



Twin Falls City Council Agenda

Monday, August 31, 2020, 5:00 PM

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

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

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS: None
- 4) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve the Accounts Payable for August 20-26, 2020.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the August 24, 2020, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve Findings of Fact and Conclusions of Law for the Final Plat for Broadmoor Subdivision No. 2. (PZ20-0068)
By: Jonathan Spendlove, Planning & Zoning Director
 - d) **ACTION ITEM:** Request to hold the 8th Annual Haunted Swamp.
By: Ryan Howe, Police Sergeant
 - e) **ACTION ITEM:** Request to approve the "Free Our Children" March.
By: Ryan Howe, Police Sergeant
 - f) **ACTION ITEM:** Request to approve the 9th Annual Magic Valley Beer Festival.
By: Ryan Howe, Police Sergeant
- 5) ITEMS OF CONSIDERATION
 - a) **PRESENTATION:** Presentation by Joshua W. Kern M.D., Vice President of Medical Affairs, St. Luke's Health System.
By: Travis Rothweiler, City Manager
 - b) **ACTION ITEM:** Request to adopt Ordