
To: Honorable Mayor and City Council
From: Jackie Fields, City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to authorize the Mayor to sign the 2019 Local Children Pedestrian Safety (CPS) program LHTAC/Local Agreement.

Time Estimate:

5 Minutes

Background:

In December of 2018, City staff brought to council a request to authorize the Mayor to sign an application applying for a 2019 Children Pedestrian Safety grant. To qualify for the grant, letters of recommendation for the project were requested from our community partners. These partners, the Twin Falls School District, the Perrine Elementary PTO, the Magic Valley Trail Enhancement Committee, and the City of Twin Falls Police department provided excellent letters of recommendation. Thanks in part to their quick response, the City of Twin Falls was awarded the grant in the amount of \$248,500.

This grant is funded through the State's Surplus Eliminator Program which splits remaining funds at the end of the year between a rainy day fund and transportation projects administered by ITD. The program is administered through the Local Highway Technical Assistance Council (LHTAC). The grant money will address pedestrian needs for students crossing Washington St. N. and walking to either I.B. Perrine Elementary school or Robert Stuart Middle School. A pedestrian crossing signal will be placed on Washington St. N at Caswell, under a separate ITD safety program this year. However, the sidewalk is not continuous from the intersection to the schools. This grant will allow about 1300 feet of curb gutter and sidewalk to be placed between Washington St. N and Sparks. The project will include some relocation of open-ditch irrigation facilities.

To receive the funds, LHTAC requires the City to sign an agreement delineating responsibilities.

Authorizing the Mayor to sign the agreement will enter the City into an agreement with LHTAC allowing them to award the City the funds for the project (\$248,500).

Approval Process:

The City Council authorizes the Mayor to sign the program agreement.

Budget Impact:

City staff will bid and administer the construction of the project. Design is being completed by a sub consultant and the fee (\$41,900.00) will be paid for out of the Engineering professional services line item.

Regulatory Impact:

None

History:

N/A

Analysis:

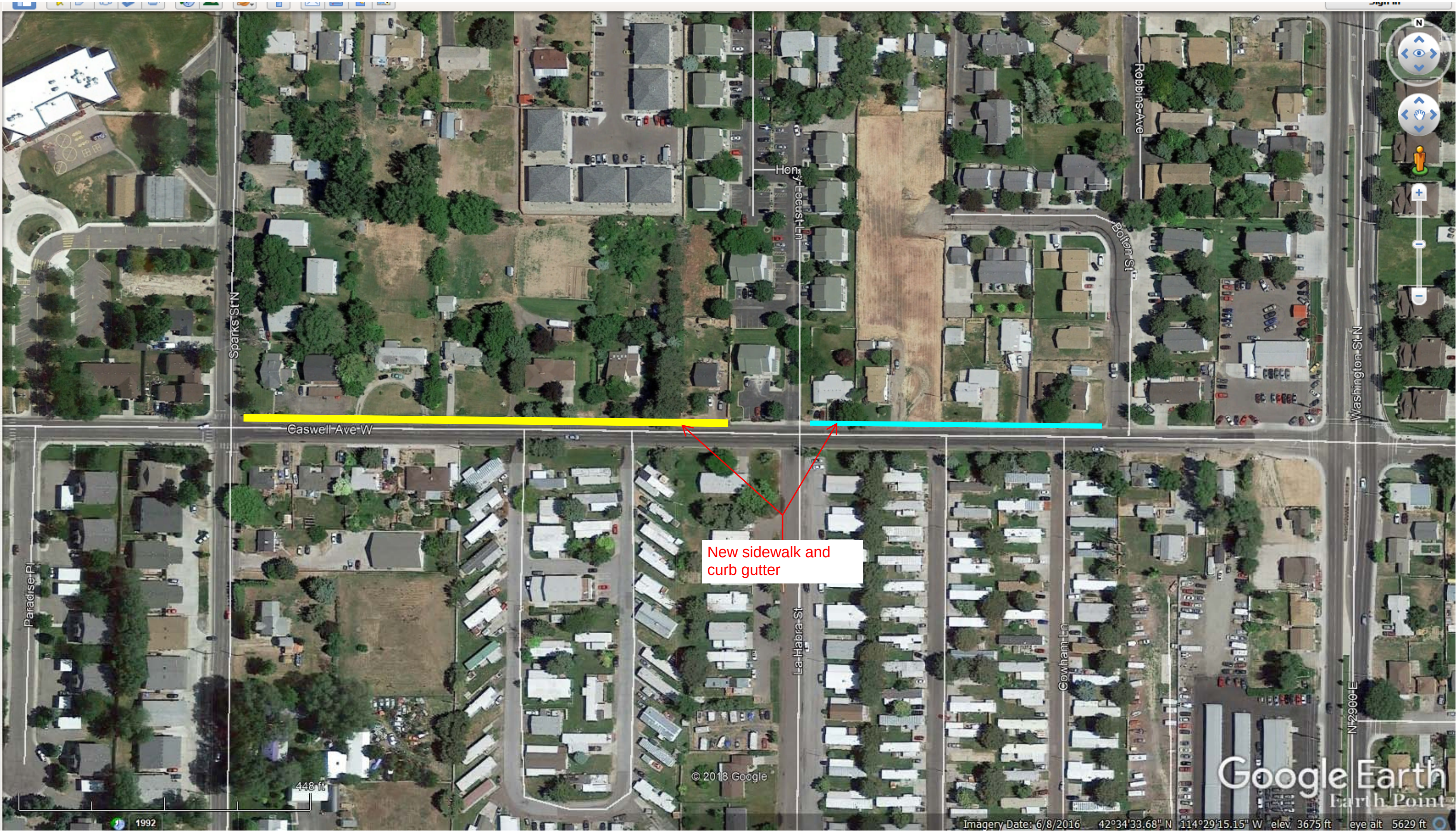
N/A

Conclusion:

Staff recommends that the Council authorize the Mayor to sign the program agreement form, for the 2019 Children Pedestrian safety Program agreement.

Attachments:

1. Caswell Sidewalk Display
2. CPS LHTAC Local Twin Falls



New sidewalk and curb gutter

Google Earth
Earth Point

Imagery Date: 6/8/2016 42°34'33.68" N 114°29'15.15" W elev 3675 ft eye alt 5629 ft

LHTAC/LOCAL AGREEMENT
2019 LOCAL CHILDREN PEDESTRIAN SAFETY (CPS) PROGRAM
CASEWELL AVE SCHOOL SIDEWALK PROJECT, CITY OF TWIN FALLS
CPS# 19-401

PARTIES

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the **LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL (LHTAC)**, hereafter called LHTAC, and **City of Twin Falls**, acting by and through its Board or Council (Sponsor).

PURPOSE

LHTAC is administering the Children Pedestrian Safety (CPS) Program on behalf of both LHTAC and the Idaho Transportation Department (ITD) with state funds obligated from the Idaho Legislature. This program is intended to serve the cities, counties and highway districts. The Sponsor has requested to receive a grant award to complete construction of its sidewalk/pathway project. The purpose of this Agreement is to set out the terms and conditions to accomplish this Project.

Authority for this Agreement is established by Senate Bill 1206 and House Bill 334 of the 2017 legislative session.

The Parties agree as follows:

SECTION I. GENERAL

1. It is necessary for Sponsor to construct the project as part of this Agreement.
2. State participation in the project is in the form of a grant for the amount of \$248,500. No match is required. Scheduled funding for this project is listed in the approved CPS Program rankings, and subsequent revisions.
3. If the project is terminated prior to completion, Sponsor shall repay to LHTAC all state funds received for the project.
4. The Sponsor acknowledges that eligible uses of funds are material purchases and hiring a contractor to perform work. Ineligible uses of funds include reimbursement of sponsor for agency work or salary cost including but not limited to design, construction or inspection related activities. Other ineligible uses of funds include engineering fees of any kind, equipment fees, project costs prior to agreement execution, project match, education and outreach.

5. Sufficient Appropriation. It is understood and agreed that LHTAC is a governmental agency, and this Agreement shall in no way be construed so as to bind or obligate LHTAC beyond the term of any particular appropriation of funds by the State.

SECTION II. LHTAC shall:

1. Provide the following services incidental to Project development:
 - a. Provide support to the Sponsor on project bidding, procurement processes, general questions, and other technical assistance.
 - b. Provide approved funding to Sponsor upon receipt of agreement.
 - a. Complete final acceptance of each Project based on Sponsor documentation and physical observation.
2. Maintain all application and award records, including source documentation for all expenditures for a period of three (3) years from the date of final acceptance. If any litigation, claim, negotiation, or audit has been started before expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues that arise from it.
3. Bill Sponsor for any state funds to be repaid by Sponsor if Project is terminated prior to completion.
4. Cancel the Agreement should Sponsor not be able to provide an acceptable mid project update by **July 1, 2019** and request Sponsor to return the funds, unless a written extension has been granted by LHTAC.

SECTION III. Sponsor shall:

1. Sponsor warrants that it will repay any state funds on this project if Project is terminated prior to completion. The Sponsor also warrants that it will repay all state funds if an acceptable mid project update is not provided to LHTAC by **July 1, 2019** unless an extension has been granted by LHTAC.
2. Provide LHTAC with a mid-project report by **July 1, 2019**.
3. Provide LHTAC with before and after pictures upon completion of the project.
4. Bid and award the project following state procurement

rules if applicable.

5. Complete Project and provide Project Closeout Form and financial records to LHTAC by **December 6, 2019**.
6. Comply with all other applicable Federal and State statutes and regulations.
7. Sponsor agrees that failure to deliver any of the specified items listed above may result in the program award being rescinded.
8. Any excess funds that cannot be used on eligible expenses shall be returned to LHTAC for the CPS Program.

EXECUTION

This Agreement is executed for LHTAC by its Administrator, and executed for Sponsor by its duly appointed representative, attested to by its Clerk.

LHTAC

Administrator

ATTEST:

City of Twin Falls

Clerk

Representative



Date: Monday, April 1, 2019
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: A request for approval to sign a contract with Sybolon Reid Construction for the Canyon Springs Rockfall Mitigation Project.

Time Estimate:

Staff Estimates approximately 5 minutes to explain the request followed by Council's time for questions

Background:

Engineering, with council's support, has gone through the process of analyzing and designing a project to mitigate rock fall on Canyon Springs Grade along with maintenance of the roadway. The project has been split into two parts due to the complexity of the job and requirements to perform the work is best suited to two different construction types. On March 7, 2019 bids were opened for the Canyon Springs Rockfall Mitigation project and I am bringing before you a request to sign a contract with Syblon Reid Construction in the amount of \$934,937.00 to complete the work. The project was publicly bid and we received two bidders of which Engineering is recommending awarding to the lowest bid at this time. Engineering will later bring back phase two of roadway reconstruction once that has been bid for council's consideration.

Approval Process:

A majority vote of the council to allow the City Engineer to execute a contract with Syblon Reid Construction is required to execute the contract.

Budget Impact:

Engineering has included the bid tabulation for your review. This project was originally estimated to be \$702,855 by JUB Engineers when it was first presented to council and in fiscal year 17-18 an amount of \$700,000 was placed into the streets budget to complete the rock fall portion of the project. Due to delays with access to the top of the rim and changes in the scope of the project to provide that access, Engineering was not able to sign a contract before fiscal year 17-18 ended. That 700,000 was rolled into street reserves at that time. With the requirement of constructing an access road on top of the rim which later will be used as the base construction for a future trail connection, the project increased in cost. Engineering received two bids of 934,937 and 1,207,546 and are recommending award to the lowest bidder. Engineering has met with finance and public works to review the streets reserve budget that the 700,000 rolled into and all believe the funds are still available along with the additional 234,937 required to sign the contract.

Regulatory Impact:

N/A

History:

N/A

Analysis:

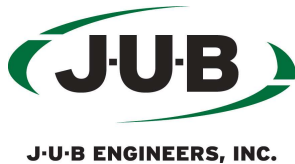
N/A

Conclusion:

Engineering recommends council vote to allow the City Engineer to sign a contract with Syblon Reid Construction Construction in the amount of \$934,937.00.

Attachments:

1. award recommendation letter with attachments



J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

March 22, 2019

Mr. Troy Vitek, P.E.
Assistant City Engineer
City of Twin Falls, Idaho
203 Main Avenue East
Twin Falls, Idaho 83301

RE: CANYON SPRINGS ROCKFALL MITIGATION PROJECT – BID REVIEW

Dear Troy,

Bids for the City of Twin Falls Canyon Springs Rockfall Mitigation were received and opened from two bidders on March 7, 2019. Attached is a Bid Tabulation summarizing the unit prices and total bid amount for each bidder. Following is a summary of the bid results:

Contractor	Base Bid Schedule	Idaho Public Work License No.
Syblon Reid Construction	\$934,937	030704-unlimited-1-2-3
Rock Supremacy, LLC	\$1,207,546	012958-AA-1

J-U-B has reviewed the bids for compliance with the administrative requirements in the Bid Documents and both bidders appear to be responsive. We have also listed the Public Works Contractor Licenses for each bidder above, as registered with the State of Idaho Division of Building Safety.

Per the Bid Form (Document 00410), the basis of award for the project will be on the Base Bid Schedule that is the lowest responsive bid in total price, conforms with all the conditions of the Bid Documents, is in the best interest of the project, and is within the City's available budget. From our review, it is our opinion that Syblon Reid Construction appears to have submitted the lowest responsive bid in total price for Base Bid Schedule for an amount of \$934,937 and we recommend that they be considered by the City for award of the contract in that amount.

Upon City Council approval, please sign the enclosed Notice of Award. We will send the signed Notice of Award and Contract Documents to Syblon Reid Construction for execution. If you have any questions, please contact me at 376-7330.

Sincerely,

J-U-B ENGINEERS, Inc.

Brian D. Smith, P.E.
Project Manager

Enclosures: Bid Tabulation; Notice of Award

Date of Issuance:

TO BIDDER:

Canyon Springs Road Rockfall Mitigation Project

☐ a set of the Drawings will be delivered separately from the other Contract Documents.

1. Deliver to Owner three (3) counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security *[e.g., performance and payment bonds]* and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any): WH5 Public Works Contract Report.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Title:

Copy: Engineer

City of Twin Falls - Canyon Springs Rockfall Mitigation
Bid Tabulation

3/7/2019

		Engineer's Estimate				Syblon Reid Construction				Rock Supremacy LLC				
Bid Item	Description	Quantity	Unit	Unit Cost	Total Cost	Quantity	Unit	Unit Cost	Total Cost	Quantity	Unit	Unit Cost	Total Cost	
Rockfall Mitigation														
2010.4.1.A.1	Rockfall Contractor Mobilization	1	LS	\$ 50,000.00	\$ 50,000.00	1	LS	\$ 45,000.00	\$ 45,000.00	1	LS	\$ 63,000.00	\$ 63,000.00	
SP-9001.C.1	Debris Removal	150	CY	\$ 50.00	\$ 7,500.00	150	CY	\$ 135.00	\$ 20,250.00	150	CY	\$ 82.00	\$ 12,300.00	
SP-2102.4.1.A.1	Construction Coordination, Scheduling, Phasing and Staging	1	LS	\$ 4,000.00	\$ 4,000.00	1	LS	\$ 20,000.00	\$ 20,000.00	1	LS	\$ 30,000.00	\$ 30,000.00	
SP-9002.A.1	Rockfall Drapery (Anchored Wire Cable Mesh Composite)	26600	SF	\$ 12.00	\$ 319,200.00	26600	SF	\$ 10.00	\$ 266,000.00	26600	SF	\$ 4.85	\$ 129,010.00	
202.4.2.A.1	Rock Ditch / Backslope Excavation	537	CY	\$ 50.00	\$ 26,850.00	537	CY	\$ 70.00	\$ 37,590.00	537	CY	\$ 22.00	\$ 11,814.00	
302.4.1.A.1	Catch Ditch Rock Excavation	162	CY	\$ 175.00	\$ 28,350.00	162	CY	\$ 240.00	\$ 38,880.00	162	CY	\$ 25.00	\$ 4,050.00	
307.4.1.A.1	Miscellaneous Surface Restoration (Sod / Landscaping)	1500	SF	\$ 3.00	\$ 4,500.00	1500	SF	\$ 1.00	\$ 1,500.00	1500	SF	\$ 12.00	\$ 18,000.00	
SP-2216.4.1.A.1	Storm Water Management	1	LS	\$ 5,000.00	\$ 5,000.00	1	LS	\$ 40,000.00	\$ 40,000.00	1	LS	\$ 15,000.00	\$ 15,000.00	
307.4.1.A.7	Miscellaneous Surface Restoration (Natural Ground)	6090	SF	\$ 1.40	\$ 8,526.00	6090	SF	\$ 2.00	\$ 12,180.00	6090	SF	\$ 3.50	\$ 21,315.00	
307.4.1.F.1	Type "P-1" Surface Restoration	200	SY	\$ 30.00	\$ 6,000.00	200	SY	\$ 65.00	\$ 13,000.00	200	SY	\$ 50.00	\$ 10,000.00	
SP-9001.A.1	Rock Scaler	160	MH	\$ 200.00	\$ 32,000.00	160	MH	\$ 220.00	\$ 35,200.00	160	MH	\$ 90.00	\$ 14,400.00	
SP-9001.A.2	Foreman	80	MH	\$ 200.00	\$ 16,000.00	80	MH	\$ 200.00	\$ 16,000.00	80	MH	\$ 95.00	\$ 7,600.00	
SP-9001.A.3	Trackhoe Equipment and Operator	30	HRS	\$ 400.00	\$ 12,000.00	30	HRS	\$ 310.00	\$ 9,300.00	30	HRS	\$ 220.00	\$ 6,600.00	
1103.4.1.I.1	Traffic Control Flaggers	800	MH	\$ 40.00	\$ 32,000.00	800	MH	\$ 45.00	\$ 36,000.00	800	MH	\$ 65.00	\$ 52,000.00	
SP-1105.A.1	Temp Traffic Signal Rental	60	DAY	\$ 200.00	\$ 12,000.00	60	DAY	\$ 400.00	\$ 24,000.00	60	DAY	\$ 700.00	\$ 42,000.00	
1103.4.1.B.1	Traffic Control Signs	334	SF	\$ 6.00	\$ 2,004.00	334	SF	\$ 12.00	\$ 4,008.00	334	SF	\$ 28.50	\$ 9,519.00	
1103.4.1.H.1	Tubular Markers	100	EA	\$ 10.25	\$ 1,025	100	EA	\$ 35.00	\$ 3,500	100	EA	\$ 1.00	\$ 100	
1103.4.1.C.1	Traffic Control Barricades	4	EA	\$ 100.00	\$ 400.00	4	EA	\$ 200.00	\$ 800.00	4	EA	\$ 125.00	\$ 500.00	
SP-9003.B.1	Shotcrete	30	CY	\$ 400.00	\$ 12,000.00	30	CY	\$ 675.00	\$ 20,250.00	30	CY	\$ 365.00	\$ 10,950.00	
SP-9003.A.1	Stacked Rock Wall Buttress	2850	SF	\$ 30.00	\$ 85,500.00	2850	SF	\$ 20.00	\$ 57,000.00	2850	SF	\$ 138.00	\$ 393,300.00	
1103.4.1.L.1	Portable concrete guardrail / barrier	600	LF	\$ 30.00	\$ 18,000.00	600	LF	\$ 55.00	\$ 33,000.00	600	LF	\$ 68.00	\$ 40,800.00	
SP-9002.B.1	Sewer Line Protection	1	LS	\$ 20,000.00	\$ 20,000.00	1	LS	\$ 5,000.00	\$ 5,000.00	1	LS	\$ 30,000.00	\$ 30,000.00	
Rockfall Mitigation Sub-Total:					\$ 702,855.00	Rockfall Mitigation Sub-Total:				\$ 738,458.00	Rockfall Mitigation Sub-Total:			\$ 922,258.00
Construction Access Road														
201.4.1.B.1	Clearing and Grubbing	1	LS	\$ 30,000.00	\$ 30,000.00	1	LS	\$ 30,000.00	\$ 30,000.00	1	LS	\$ 50,000.00	\$ 50,000.00	
202.4.1.C.1	Removal of Obstructions	1	LS	\$ 22,500.00	\$ 22,500.00	1	LS	\$ 25,000.00	\$ 25,000.00	1	LS	\$ 50,000.00	\$ 50,000.00	
601.4.1.A.5	12" Gravity Irrigation / Storm Drain Pipe	45	LF	\$ 80.00	\$ 3,600.00	45	LF	\$ 200.00	\$ 9,000.00	45	LF	\$ 1,250.00	\$ 56,250.00	
601.4.1.A.11	Corrugated Galvanized Steel Pipe - 12"	27	LF	\$ 80.00	\$ 2,160.00	27	LF	\$ 300.00	\$ 8,100.00	27	LF	\$ 100.00	\$ 2,700.00	
602.4.1.A.1	Gravity Irrigation Manhole, Type A	1	EA	\$ 5,000.00	\$ 5,000.00	1	EA	\$ 6,000.00	\$ 6,000.00	1	EA	\$ 16,000.00	\$ 16,000.00	
704.4.1.D.1	Precast Concrete Headwall	1	EA	\$ 4,000.00	\$ 4,000.00	1	EA	\$ 15,000.00	\$ 15,000.00	1	EA	\$ 36,500.00	\$ 36,500.00	
801.4.1.A.1	3" minus Unchrished Aggregate Base	697	CY	\$ 50.00	\$ 34,850.00	697	CY	\$ 77.00	\$ 53,669.00	697	CY	\$ 45.00	\$ 31,365.00	
802.4.1.A.1	Type 1 Crushed Aggregate Base	285	CY	\$ 60.00	\$ 17,100.00	285	CY	\$ 88.00	\$ 25,080.00	285	CY	\$ 95.00	\$ 27,075.00	
1006.4.1.B.1	Rip Rap Slope and Outlet Protection	17	SY	\$ 110.00	\$ 1,870.00	17	SY	\$ 350.00	\$ 5,950.00	17	SY	\$ 2.00	\$ 34.00	
2040.4.1.B.1	Construction Gate	2	EA	\$ 3,000.00	\$ 6,000.00	2	EA	\$ 5,000.00	\$ 10,000.00	2	EA	\$ 2,500.00	\$ 5,000.00	
2040.4.1.B.2	Temporary Construction Fence	950	LF	\$ 12.25	\$ 11,637.50	950	LF	\$ 4.00	\$ 3,800.00	950	LF	\$ 6.80	\$ 6,460.00	
2050.4.1.B.1	Erosion Control Geotextile	122	SY	\$ 50.00	\$ 6,100.00	122	SY	\$ 40.00	\$ 4,880.00	122	SY	\$ 32.00	\$ 3,904.00	
Construction Access Road Sub-Total:					\$ 144,817.50	Construction Access Road Sub-Total:				\$ 196,479.00	Construction Access Road Sub-Total:			\$ 285,288.00
Project Total:					\$847,673	Project Total:				\$934,937	Project Total:			\$1,207,546



Date: Monday, April 1, 2019
To: Honorable Mayor and City Council
From: Nathan Murray, Executive Director

PRESENTATION

Request:

PRESENTATION: Presentation of the 2018 Annual Report of the Urban Renewal Agency.

Time Estimate:

4 minutes.

Background:

Title 50, Chapter 2006(c) requires that Urban Renewal Agencies operating in Idaho prepare an annual report by March 31st of each year regarding its activities and finances for the preceding calendar year. It was presented and approved by the Agency board on March 11th.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

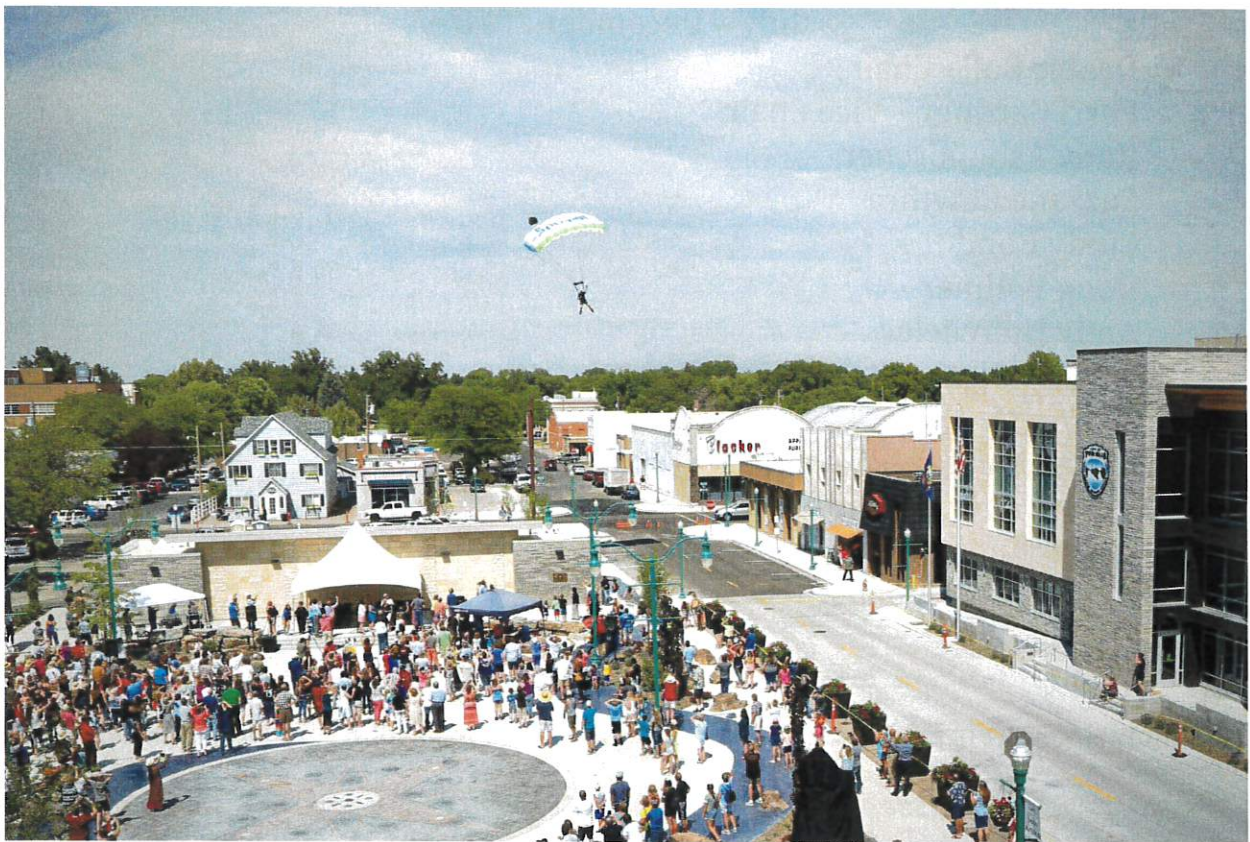
N/A

Conclusion:

The report has been filed with the City Clerk and published in the Times-News. Completion of this process has the Agency in compliance with the statutory requirements for reporting.

Attachments:

1. 2018 Annual Report



2018 Annual Report

Board of Commissioners

January – June 2018

Dan Brizee - Chair
Dexter Ball – Vice Chair
Neil Christensen – Secretary
Perri Gardner
Rudy Ashenbrener
Suzzane Cawthra
Cindy Bond

July – December 2018

Dexter Ball - Chair
Perri Gardner – Vice Chair
Rudy Ashenbrener
Suzzane Cawthra
Cindy Bond
Doug Vollmer
Andy Hohwieler

Staff

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

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

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

Agency Activities for 2018

160 Main Avenue S

In January, the Urban Renewal Agency of the City of Twin Falls (the “Agency”) purchased the property at 160 Main Ave South in Downtown Twin Falls. The 25,000 sq. ft. building, originally built as the Idaho Department Store, had been for sale for over a year and was falling into disrepair. The Agency deemed the property as a strategic site because of its location across from City Hall and the Downtown Commons, and elected to purchase the building with the intent to redevelop the lot to include housing.



In February, the Agency issued a request for proposals to develop the site and in April the Agency met to select a response.

Summit Creek Capital was selected by the Board as the preferred developer of the site and a committee was formed to begin negotiating a development agreement. No construction activity has begun to date, but the proposed development of the site is a

37,000 sq. ft., four-story structure that includes 28-units of residential, an office tenant and ground level retail and restaurant space.

Historic Ballroom

The Historic Ballroom Project at 219 Shoshone Street North, which began in 2017, was substantially completed in 2018 and became the site for a new restaurant and office space in downtown, continuing the momentum that began with the Main Avenue Project. The owners had some delays in the summer months with removing large quantities of rock in the basement area but were on track by the end of the year. The agency spent \$386,000 toward public infrastructure to assist the project's completion and support future growth on surrounding properties.



Rock Creek Trail

In March, the City of Twin Falls reached out to the Agency about the possibility of paving a new walking trail on property the Agency owns in Rock Creek Canyon. The property is located adjacent to property owned by the City that was receiving upgrades to utility lines and the repaving of the Rock Creek Trail. The Agency Board elected to take advantage of the costs savings made possible by the City project and spend money to pave an additional quarter-mile of trail in Rock Creek Canyon. Though not a lengthy distance, the new section of trail was positively received by the public and supports the longer-term community goal to extend the trail and improve access along Rock Creek.

Downtown Commons

The seminal moment in 2018 for Twin Falls, and the Agency, was the completion of the Downtown Commons on July 6. The event was marked by a ribbon cutting ceremony and the recognition of several parties involved in planning, designing, and building the new one-quarter acre park on Main Avenue across from the recently completed City Hall.

The Downtown Commons is a key community gathering space for the citizens of Twin Falls with a water fountain for summer activity, an art wall, stage area for performances, and the John Hayes statue completed by local sculptor Dave LaMure.



Downtown Events

Following the completion of Main Avenue in 2017, and the Downtown Commons in 2018, the Community was able to host and support several events that drew thousands of visitors to Downtown Twin Falls.

On July 7, 2018, the 1st Annual Twin Falls-Old Town Criterium bike race, sponsored by Clif Bar, took place along Main Avenue and 2nd Avenue North between Eden and Hansen Streets, attracting participants from across the region. The Twin Falls Tonight Concert Series took its new home on the Downtown Commons stage every Wednesday in the summer months. And, an ice rink was setup in the Commons in late November, which operated through the holiday season.

Downtown also hosted annual parades, including St. Patrick's Day, high school homecomings, Oktoberfest, the Festival of Lights, and saw the return of Crazy Days which all added to the vibrancy of Downtown.

Idaho Grow Smart Award



In November, Idaho Smart Growth awarded the Urban Renewal Agency of the City of Twin Falls a Grow Smart Award, which honors projects throughout the state that exemplify efforts in planning and development that help create great places to live in Idaho. The Agency was awarded for the Main Avenue and Downtown Commons projects which established "more pedestrian-oriented streets and amenities as a magnet for private investment."

Financial Statements

Table 1

**Statement of Net Position
As of September 30, 2017 and 2018**

			Percentage Change
	2017	2018	2017-2018
Current & Other Assets	\$ 10,910,590	\$ 6,150,286	(44%)
Capital Assets	25,798,953	3,640,735	(86%)
Total Assets	36,709,543	9,791,021	(73%)
Long-term Debt Outstanding	69,136,033	67,891,623	(2%)
Other Liabilities	2,109,833	156,484	(93%)
Total Liabilities	71,245,866	68,048,107	(4%)
Net Investment in Capital Assets	(40,579,121)	(56,906,187)	(40%)
Restricted and Unrestricted	6,042,798	(1,350,899)	(122%)
Total Net Position	\$ (34,536,323)	\$ (58,257,086)	(69%)

Statement of Net Position

The Statement of Net Position reports on the assets and liabilities of the Agency. Notable changes in Net Position value are typically the result of large debt service payments; the timing of large public improvement projects; or the purchase, sale, or contribution of capital assets. This year most of the increase in total assets can be attributed to activity going on with the construction activity going on around the Downtown Commons and the sale of the C3 building. The Agency has inventoried past project costs and this year contributed the results of the project improvements to the City.

Table 2

Statement of Activities
For Years Ended September 30, 2017 and 2018

			Percentage Change
	2017	2018	2017-2018
Charges for Services - Rent	\$ 452,148	\$ 71,189	(84%)
Property Tax Increment	9,795,235	9,772,099	0%
Capital Contributions	120,000		(100%)
Other Income and Sale of Assets	(5,848,243)	(2,425,077)	59%
Investment Earnings	66,818	111,706	67%
Total Revenue	4,585,958	7,529,917	64%
General Government	412,589	372,707	(10%)
Rental Property Expenses	263,945	240,961	(9%)
Community Development	654,796	27,453,619	4,093%
Interest on Long-Term Debt	2,581,655	3,183,393	23%
Total Expenses	3,912,985	31,250,680	699%
Increase (Decrease) in Net Assets	672,973	(23,720,763)	(3,625%)
Net Position - Beginning	(35,209,296)	(34,536,323)	2%
Net Position - Ending	\$ (34,536,323)	\$ (58,257,086)	(69%)

Statement of Activities

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

Revenues

The property tax increment was pretty stable and very comparable to last year.

The City sold its "C3" building to the tenant of the property. That transaction created a \$2,575,000 loss to the Agency when the proceeds were reduced by the undepreciated value of the land and building. The transaction is included in the Other Income and Sale of Assets category above. The sale also the reduced amount of rent collected for the year.

With the sale of the building and the rental activity of the Agency substantially reduced, the Agency elected to close out the reporting of its rental activity as a separate fund. Going forward any rental activity will be tracked in the General Fund. The residual balance of the Proprietary Fund was transferred to the General Fund to be used for future Agency projects as determined by the Board.

Expenses

The Agency has been involved, for a few years, in the reconstruction of downtown and the Agency has been accumulating those costs. This year the project was completed and the ownership of the public infrastructure improvements has been transferred to the City.

The Agency was also involved developing infrastructure in conjunction with the construction of the new Clif Bar baking facility. The transfer of the accumulated costs of both of those activities to the City is reflected in Community Development expenses of over \$27,000,000, as reflected above.

RESOLUTION NO. 2019-02

A RESOLUTION OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO, AUTHORIZING THE FILING OF ITS ANNUAL REPORT OF ACTIVITIES WITH THE CITY OF TWIN FALLS.

WHEREAS, Idaho Code 50-2006(c) requires every urban renewal agency exercising powers under the Urban Renewal Law to file with the local governing body a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year; and,

WHEREAS, Idaho Code 50-2006(c) requires every urban renewal agency to hold a public meeting to report these findings and take comments from the public; and,

WHEREAS, Idaho Code 50-2006(c) requires every urban renewal agency, at the time of filing the report, to publish in a newspaper of general circulation in the community a notice that the report has been filed with the municipality and that the report is available for inspection during business hours in the office of the agency.

NOW, THEREFORE, BE IT RESOLVED BY THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO:

Section 1: That the 2018 Annual Report of the Urban Renewal Agency of the City of Twin Falls shall be filed with the City of Twin Falls.

Section 2: That the following "Notice of Filing the Annual Report of the Urban Renewal Agency of the City of Twin Falls" shall be published in the Times News:

"Notice of Filing of the 2018 Annual Report
of the Urban Renewal Agency of the City of Twin Falls, Idaho

The Urban Renewal Agency of the City of Twin Falls, Idaho has filed its 2018 Annual Report with the City of Twin Falls. The Report is available for inspection during business hours in the office of the Urban Renewal Agency, located at City Hall, 203 Main Avenue East, Twin Falls, Idaho."

PASSED AND ADOPTED by the Urban Renewal Agency of the City of Twin Falls on March 11, 2019.

APPROVED AND EXECUTED by the Chairman of the Board of Commissioners of the Agency and attested by the Secretary to the Board of Commissioners, on this 11th day of March 2019.

APPROVED:

By: 
Dexter Ball, Chair

ATTEST:

By: 
Lorrie Bauer, Secretary



Date: Monday, April 1, 2019
To: Urban Renewal Agency of the City of Twin Falls
From: Nathan Murray, Executive Director

ACTION ITEM

Request:

ACTION ITEM: Request to Approve an Economic Feasibility Study and Eligibility Report in regards to a potential revenue allocation area for the Urban Renewal Agency of the City of Twin Falls.

Time Estimate:

N/A

Background:

Idaho Urban Renewal Law states that a formal Eligibility Study should be conducted for the establishment of new Revenue Allocation Areas so that the local Agency and City Council will consider current information on which to exercise their discretion.

In January 2019, the URA of Twin Falls authorized Kushlan & Associates to perform an Eligibility Report within the vicinity of Washington Street South. The completed report is attached to this staff report and provides important background information on population and growth projections, housing and owner-occupancy rates, and local income earnings versus state-wide statistics. Most importantly, the eligibility report considers these statistics in regards to Idaho Code 50-2018(9), 50-2903(8), and 50-2008(d), which outlines requirements for deteriorated and deteriorating sites and structures which qualify areas for revenue allocation.

If the Eligibility Report finds that one or more of the conditions noted above exists within the study area, then the Agency may accept the findings and forward the Eligibility Report to the City Council for their consideration. If the City Council concurs with the determination of the Agency, they may direct that an Urban Renewal Plan be developed for the area that addresses the issues raised in the Eligibility Report.

Based upon Kushlan & Associates review of the data and the conditions that exist within the Study Area, the TFURA and the Twin Falls City Council may, at its discretion, determine that the Washington Street South area is eligible for the establishment of an urban renewal district because of, among other things, the inadequate street layout and faulty layout in relation to size and usefulness of the property, underdevelopment in the area, and impediments to growth.

On March 11, 2019, the Urban Renewal Agency of the City of Twin Falls adopted Resolution 2019-03 accepting the findings of the Eligibility Report. Agency attorneys have prepared a resolution in case the City Council elects to adopt the Eligibility Report. The resolution is attached to this staff report.

Approval Process:

A majority vote by the City Council would authorize the Mayor to sign the resolution and accept the findings of the Eligibility Report.

Budget Impact:

N/A

Regulatory Impact:

N/A

Conclusion:

Staff recommends adoption of the report.

Attachments:

1. Washington Street So URD Eligibility Report 2019-03
2. Resolution 2019-03 (URA) - Washington St S Eligibility Report
3. Res 2019-___ Wash Str S Eligibility Rpt - City Council

Twin Falls Washington Street South Urban Renewal District

Eligibility Report

Prepared for

The Twin Falls Urban Renewal Agency
March 2019



Kushlan | Associates
Boise, Idaho

Introduction: Kushlan | Associates was retained by the Urban Renewal Agency of the City of Twin Falls (the “Agency”) to assist them in their consideration of establishing a new urban renewal district in the City of Twin Falls, Idaho (the “City”).

The Mayor, with the confirmation of the City Council, has appointed seven members to the Agency Board to guide the development of urban renewal plans and oversee their implementation. The current membership of the Agency Board is as follows:

Chair:	Dexter Ball
Vice Chair	Perri Gardner
Commissioners	Rudy Ashenbrener
	Cindy Bond
	Suzzane Cawthra
	Andy Hohwieler
	Doug Vollmer

Urban Renewal
Executive Director: Nathan Murray

Background: While Native Americans inhabited the area for millennia, the development of the community of Twin Falls, as we know it today was initiated in 1900. I. B. Perrine had farmed in the Snake River Canyon since 1884, providing sustenance to the Wood River mines and the surrounding area in South Central Idaho. In response to the adoption of the Carey Act in 1894 that encouraged the development of facilities to irrigate traditionally arid lands, Perrine lead an effort to create the Twin Falls Land and Water Company (TFLWC) in 1900 supported by Salt Lake and Eastern financial interests. The first infrastructure investment was the construction of Milner Dam on the Snake River on which construction was commenced in 1903 and completed in 1905. Construction of distribution facilities in the Main Line, Highline and Lowline canals set the stage for the establishment of the community of Twin Falls with the original plat being filed on May 12, 1904 with formal incorporation occurring in 1905.

The Idaho State Legislature created Twin Falls County (the “County”) on February 21, 1907 naming the City of Twin Falls as County Seat. The County had previously been part of Cassia County and Owyhee County at different times in its history. As farming grew as the lead component of the area’s economy, the community grew to support those engaged in that enterprise.

Over time the community has grown and prospered, often influenced by transportation improvements impacting the region. The Minidoka and Southwestern Railroad (M&SW) arrived in the City on August 7, 1904. The M&SW was acquired by the Oregon Short Line Railroad, a division of the Union Pacific Railroad, in 1912. The Twin Falls – Jerome Intercounty Bridge was opened in 1927 connecting the communities north and south of the Snake River.

Now called the I.B. Perrine Bridge it serves as the crossing for US Highway 93 that connects Mexico and Canada through Nevada, Idaho and Montana. U.S. 93 runs through the City, as do US Highway 30 and State Highways 50 and 74. Interstate 84 now carries its east-west traffic approximately 3 miles north of the City.

In support of that continuing economic vitality of the region, the community turned to the Urban Renewal Law in 1965 with the creation of the Agency by Resolution 909 adopted by the City Council on July 19, 1965. In 1997 the City Council adopted Resolution 1603 that consolidated prior existing urban renewal areas into a new combined Area 4. Subsequent to that action, the City Council established three revenue allocation areas to pursue specific objectives. Those areas are noted below with their expiration dates:

Area 4-1 (Old Towne)	2022
Area 4-3 (Chobani)	2031
Area 4-4 (Clif Bar)	2035

Further industrial development located within the existing urban renewal area has been proposed. However, the required findings regarding deteriorated or deteriorating conditions were last formally analyzed in 1997 and were not applied to the specific properties under review. It has been determined that a formal Eligibility Study as required under Idaho Code should be conducted for this and any future areas that the Agency and City will consider to ensure the decision makers have current information on which to exercise their discretion.

Cities across the nation actively participate in the economic vitality of their communities through investment in infrastructure. Water and sewer facilities as well as transportation and other systems are all integral elements of an economically vital community. Idaho cities have a significant challenge in responding to these demands along with the on-going need to reinvest in their general physical plant to ensure it does not deteriorate to the point of system failure. Idaho cities face stringent constitutional limitations and near total dependence upon legislative action to provide funding. An Idaho city's access to funding sources and the ability to employ effective financing mechanisms such as General Obligation bonding, severely constrain capital investment strategies.

With a difficult approval threshold (66 2/3%) for bond issues, accessing what few tools exist in Idaho cities remains a prudent exercise of the City's fiduciary obligations. The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law of 1965 and the Local Economic Development Act are some of the few that are available. New sources of State support are not likely to become available in the foreseeable future, thus the Agency's interest in exploring the potential for establishing their fourth urban renewal district is appropriate.

Demographics: According to the US Census Bureau, the estimated 2017 population of the City is 49,202 and has grown by 11% since 2010. This is a

slightly lower growth rate than that experienced statewide which was 11.9% during that period.

At 28%, the City's percentage of people under 18 years of age exceeds the statewide percentage of 25.8% by 2.2%. The percentage of population under 5 years of age exceeds the statewide figure by 1.1% (7.7% vs. 6.8%). The percentage of the City's population over 65 years of age (13.7%) is less than the statewide percentage (15.4%) by 1.7%. These statistics reflect a population base that is slightly younger than that found statewide.

The population is predominately white at 90.2% as compared to the statewide percentage of 93.2%. The Hispanic population exceeds the statewide percentage by 3.6% (16.1% vs. 12.5%).

Housing units are 61.8% owner-occupied as opposed to the statewide statistic of 69.2%. Median value of owner-occupied housing units is \$146,600 as compared to \$176,800 statewide. Monthly owner costs with mortgage is \$1,079 as compared to the statewide figure of \$1,195. Median gross rent in the City is reported as \$757 as compared to \$792 statewide.

When income statistics are compared to statewide numbers, we see that the population of the City lags the rest of Idaho in these categories as well. The median household income in the City is \$46,283, approximately 10% below the statewide figure of \$50,985. Per capita monthly income for the City's population is \$21,704 as compared to the statewide number of \$25,471. The percentage of the City's population below poverty level is 15.7% as compared to the statewide number of 12.8%.

These statistics suggest that the City's population may have limited capacity to fund new or increasing revenue sources to support economic development efforts in addition to on-going operational requirements. Thus, utilizing existing investment mechanisms such as found in Title 50, Chapters 20 and 29 is a prudent exercise of local legislative authority.

Statistics are derived from the latest United States Census Bureau Report.

Steps in Consideration of an Urban Renewal District: The first step in consideration of establishing an urban renewal district in Idaho is to define a potential area for analysis as to whether conditions exist within it to qualify for redevelopment activities under the statute. We have called this the "Study Area."

The next step in the process is to review the conditions within the Study Area to determine whether the area is eligible for creating a district. The State Law governing urban renewal sets out the following criteria, at least one of which must be found, for an area to be considered eligible for urban renewal activities:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site [50-2018(9); and 50-2903(8)(b) and (8)(c); and 50-2008(d)(4)(2)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)]
4. Outmoded Street Patterns [50-2008(d)(4)(2)]
5. Need for Correlation of Area with Other Areas of a Municipality by Streets and Modern Traffic Requirements [50-2008(d)(4)(2)]
6. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness [50-2018(9) and 50-2903(8)(b)]
7. Unsuitable Topography or Faulty Lot Layouts [50-2008(d)(4)(2)]
8. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
9. Diversity of Ownership [50-2018(9); and 50-2903(8)(b) and (8)(c); and 50-2008(d)(4)(2)]
10. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
11. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b)]
12. Conditions Which Retard Development of the Area [50-2008(d)(4)(2)]
13. Results in Economic Underdevelopment of the Area [50-2903(8)(b)] and Economic Disuse [50-2008(d)(4)(2)]

If the Eligibility Report finds that one or more of the conditions noted above exists within the Study Area, then the Agency may accept the findings and forward the Eligibility Report to the City Council for their consideration. If the City Council concurs with the determination of the Agency, they may direct that an Urban Renewal Plan be developed for the area that addresses the issues raised in the Eligibility Report.

The Agency then acts to prepare the Urban Renewal Plan for the new District and determines whether to also recommend the establishment of a Revenue Allocation Area to fund improvements called for in the Plan. Once the Plan for

the District and Revenue Allocation Area are completed, the Agency Board forwards it to the City Council for their consideration.

The City Council must refer the Urban Renewal Plan to the Planning and Zoning Commission for a finding that the Plan, as presented, is consistent with the City's Comprehensive Plan. At the same time, other taxing entities levying property taxes within the boundaries of the proposed Urban Renewal District are provided a thirty-day opportunity to comment on the Plan to the City Council. While the taxing entities are invited to comment on the Plan, their concurrence is not required for the City Council to proceed with their formal consideration.

Once the Planning and Zoning Commission makes their finding of conformity and the thirty-day comment period has passed, the City Council is permitted to hold a public hearing and formally consider the adoption of the Plan creating the new Urban Renewal District and Revenue Allocation Area.

The City Council must also find that the taxable value of the district to be created plus the Base Assessed Value of any existing Urban Renewal / Revenue Allocation area does not exceed the statutory maximum of 10% of the citywide assessed valuation.

If the City Council, in their discretion chooses to proceed, they will officially adopt the Urban Renewal Plan and Revenue Allocation Area and provide official notification of that action to the County Assessor and Idaho State Tax Commission.

The Agency then proceeds to implement the Plan.

Description of the Washington Street South Study Area: The Study Area subject to the current review (Washington Street South) is located primarily in the south-central part of the City and consists of parcels adjacent or in close proximity to a major north / south arterial, Washington Street South. The thoroughfare is the primary access to the Twin Falls Regional Airport and, in this section, is also designated as Idaho State Highway 74.

According to the records supplied by the Twin Falls County Assessor, the area contains a total of 98.098 acres, excluding public rights-of-way. This area encompasses nine (9) individual tax parcels. The total area is taxable with no properties being exempt from taxation. The majority of the acreage is currently used for agricultural purposes and thus receives an agricultural property tax exemption.

Table 1 reflects the data for each of the 9 tax parcels represented in the Study Area:

Table 1

Tax Parcel	Owner	Acres	Land Value	Improvement Value	Total Value
RPT00107201805A	Johnston, Peter B III	34.64	\$113,015	\$104,441	\$108,300
RPT00107201200A	Johnston, Peter B III	40.61	\$108,941	\$1,493	\$110,434
RPT00107201830A	High Desert RV Park, LLC	0.84	\$32,392	\$173,463	\$205,855
RPT00107201821A	Dermody Family Limited	0.75	\$59,983	\$593,026	\$593,026
RPT00107201811	Dermody Family Limited	1.31	\$45,726	\$42,760	\$88,486
RPT00107201811	Dermody Family Limited	0.484	\$39,526	\$19,970	\$59,496
RPT00107201806	Kathryn & Sole Powers	0.326	\$25,808	\$259,358	\$285,166
RPT00107201801	Kathryn & Sole Powers	0.478	\$36,693	\$0	\$36,693
RPT00107200010A	Glanbia Foods, Inc	18.66	\$333,720	\$16,698,947	\$17,032,667
Total		98.098	\$795,804	\$17,893,458	\$18,689,262

Please see the map below for a graphic representation of the Study Areas.



Analysis of the Study Area: The Study Area consists of 9 tax parcels representing 98.098 acres located in the South-central part of the City. It is located generally west of Washington Street South and south of Diamond Avenue West. It is a mixture of commercially and industrially zoned properties. A significant portion of the Study Area (75.25 acres – 76.71%) remains in agricultural uses pending urban level development. These properties appear to enjoy an agricultural exemption for property taxes that will need to be considered if there is a decision to proceed with the development of an urban renewal plan for the area, as consents from these property owners will be required for their inclusion.

A detailed review of the Study Area reflects a pattern of underinvestment and disinvestment over time. Within the Study Area one finds properties where recent investment has been made with either new construction or significant renovation. In these instances, one finds a ratio of improvement value to land value of approximately 10:1.

Conversely where one finds improvement values less than land values, the property is either vacant or the structures are generally obsolete. Table 1 above

shows that a substantial percentage of the properties located within the Study Area reflects this condition. Two (2) properties representing 75.25 acres are primarily vacant and dedicated to agricultural use. Four (4) properties (including the agricultural parcels) representing 77.04 acres have improvement values approaching or dropping below land values. The American Institute of Appraisers suggests that an economically viable, developed property would reflect a ratio of 30% land to 70% improvements. After initial improvements are made, without continuing reinvestment, the improvement ratio declines; and as it approaches par, a condition of disinvestment or deterioration is assumed.

Additionally, one (1) parcel within the Study Area is landlocked with no access to a public street and one of the major parcels is connected to Washington Street by only a narrow twenty-foot extension of the property, a condition inadequate for any level of intense urban development.

A major gasoline pipeline transects the Study Area on a prescribed easement limiting development potential along its length.

Even if one arbitrarily sets an Improvement to Land Value ratio of 1:1 as a benchmark below which one finds notable disinvestment, one finds the vast majority of the area within the Study Area is below this line.

Table 2

The comparison of land value to improvement value		
Category	Number of Lots	Percentage of Area
Vacant	2	41%
Improvement Value < 1.0 X Land Value	4	38%
200% - 300%	0	0%
300% - 400%	0	0%
400% - 500%	0	0%
500% - 600%	1	1%
600% - 700%	0	0%
700% - 800%	0	0%
800%-900%	0	0%
900% - 1000%	1	1%
Improvement Value > 1000%	2	19%

As the table shows, the percentage of properties where re-investment has been made is relatively small.

Infrastructure: A similar pattern of under-investment exists in the public infrastructure in the Study Area. While limited investment has been made on Washington Street South associated with recent development, full improvement

to current City standards has not been made. Curb and gutter are in place on the west side fronting new commercial development, but no pedestrian facilities or storm drainage facilities are in place. The balance of Washington Street South through the Study Area shows an improvement standard reflective of historic rural state highways consisting of an asphalt mat with no provision for storm drainage, pedestrian facilities or urban levels of illumination. Such facilities were not designed to accommodate projected levels of commercial and industrial traffic envisioned in City planning documents, potentially resulting in significant deterioration of the street surface.

At the point in time of this investigation, no street network exists west of Washington Street South. Any substantial industrial development as envisioned in the City's Comprehensive Plan would require a more robust street network throughout the area currently being used for agricultural purposes.

Street lighting is inadequate on Washington Street South and totally non-existent in the balance of the Study Area. Areas of the City, experiencing more recent development enjoy a significantly higher standard of illumination than found in the Study Area.

Storm Drainage: As noted above, none of Washington Street South frontage has storm drainage facilities installed. In the areas where no curbs and gutters exist, storm drainage facilities, piped systems or open ditches, are not in place to handle discharges from storms or from melting snow. This allows ponding of water creating traffic hazards as well as deterioration of the roadbed itself. This condition is predominant in the Study Area especially on the east side of Washington Street South, south of Highland Avenue.

As the City grows, national standards for handling storm drainage will apply to the City. One can expect substantial investment in such facilities will be required during the life of an urban renewal district.

Water: Municipal water service is available in the Study Area only in Washington Street South. Fire hydrant placement appears inadequate even for the current land uses.

The City of Twin Falls Water System Master Plan, adopted in 2016, notes inadequate fire flows in the area to support the land uses envisioned in the City's Comprehensive Plan. Much of the area is undeveloped vacant land that is zoned for significantly more dense urban uses represented by their commercial and industrial zoning designations. Extensions will be required to serve the large parcels when development occurs. Depending upon specific uses, fire flows may have to be upgraded to ensure adequate fire protection is available in a more dense development environment.

Sewer: As with the water system, the sewer collection system will need to be enhanced throughout the area to serve the development envisioned in the City's

Comprehensive Plan and zoning documents. Additionally, the type of development envisioned, with high treatment requirements due to the processing of milk products, will cause significant demands upon the City's Wastewater Treatment facility located adjacent to the river in the Snake River Canyon. It has been the City's policy to require pre-treatment of effluent such as will be generated in the Study Area prior to its being discharged into the City's collection system to ensure compliance with the environmental requirements of the permits issued by the State Department of Environmental Quality (DEQ).

Required Findings Regarding Eligibility for the Washington Street South Area: In order to make a finding that the Study Area is, in fact, eligible for being considered for the establishment of an urban renewal district, one must compare the conditions found in the area with the statutory criteria noted above. For the convenience of the reader those criteria are repeated here:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site [50-2018(9); and 50-2903(8)(b) and (8)(c); and 50-2008(d)(4)(2)]
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)]
4. Outmoded Street Patterns [50-2008(d)(4)(2)]
5. Need for Correlation of Area with Other Areas of a Municipality by Streets and Modern Traffic Requirements [50-2008(d)(4)(2)]
6. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness [50-2018(9) and 50-2903(8)(b)]
7. Unsuitable Topography or Faulty Lot Layouts [50-2008(d)(4)(2)]
8. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
9. Diversity of Ownership [50-2018(9); 50-2903(8)(b) and (8)(c); and 50-2008(d)(4)(2)]
10. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
11. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b)]

12. Conditions Which Retard Development of the Area [50-2008(d)(4)(2)]
13. Results in Economic Underdevelopment of the Area [50-2903(8)(b)] and Economic Disuse [50-2008(d)(4)(2)]

Criterion #1: *The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site:* As noted above 6 of the properties representing 79% of the acreage in the Study Area reflect land to improvement values suggesting that deteriorated or deteriorating structures exist or are vacant. A site visit confirms the data. Therefore, Criterion #1 is met.

Criterion #2: *Age or Obsolescence:* The majority of the Study Area is vacant land currently under cultivation. One parcel contains a residence constructed in 1911 and appears to be in serviceable condition. Several outbuildings exist on the property in close proximity to the house that are deteriorated. Farm implements and inoperable vehicles occupy the area surrounding the house. Given the designation in the City's Comprehensive Plan and zoning documents, the current use as a residence associated with an agricultural use is obsolete. Therefore Criterion #2 is met.

Criterion #3: *Predominance of Defective or Inadequate Street Layout.* While some of the parcels can be served from Washington Street South, the presence of large undeveloped acreages suggests the current network will prove inadequate to support future development. Both Highland and Park Avenue will need to be extended to the west of Washington Street South providing access to the interior portions of the currently vacant parcels. A more dense circulation system will be required to support more intensive uses. Therefore, Criterion #3 is met.

Criterion #4: *Outmoded Street Patterns.* See analysis under Criterion #3. Criterion #4 is met.

Criterion #5: *Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements.* The Study Area is served by Washington Street South. As noted above, only partial improvements have been made to this facility through the Study Area. This roadway also serves as the primary community access to the Twin Falls Regional Airport, so ensuring an adequate level of service as the area develops is essential. Should industrial development on properties to the west of the Study Area be pursued, road access to Washington Street South will become necessary. Therefore, Criterion #5 is met.

Criterion #6: *Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness.* Three (3) of the parcels within the Study Area are large, and mostly vacant. Future development consistent with the City's Comprehensive Plan will require subdivision and the extension of public access to the complete parcels. Also, as noted above, there is one parcel that currently has no access to a public

street, and one large 40-acre parcel has limited 20-foot frontage, thus severely limiting their utility in an urban setting. Therefore, Criterion #6 is met.

Criterion #7: Unsuitable Topography or Faulty Lot Layouts. While no unusual topographical features exist within the Study Area, the lot layouts as discussed in Criterion #6 apply. The noted gasoline pipeline runs diagonally across the southern and westerly portions of the Study Area limiting development options. Therefore, Criterion #7 is met.

Criterion #8: Insanitary or Unsafe Conditions. The substandard condition of the streets, the lack of storm drainage facilities, the incomplete street lighting system and the lack of adequate pedestrian facilities point to current unsafe conditions that will be exacerbated as development occurs consistent with the City's Comprehensive Plan. The water system will need to be expanded into the large parcels to provide adequate fire protection. Sewer treatment system upgrades will be required to fully serve the anticipated development. Therefore, Criterion #8 is met.

Criterion #9: Diversity of Ownership. The 9 parcels examined in this study are under the ownership of 5 entities. Such diversity of ownership creates challenges for creating and executing a common vision for the area. Therefore, Criterion #9 is met.

Criterion #10: Tax or Special Assessment Delinquency: The records of the Twin Falls County Assessor do not reflect any tax or special assessment delinquency. Therefore, Criterion #10 is not met.

Criterion #11: Substantially Impairs or Arrests the Sound Growth of a Municipality. The Study Area exists within the corporate limits of the City of Twin Falls and abuts dense urban development on the north, and east sides. Significant industrial development has occurred on one of the parcels and that entity is considering an expansion in the near future under favorable conditions. The lack of adequate infrastructure within the Study Area inhibits the development envisioned in the City's Comprehensive Plan. Therefore, Criterion #11 is met.

Criterion #12: Conditions Which Retard Development of the Area. Large and landlocked parcels, a diverse ownership pattern and inadequate infrastructure are all factors that inhibit the development of properties within the Study Area as envisioned in City planning documents. The gasoline pipeline limits design options in the development of a major portion of the Study Area. Therefore, Criterion #12 is met.

Criterion #13: Results in Economic Underdevelopment of the Area. The Washington Street South area in the City has seen sporadic investment in recent years. However, the majority of the land within the Study Area remains

underutilized and in some cases we see deteriorating and/or obsolete uses. Therefore, Criterion #13 is met.

Findings: Washington Street South Urban Renewal District:

Conditions exist within the district to allow the Board of Commissioners of the Agency and the City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

	Criteria	Met	Not Met
1	The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site	X	
2	Age or Obsolescence	X	
3	Predominance of Defective or Inadequate Street Layout	X	
4	Outmoded Street Patterns	X	
5	Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements	X	
6	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness	X	
7	Unsuitable Topography or Faulty Lot Layouts	X	
8	Insanitary or Unsafe Conditions	X	
9	Diversity of Ownership	X	
10	Tax or Special Assessment Delinquency		X
11	Defective or unusual condition of title	X	
12	Substantially Impairs or Arrests the Sound Growth of a Municipality	X	
13	Results in Economic Underdevelopment of the Area	X	

Analysis: Open Land Conditions: In addition to the eligibility conditions identified above, the geographic area under review is also required to satisfy the “open land” conditions. Idaho Code Section 50-2903(8)(c) states: “[a]ny area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.”

Many of the eligibility criteria set forth in Idaho Code Section 50-2903(8)(c) for predominantly open land areas mirror or are the same as those criteria set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b). “Diversity of ownership” is the same, while “obsolete platting” appears to be equivalent to “faulty lot layout in relation to size, adequacy, accessibility, or usefulness.” “Deterioration of structures or improvements” is the same or similar to “a substantial number of deteriorated or deteriorating structures” and “deterioration of site or other

improvements.” There is also an additional qualification that the provisions of Idaho Code Section 50-2008(d) shall apply to open areas.

Idaho Code Section 50-2008(d)(4) primarily addresses the urban renewal plan approval process and sets forth certain conditions and findings for agency acquisition of open land as follows:

(4) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

In sum, there is one set of findings if the area of open land is to be acquired and developed for residential uses and a separate set of findings if the land is to be acquired and developed for nonresidential uses.

Basically, open land areas may be acquired by an urban renewal agency and developed for nonresidential uses if such acquisition is necessary to solve various problems, associated with the land or the infrastructure, that have delayed the area’s development. These problems include defective or usual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout. All of the stated conditions are included in one form or another in the definition of a deteriorated area and/or a deteriorating area set forth in Idaho Code Sections 50-2903(8)(b) and

50-2018(9). The conditions listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and “the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.”

The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply. The parcel size, the lack of water and sewer facilities; a nonexistent access and internal street system; an inadequate storm drain system; and lack of fire protection, are all conditions which delay development of the Study Area.

Based on the above analysis, diversity of ownership, obsolete platting/faulty lot layout and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

CONCLUSION: Based upon our review of the data and the conditions that exist within the Study Area as noted above, the Twin Falls City Council may, at its discretion, determine that the Washington Street South Urban Renewal District, as proposed, is eligible for the establishment of an urban renewal district.

Other Relevant Issues

Agricultural Land Owners concurrence: A substantial part of the area within the Study Area maintains an agricultural land property tax exemption as authorized under state law. The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for agricultural purposes without the express written consent of the property owner. Such consent has not yet been requested. Final consideration of any urban renewal plan created through this process could not proceed without the required consents being in-hand.

10% Analysis: In addition to the findings reported above, we also sought to verify that the assessed value of the proposed Study Area is within the statutory limits. As noted above, State Law limits the percentage of assessed value that can be included in urban renewal / revenue allocation districts to 10% of the total valuation of the City. According to Twin Falls County Assessor records, the most recent certified value for the City is \$2,859,303,458. The taxable value of the Study Area is \$18,689,262 representing 0.65% of the total City assessed value. The Base Assessed Value of the Twin Falls Urban Renewal District 4-1 is \$23,760,191, Twin Falls District 4-3 is \$1,096,508, and Twin Falls District 4-4 is \$4,090,577. The Table below shows the result compared to the statutory requirement.

Statutory 10% Limitation Analysis		
Area	Base Assessed Value	Percentage
Total City	\$2,859,303,458	100%
• Twin Falls Area 4-1 (Old Towne)	\$23,760,191	0.83%
• Twin Falls Area 4-3 (Chobani)	\$1,069,508	0.04%
• Twin Falls Area 4-4 (Clif Bar)	\$4,090,577	0.14%
• Proposed Washington Street South URD	\$18,689,262	0.65%
Total UR Base Assessed Value Percentage	\$47,609,535	1.67%

We also explored the effect of creating this district on the capacity of the Urban Renewal Agency to consider future districts should they choose to do so. The table below shows that even if a new district similar to Washington Street South were to be established, approximately 8.33% of the citywide assessed value would remain uncommitted.

Remaining Urban Renewal Capacity		
• Maximum 10% Limitation	\$285,930,346	10%
• Twin Falls Area 4-1 (Old Towne)	\$23,760,191	0.83%
• Twin Falls Area 4-3 (Chobani)	\$1,069,508	0.04%
• Twin Falls Area 4-4 (Clif Bar)	\$4,090,577	0.14%
• Proposed Washington Street South URD	\$18,689,262	0.65%
• Total AV in Revenue Allocation Areas	\$47,609,538	1.67%
• Available AV under limitation	\$238,320,808	8.33%

Impact of losing Agricultural Land Exemption: It should be noted that four of the parcels carry an agricultural property tax exemption, thereby significantly reducing the assessed values as reflected in the numbers above. At such time that these properties change use, the agricultural exemption is withdrawn, and the resultant assessed value accrues to the Adjusted Base Value not the Incremental Value. We needed to test the impact of this circumstance to ensure the 10% limitation reviewed above remains met. In doing this analysis we adjusted the “per acre” value of the 4 properties to reflect the non-exempt values of adjacent properties. That analysis is reflected below:

Parcel Number	Area	Current Land Value	AV per acre	Adjacent Non-Exempt AV	Revised Non-exempt AV
RPT00107201805A	34.64	\$113,015	\$3,262.56	\$81,665.30	\$2,828,885.62
RPT00107201200A	40.61	\$108,941	\$2,682.62	\$81,665.30	\$3,316,427.40
RPT00107201830A	0.84	\$32,392	\$38,561.90	\$81,665.30	\$68,598.84
RPT00107202300A	1.31	\$45,726	\$34,905	\$81,665.30	\$106,981.53
Totals		\$300,074			\$6,320,893.39
Difference					\$6,020,819.39

Revised Remaining Urban Renewal Capacity		
• Maximum 10% Limitation	\$285,930,346	10%
• Twin Falls Area 4-1 (Old Towne)	\$23,760,191	0.83%
• Twin Falls Area 4-3 (Chobani)	\$1,069,508	0.04%
• Twin Falls Area 4-4 (Clif Bar)	\$4,090,577	0.14%
• Proposed Washington Street South URD	\$24,710,081	0.86%
• Total AV in Revenue Allocation Areas	\$53,630,357	1.88%
• Available AV under limitation	\$232,299,989	8.12%

Amount Below 10% Cap w/ Washington Street South with Ag Exemptions	\$238,320,808 (8.33%)
Amount Below 10% Cap w/ Washington Street South without Ag Exemptions	\$232,299,989 (8.12%)

4826-2798-8360, v. 6

RESOLUTION NO. 2019-03

BY THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF TWIN FALLS, IDAHO:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF TWIN FALLS, IDAHO, ACCEPTING THAT CERTAIN REPORT ON ELIGIBILITY FOR CERTAIN PROPERTY REFERRED TO AS THE WASHINGTON STREET SOUTH AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AUTHORIZING AND DIRECTING THE CHAIRMAN OR EXECUTIVE DIRECTOR TO TRANSMIT THE REPORT AND THIS RESOLUTION TO THE CITY COUNCIL OF THE CITY OF TWIN FALLS REQUESTING ITS CONSIDERATION FOR DESIGNATION OF AN URBAN RENEWAL AREA AND SEEKING FURTHER DIRECTION FROM THE COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION, made on the date hereinafter set forth by the Twin Falls Urban Renewal Agency, an independent public body, corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act"), a duly created and functioning urban renewal agency for Twin Falls, Idaho, hereinafter referred to as the "Agency."

WHEREAS, by Resolution No. 909, dated July 19, 1965, the Board of Commissioners of the City of Twin Falls, Idaho (the "City") created an urban renewal agency pursuant to the Law;

WHEREAS, on June 30, 1997, the City Council of the City of Twin Falls, Idaho (the "City Council"), by Resolution No. 1603, determined certain property to be a deteriorated area or a deteriorating area or a combination thereof and designated the area as appropriate for an urban renewal project to be known as Urban Renewal Area #4 (the "Area #4 Plan"). The Area #4 Plan has been amended several times;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4 and Creating Revenue Allocation Area #4-1 (the "RAA #4-1 Plan") to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2579 on May 4, 1998, approving the RAA #4-1 Plan, and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Amended Urban Renewal Plan for Urban Renewal Area #4-1 Expansion (the "Amended

RAA #4-1 Plan”) seeking to add geographic area to RAA #4-1 Plan, pursuant to Idaho Code § 50-2033, to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3056 on August 26, 2013, approving the Amended RAA #4-1 Plan and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-3 (the “RAA #4-3 Plan”) to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3022 on December 12, 2011, approving the RAA #4-3 Plan and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-4 (the “RAA #4-4 Plan”) to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3097 on June 1, 2015, approving the RAA #4-4 Plan and making certain findings;

WHEREAS, the above referenced urban renewal plans and their project areas are collectively referred to as the Project Areas;

WHEREAS, based on inquiries and information presented, the Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;

WHEREAS, in 2018, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area generally located west of Washington Street South and south of Diamond Avenue West;

WHEREAS, the Agency has obtained the Twin Falls Washington Street South Urban Renewal District Eligibility Report, dated March 2019 (the “Report”), which examined an area within the area of operation of the City, in an area known as the Washington Street South Area, for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Report has been submitted to the Agency, a copy of which is attached hereto as Exhibit A;

WHEREAS, under the Law and the Act, Idaho Code Sections 50-2903(8)(f) and 50-2018 (8) and (9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in section 22-4502(1), Idaho Code, or any forest land as defined in section 63-1701(4),

Idaho Code, absent the consent of the owner of the agricultural operation or the forest landowner of the forest land, except for an agricultural operation or forest land that has not been used for three (3) consecutive years;

WHEREAS, the Washington Street South Area includes parcels subject to such consent. While the necessary consents have not been obtained, any and all consents shall be obtained prior to City Council adoption of any urban renewal plan;

WHEREAS, the Report addresses the necessary findings concerning the eligibility of open land within the Study Area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or a deteriorating area;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF THE TWIN FALLS URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO, AS FOLLOWS:

Section 1. That the above statements are true and correct.

Section 2. That the Board acknowledges acceptance and receipt of the Report.

Section 3. That there are one or more areas within the City that are a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8).

Section 4. That one such area is an area more commonly known as the Washington Street South Area, which is bounded by Washington Street South on the east and Diamond Avenue West on the north.

Section 5. That the rehabilitation, conservation, development and redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of the City.

Section 6. That the Chair of the Board of Commissioners or Executive Director is hereby authorized to transmit the Report to the Twin Falls City Council requesting that the City Council:

- a. Determine whether the Washington Street South Area identified in the Report qualifies as an urban renewal project and justification for designating the area, as appropriate, for an urban renewal project;

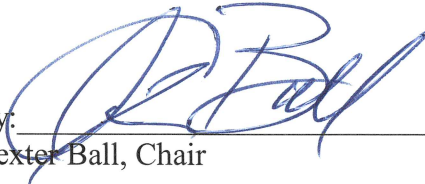
- b. If such designation is made, whether the Agency should proceed with the preparation of an urban renewal plan for the area, which Plan may include a revenue allocation provision as allowed by law; and
- c. Coordinate with the Agency to obtain the required agricultural consent from the property owners.

Section 7. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED AND ADOPTED by the Urban Renewal Agency of the City of Twin Falls on March 11, 2019.

APPROVED AND EXECUTED by the Chairman of the Board of Commissioners of the Agency and attested by the Secretary to the Board of Commissioners, on this 11th day of March 2019.

APPROVED:

By: 
Dexter Ball, Chair

ATTEST:

By: 
Lorrie Bauer, Secretary

4853-1391-1945, v. 1

BY THE COUNCIL:

A RESOLUTION BY THE COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DETERMINING A CERTAIN AREA REFERRED TO AS THE WASHINGTON STREET SOUTH AREA WITHIN THE CITY OF TWIN FALLS OR WITHIN THE CITY'S AREA OF OPERATION, TO BE A DETERIORATED AREA OR A DETERIORATING AREA AS DEFINED BY IDAHO CODE SECTIONS 50-2018(9) AND 50-2903(8); DIRECTING THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS TO COMMENCE THE PREPARATION OF AN URBAN RENEWAL PLAN SUBJECT TO CERTAIN CONDITIONS, WHICH PLAN MAY INCLUDE REVENUE ALLOCATION PROVISIONS FOR ALL OR PART OF THE AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "City Council") of the city of Twin Falls (the "City") created the Urban Renewal Agency of the City of Twin Falls, Idaho (hereinafter, the "Agency"), authorizing the Agency to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended and supplemented (the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended and supplemented (the "Act") upon making the findings of necessity required for creating the Agency;

WHEREAS, by Resolution No. 909, dated July 19, 1965, the Board of Commissioners of the City created an urban renewal agency pursuant to the Law;

WHEREAS, on June 30, 1997, the City Council by Resolution No. 1603, determined certain property to be a deteriorated area or a deteriorating area or a combination thereof and designated the area as appropriate for an urban renewal project to be known as Urban Renewal Area #4 (the "Area #4 Plan"). The Area #4 Plan has been amended several times;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4 and Creating Revenue Allocation Area #4-1 (the "RAA #4-1 Plan") to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2579 on May 4, 1998, approving the RAA #4-1 Plan, and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Amended Urban Renewal Plan for Urban Renewal Area #4-1 Expansion (the "Amended

RAA #4-1 Plan”) seeking to add geographic area to RAA #4-1 Plan, pursuant to Idaho Code § 50-2033, to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3056 on August 26, 2013, approving the Amended RAA #4-1 Plan and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-3 (the “RAA #4-3 Plan”) to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3022 on December 12, 2011, approving the RAA #4-3 Plan and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-4 (the “RAA #4-4 Plan”) to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3097 on June 1, 2015, approving the RAA #4-4 Plan and making certain findings;

WHEREAS, the above referenced urban renewal plans and their project areas are collectively referred to as the Project Areas;

WHEREAS, based on inquiries and information presented by certain interested parties and property owners, the Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;

WHEREAS, in 2018, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area generally located west of Washington Street South and south of Diamond Avenue West. The eligibility report area is commonly referred to as the proposed Washington Street South Urban Renewal Area (the “Study Area”);

WHEREAS, the Agency obtained the Twin Falls Washington Street South Urban Renewal District Eligibility Report, dated March 2019 (the “Report”), which examined the Study Area for the purpose of determining whether such area was a deteriorating area, a deteriorated area, or both a deteriorating area and a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, the Report, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, was submitted to the Agency;

WHEREAS, pursuant to Idaho Code Sections 50-2018(9) and 50-2903(8), in which the terms “deteriorating area” and a “deteriorated area” are defined, many of the conditions necessary to be present in such an area are found in the Study Area, *i.e.*,

a.	The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site
b.	Age or Obsolescence
c.	Predominance of Defective or Inadequate Street Layout
d.	Outmoded Street Patterns
e.	Need for Correlation of Area with Other Areas of a Municipality by Streets; and Modern Traffic Requirements
f.	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness
g.	Unsuitable Topography or Faulty Lot Layouts
h.	Insanitary or Unsafe Conditions
i.	Diversity of Ownership
j.	Defective or unusual condition of title
k.	Substantially Impairs or Arrests the Sound Growth of a Municipality
l.	Results in Economic Underdevelopment of the Area

WHEREAS, the effects of the listed conditions cited in the Report result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in its present condition or use;

WHEREAS, the Report includes a preliminary analysis concluding the base assessment roll value for the Study Area along with the base assessment rolls for the existing Project Areas does not exceed 10% of the overall current assessed valuation of all taxable property within the City;

WHEREAS, the Study Area is predominantly open land or open area;

WHEREAS, under the Act, a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality;

WHEREAS, Idaho Code Sections 50-2018(9), 50-2903(8) and 50-2008(d) list the additional conditions applicable to open areas, which are the same or similar to the conditions set forth in the definitions of “deteriorating area” and “deteriorated area;”

WHEREAS, such additional conditions regarding open areas are present and are found in the Study Area;

WHEREAS, under the Law and Act, specifically Sections 50-2018(9) and 50-2903(8)(f), the definition of a deteriorating area shall not apply to any agricultural operation, as defined in Idaho Code Section 22-4502(1), absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, the Study Area includes parcels subject to such consent;

WHEREAS, the Agency is in the process of obtaining any necessary consents, which consents must be obtained prior to creation of any revenue allocation area;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or a deteriorating area;

WHEREAS, the Agency, on March 11, 2019, adopted Resolution No. 2019-____ (a copy of which is attached hereto as Exhibit B without the attached exhibits thereto) accepting the Report and authorizing the Chairman or Executive Director of the Agency to transmit the Report to the City Council, requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the Study Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, it is desirable and in the best public interest that the Agency prepare an urban renewal plan for the area identified as the proposed Washington Street South Urban Renewal Area in the Report located within the City, county of Twin Falls, state of Idaho, and within the City's area of operation;

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

Section 1: That the Mayor and Council of the city of Twin Falls, Idaho, finds and declares:

(a) That the Study Area described in the Report is a deteriorated area or a deteriorating area, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, within the city of Twin Falls, Idaho;

(b) That there is a need for the Agency to function in accordance with the provisions of Chapters 20 and 29, Title 50, Idaho Code, as amended, within a designated area for the purpose of establishing an urban renewal plan;

(c) That the Study Area identified in the Report is determined to be a deteriorated area or a deteriorating area, as defined in Chapters 20 and 29, Title 50, Idaho Code, as amended, or a combination thereof, and such area is designated as appropriate for an urban renewal project;

(d) That the Agency will obtain any agricultural operation consents from the real property owners, as may be necessary, prior to formally submitting the proposed urban renewal plan to the City for its consideration.

Section 2: That the Agency shall be, and hereby is, directed to commence preparation of an urban renewal plan for consideration by the Agency Board and, if acceptable, final consideration by the City Council in compliance with Chapters 20 and 29, Title 50, Idaho Code, as amended.

Section 3: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED By the Council of the City of Twin Falls, Idaho, this 1st day of April 2019.

APPROVED By the Mayor of the City of Twin Falls, Idaho, this 1st day of April 2019.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



Date: Monday, April 1, 2019
To: Planning and Zoning Commission
From: Steve O'Connor, City Planner

ACTION ITEM

Request:

ACTION ITEM: Request to vacate an undeveloped portion of Bolton Street right of way located north of 202 Caswell Avenue West on behalf of Dr. David Kemp c/o EHM Engineers. (PZ19-0001)

Time Estimate:

15-20 mins total, Staff may take up to 5 minutes, Applicant may take up to 15 minutes.

Background:

N/A

Approval Process:

All procedures will follow the process as described in TF City Code: 10-16-1

Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

Budget Impact:

The vacation of Right of Way will increase the amount of taxable private property, but will likely have a negligible effect on the overall budget.

Regulatory Impact:

Approval of this request will remove the limitation, or entitlement, for the specific area, as described on the plat or in other recorded documents. This area will become private property, and subject to current rules and regulations for taxes, zoning code compliance, and development.

History:

The Right-of-Way in question was dedicated over time as lots were created from the platted lots with in the Fireside Plat in 1939 and the Puddy Subdivision in 1956. The Development to the west of this ROW was approved in September 1994, effectively closing any through way for Bolton St.

Analysis:

This is a request to vacate a fifty foot (50') by sixty-two foot (62') portion of the 100 & 200 block of Bolton St Right of Way. Currently the Right of Way ends approximately one and a half feet from the eastern property line of the four plexes that front Honey Locust Ln. currently the ROW limits development of the property but does not prevent development.

The ROW is unutilized due to the lack of a thru-way due to the four-plexes to the west. Vacating the property will give more develop-able land to the owner which they plan on developing multi-family units.

On February 26th, 2019 the Planning & Zoning Commission forwarded a positive recommendation to City Council with a vote of 5-0

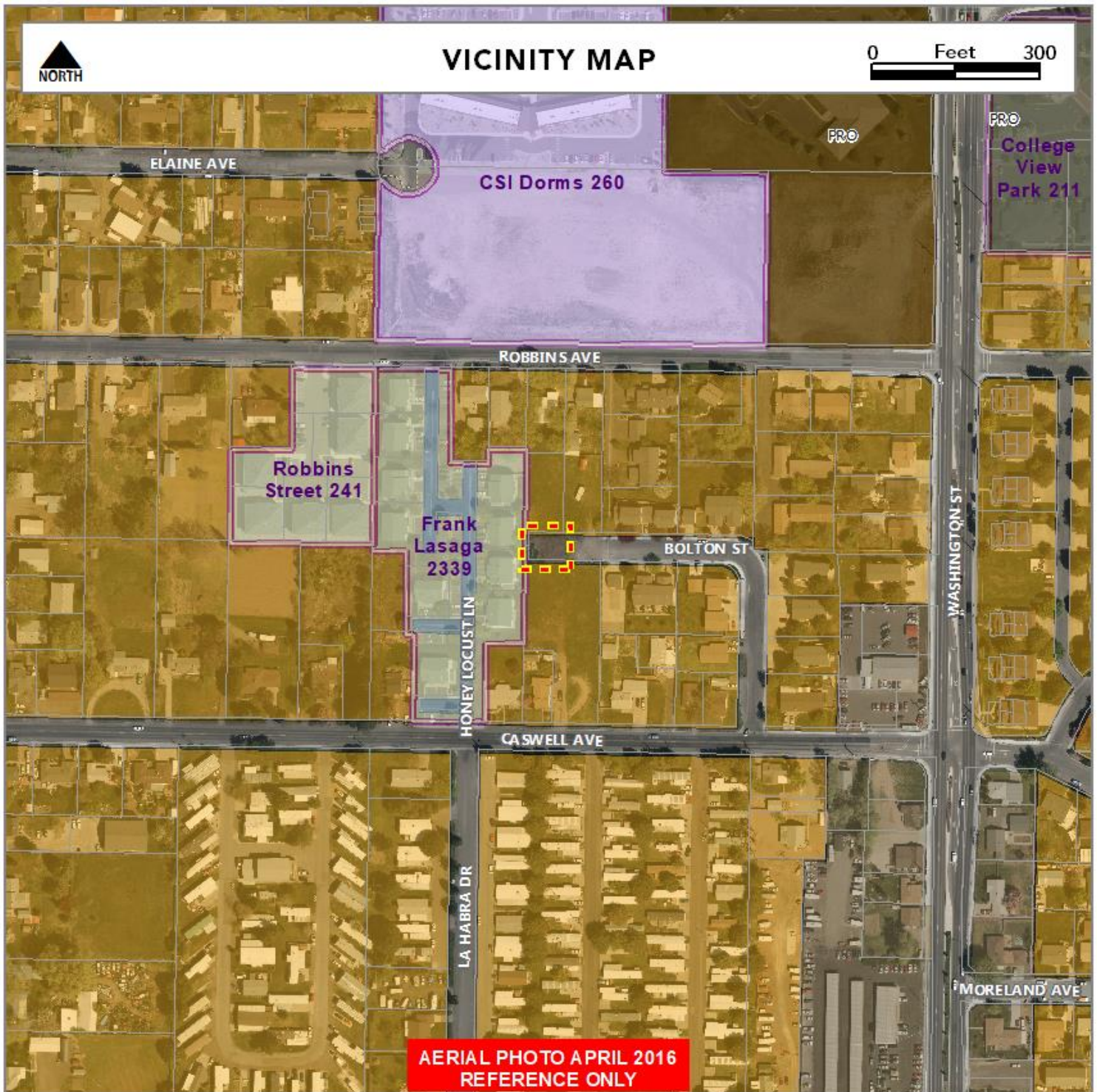
Conclusion:

The commission is tasked with recommending approval, approval with conditions, denial or you may table for more information. Should the Commission recommend approval, Staff recommends the following conditions.

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to a City Engineer and Fire Marshal approved permanent Public access easement to replace Temporary Cul-d-sac agreement r-D 634.
3. Subject to a fifteen foot wide utility easement centered on any future water pipe for city water infrastructure as approved by the City Engineer.

Attachments:

1. 1 - Vicinity
2. 2 - Narrative
3. 3 - Exhibits
4. 4 - Photos
5. 5 - FEB-26-19 P&Z Hearing Minuets
6. PZ19-0001 VAC Staff Report



- PRO
- R-4
- PUD
- R-6
- C-1

Current Zoning: N/A

Comprehensive Plan: Neighborhood Commercial

Existing Land Use: Vacant ROW

Proposed Land Use: Residential

Surrounding Zoning Designations & Land Use(s)

North: R-4; Residential

East: R-4; Residential

South: R-4; Residential

West: R-4 PUD #2339; Residential

Applicable Regulations

10-1-4, 10-1-5, 10-1-6

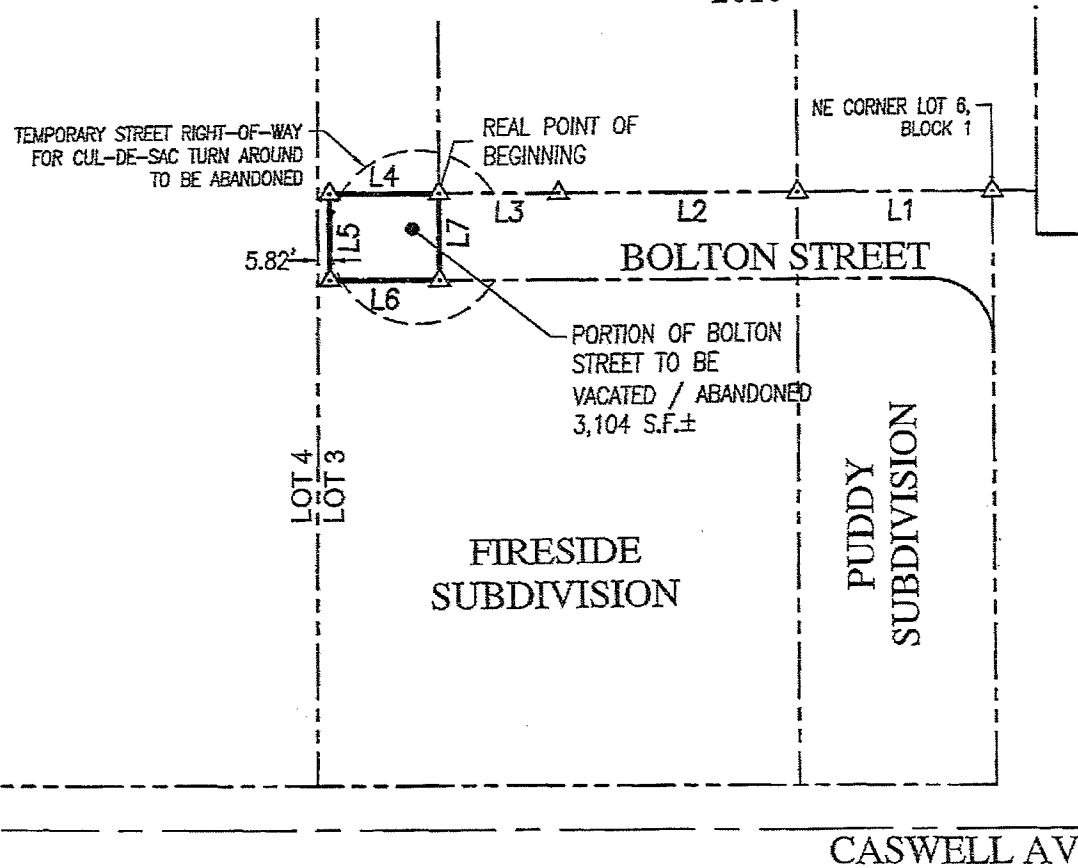
Vacation of Right of Way Request

The owner, Dr. David Kemp, hereby requests that the portion of right-of-way (Bolton St.) which was previously dedicated to the City of Twin Falls be vacated upon that portion as described within this application which is immediately adjacent and contiguous with property owned by Dr. Kemp.

The reason for this request is to permit further development of the property by the owner and to eliminate unused right-of-way which cannot extend through to the neighboring property to the west as building structures have previously been developed thereon. Bolton Street presently terminates just east of this proposed vacation request and does not extend into the subject property, however, the right-of-way does exist and therefore limits the utility of the property. Therefore, as this right-of-way has been unused for many decades, the owner proposes to vacate that portion which affects his property and intends to develop multi-family buildings on the property along with access and parking.

Located In
A Portion of Lot 3, Fireside Subdivision
In
Section 8

Township 10 South, Range 17 East, Boise Meridian
Twin Falls County, Idaho
2018



Line Table

LINE #	BEARING	DISTANCE
L1	N89°20'00"W	110.82'
L2	N89°20'00"W	135.82'
L3	N89°20'00"W	67.91'
L4	N89°20'00"W	62.09'
L5	S0°28'00"W	50.00'
L6	S89°20'00"E	62.09'
L7	N0°28'00"E	50.00'

CASWELL AVENUE

PRELIMINARY



EHM Engineers, Inc.
REGISTERED PROFESSIONAL ENGINEERS
Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
p (208) 734-4888 fax (208) 734-5049 web: ehm-inc.com

EXHIBIT
BOLTON STREET VACATION (PORTION)
TWIN FALLS, IDAHO

JOB NO.: 333-18
APPROVED _____
DESIGN _____
DRAWN CSH
DATE OCT. 2018
SCALE SHOWN
333-18 EXH-REV
Sheet No.:



Approximate location of requested vacation

Looking West from Bolton Street



Twin Falls Planning & Zoning Commission Minutes

Tuesday, February 26, 2019, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

AMENDED Item 4B Withdrawn

Members -

City Limits: Danielle Titus, Vice-Chair; Craig Hawkins; Gerardo "Tato" Muñoz, Chairman; Ed Musser; Carolyn Bolton; Curtis Hansen; Craig Kelley

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairman Munoz called the meeting to order at 06:01 pm.

A quorum was present.

Members Present: Titus, Munoz, Hansen, Kelley, Detweiler

Staff Present: Spendlove, Cherry, O'Connor, Strickland, Ebersole, Vitek, Nope

2) Consent Calendar

Commissioner Hansen made a motion to approve the consent calendar, as presented. Vice Chairperson Titus seconded the motion.

Motion Approved: 4-0-1.

- a) Approve minutes from the following meeting: February 12, 2019
- b) Approval of Findings of Fact and Conclusions of Law:
 - New Generation Homes (SUP)

3) Items of Consideration

4) Public Hearings

- a) Request to vacate an undeveloped portion of Bolton Street right of way located north of 202 Caswell Avenue West on behalf of Dr. David Kemp c/o EHM Engineers. (PZ19-0001)

Staff Presentation:

City Planner O'Connor presented the request to vacate an undeveloped portion of Bolton Street right of way located north of 202 Caswell Avenue West on behalf of Dr. David Kemp c/o EHM Engineers. (PZ19-0001)

All procedures will follow the process as described in TF City Code: 10-16-1

Vacations & Dedications require a public hearing before the Planning Commission

where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

The Right-of-Way in question was dedicated over time as lots were created from the platted lots within the Fireside Plat in 1939 and the Puddy Subdivision in 1956. The Development to the west of this ROW was approved in September 1994, effectively closing any through way for Bolton St.

This is a request to vacate a fifty foot (50') by sixty-two foot (62') portion of the 100 & 200 block of Bolton St Right of Way. Currently the Right of Way ends approximately one and a half feet from the eastern property line of the four-plexes that front Honey Locust Ln. currently the ROW limits development of the property, but does not prevent development.

The ROW is unutilized due to the lack of a thru-way due to the four-plexes to the west. Vacating the property will give more develop-able land to the owner which they plan on developing multi-family units.

The commission is tasked with recommending approval, approval with conditions, denial or you may table for more information. Should the Commission recommend approval, Staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to a City Engineer and Fire Marshal approved permanent Public access easement to replace Temporary Cul-de-sac agreement r-D 634.
3. Subject to a fifteen foot wide utility easement centered on any future water pipe for city water infrastructure as approved by the City Engineer.

Applicant Presentation:

D. Thibault, EHM Engineers, Inc., representing applicant, presented the request to vacate an undeveloped portion of Bolton Street right of way located north of 202 Caswell Avenue West. The applicant owns the property on both sides of Bolton Street and would like to develop a multi-family subdivision. There will be an access for emergency vehicles once developed. There are no utilities in the way as it is undeveloped ground. Mr. Thibault stated the applicant agrees to the conditions of the Planning and Zoning staff.

PZ/Questions & Comments:

- Chairman Munoz asked about the fire turnaround at the time of development.
- City Planner O'Connor stated that condition #2 addresses the turnaround and an alternate access for emergency vehicles will be put in upon development of the

subdivision and will be reviewed by both the Fire Marshal and City Engineer.

- Commissioner Titus asked for clarification on what the right of way is actually attached to and how it would affect about the other property owners in area.
- City Planner O'Connor reviewed the map and showed that the right of way butts up to Dr. Kemp's properties on both sides of Bolton St. The right of way is contiguous to his properties.

Public Hearing: Opened

- Citizen Mary Wiggert, owns property that backs up to Bolton St. and asked if the vacation of the right of way would close off access to the back of her property.
- City Planner O'Connor showed Ms. Wiggert on the site map that the right of way only butts up to Dr. Kemp's property and should not affect the access to the back of the property.

Public Hearing: Closed

Closing Statement:

Mr. Thibault gave a closing statement clarifying the location of the requested vacation.

Discussions Followed: without concerns

Motion:

Commissioner Hansen motioned to recommend approval to City Council of the request to vacate an undeveloped portion of Bolton Street right of way located north of 202 Caswell Avenue West on behalf of Dr. David Kemp c/o EHM Engineers, as presented with staff recommendations. Commissioner Titus seconded the motion.

Unanimously approved

- b) Request for a Special Use Permit to allow a Storage Unit Rental Facility on property located at 2469 Addison Avenue East on behalf of Hatch Design Architecture/Jeff Hatch. (PZ19-0003)
Withdrawn By Applicant
- c) Request for a Special Use Permit to allow a Home Occupation on property located at 661 Crestview Drive on behalf of Pamela N. Holt. (PZ19-0005)

Staff Presentation:

City Planner Cherry presented the request for a Special Use Permit to allow a Home Occupation on property located at 661 Crestview Drive on behalf of Pamela N. Holt. (PZ19-0005)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission,

the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal. Per County Records the primary residence on this property was constructed in 1970. This is a request to establish a home occupation for a professional dog grooming business on the property located at 661 Crestview within the R-2 Zoning District.

The applicant will operate her business inside the garage attached to her house. Clients will enter from a private side entrance on the garage.

The applicant intends to provide services to no more than five (5) dogs during a regular business day. The applicant intends to be with the dogs at all times. All waste will be cleaned at the end of each business day. The applicant intends to regularly operate 9 A.M. to 5 P.M. Monday through Thursday with an occasional Friday.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to no more than four (4) dogs being on the subject property at one time.

Applicant Presentation:

Applicant Pamela Holt presented her request to allow a home occupation for a dog grooming business. Ms. Holt stated that she has an established clientele. She would not be doing any advertising and will be respectful of neighborhood. She stated that by city code, she is limited to 4 dogs on her property. She owns two dogs, so that would only allow two other dogs on property at a time. There should not be traffic issues, as there should only be one vehicle at her property every two hours. She will be servicing no more than 5 dogs a day.

PZ/Questions & Comments:

- Commissioner Detweiler asked if there will be additional employees.
- Applicant Holt stated that per city code, she cannot have employees, and will be a sole proprietor.
- Chairman Munoz asked if she will have dogs on property all day long.
- Applicant Holt stated she would only have dogs for extended periods of time only with prior approval.
- Chairman Munoz asked to see on the site plan where the business will be located and

outside access for the dogs.

- Applicant Holt clarified the business would be located in part of her garage and the outside area for dogs would be on west side.
- Commissioner Hansen asked if there will be dogs stored outside.
- Applicant Holt stated that the client's dogs will always be in her presence, and if the dogs need to be taken outside, she will be with them.
- Chairman Munoz asked if the commission could put a leash condition on the SUP.
- PZ Director Spendlove stated there is already city code that addresses the leash law.
- City Planner Cherry presented four letters sent to Planning and Zoning in support of applicant.

Public Hearing: Opened

- Chairman Munoz put a limit of three minutes on each speaker and asked speakers to stick to statements regarding the SUP in question.
- Citizen Tammy Billman, Twin Falls, has been a client of the applicants for 12 years and spoke in favor of the applicant.
- Citizen Deanna Wilbur, Twin Falls, is not in favor of the SUP. She lives next door to the applicant and spoke of her concern about the amount of cars on property and lack of parking available.
- Citizen Beth Reddick, Twin Falls, is not in favor of the SUP. She is a neighbor and is concerned about parking issues in the neighborhood.
- Citizen Eloise Hankins, Twin Falls, spoke in favor of the applicant. She is a current client and stated applicant is very professional and there is only one client car coming and going at a time.
- Citizen Heather Shiroy, Twin Falls, spoke in favor of the applicant. She stated that there is no lingering when dropping off her dogs.
- Citizen Sara Egan, Twin Falls, spoke in favor of the applicant. She stated that the applicant only sees one client at a time and to the applicant's professionalism.
- Citizen Adam Dixon, Twin Falls police officer, spoke in favor of the applicant. He has patrolled area and has never responded to her businesses with noise issues, animals or parking problems.
- Citizen Christie Hyde, Twin Falls, spoke in favor of the applicant. She is a current client and spoke to applicant's professionalism.
- Citizen Robert Jackson, Twin Falls, spoke in favor of the applicant. He is a neighbor and is happy to have applicant back in the neighborhood. He spoke to applicant's professionalism.
- Citizen Holly Jones, Twin Falls, spoke in favor of the applicant. Ms. Jones is a previous neighbor of the applicant and spoke to the applicant being a great neighbor and respectful of her neighbors. Ms. Jones is a current client.
- Citizen Jameson Sharp, Kimberly, spoke in favor of the applicant. He is a current client and drives from Kimberly because of her great service.

Public Hearing: Closed

Closing Statement:

- Applicant Holt gave closing statement and clarified reason for number of cars in the driveway and the tractor in yard is to remove tree once weather permits.
- PZ Director Spendlove clarified that if the neighbor's driveways are blocked or vehicles are illegally parked, those are separate code enforcement issues and will be enforced.

Discussion Followed: without concerns**Motion:**

Commissioner Titus motioned to approve a Special Use Permit to allow a Home Occupation on property located at 661 Crestview Drive on behalf of Pamela N. Holt, as presented with staff recommendations. Commissioner Hansen seconded the motion.

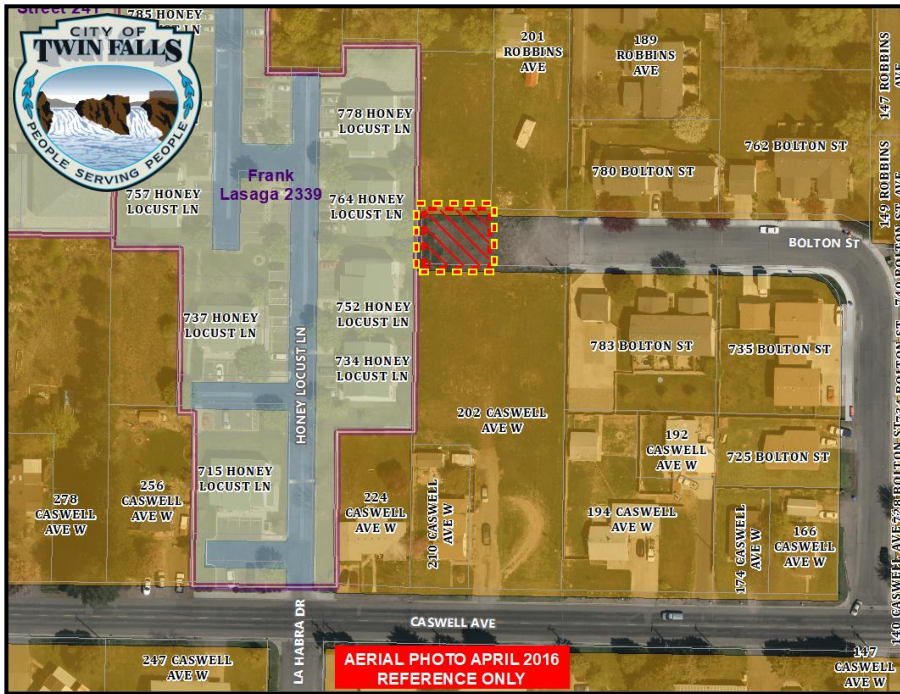
Unanimously approved**5) Upcoming Meeting(s)**

- a) Worksession: March 6, 2019 [Cancelled](#)
- b) Tuesday, March 12, 2019

6) Adjournment

The meeting adjourned at 7:04 pm.

Kelli Ebersole, Administrative Assistant



Comprehensive Staff Report

To: Planning & Zoning Commission
 Presenter: Steve O'Connor, City Planner
 Request: To **Vacate** an undeveloped portion of Bolton Street right of way located north of 202 Caswell Avenue West
 Application: PZ19-0001
 Applicant & Representative:
 Dr. David Kemp
 c/o David Thibault
 621 North College Rd., Ste. 100
 Twin Falls, ID 83301
 208.734.4888
 dthibault@ehminc.com

Public Hearing: April 1st, 2019

Analysis

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Approval Process

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recommend a modification to the vacation, or it may recommend that the vacation be denied.

On February 26th, 2019, the Planning & Zoning Commission forwarded a positive recommendation to City council with a vote of 5-0.

History

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Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" and the Transportation Master Plan does not have this section of ROW listed as it is a residential designation. Therefore Staff has determined this request complies with the city planning documents.

Regulatory Impacts

Approval of this request will remove the limitation, or entitlement, for the specific area, as described on the plat or in other recorded documents. This

area will become private property, and subject to current rules and regulations for taxes, zoning code compliance, and development.

Conclusion

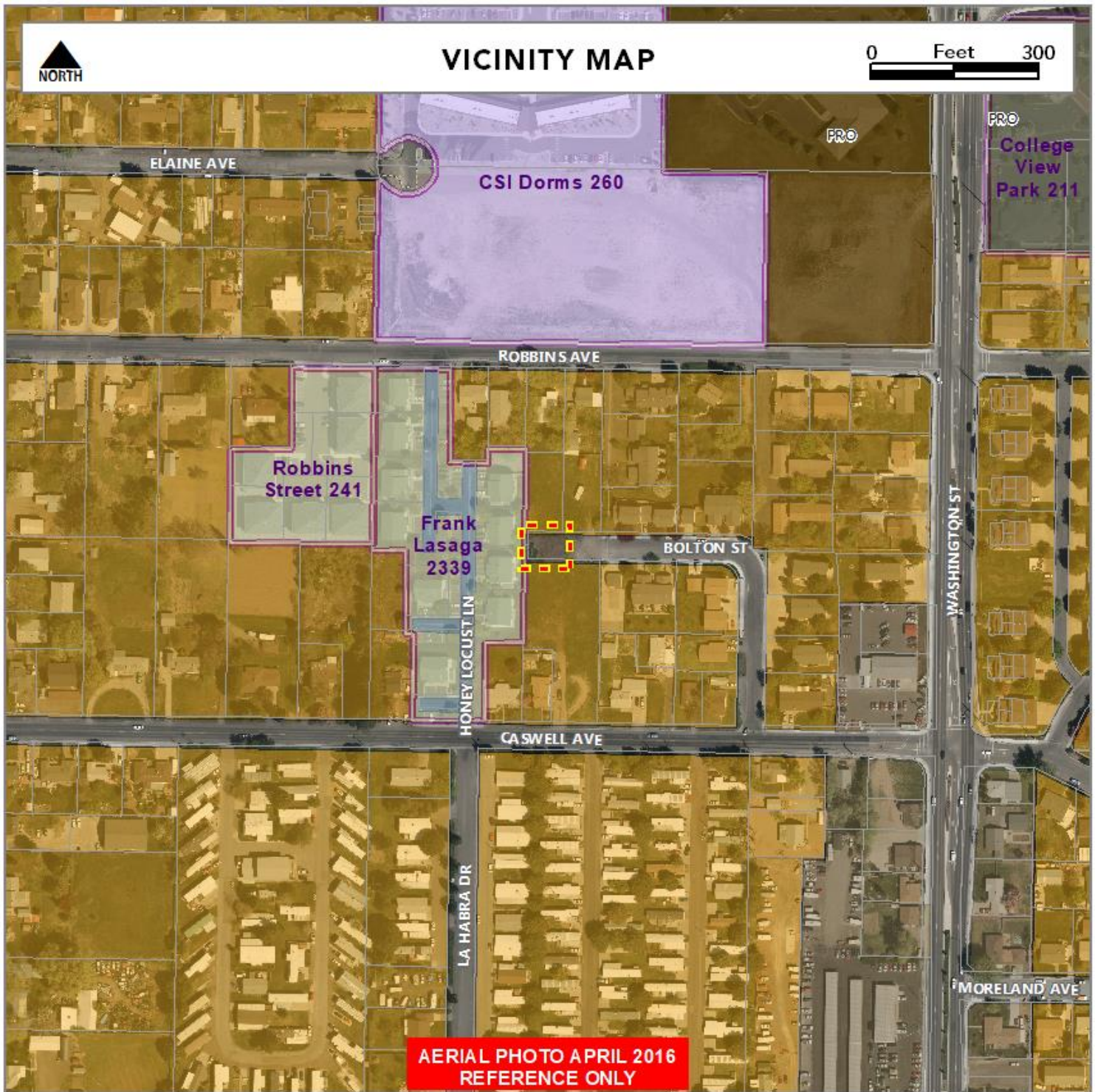
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Attachments

1. Vicinity Map
2. Narrative
3. Vacation Exhibit
4. Photos

Public Hearing: April 1st, 2019



- PRO
- R-4
- PUD
- R-6
- C-1

Current Zoning: N/A

Comprehensive Plan: Neighborhood Commercial

Existing Land Use: Vacant ROW

Proposed Land Use: Residential

Surrounding Zoning Designations & Land Use(s)

North: R-4; Residential

East: R-4; Residential

South: R-4; Residential

West: R-4 PUD #2339; Residential

Applicable Regulations

10-1-4, 10-1-5, 10-1-6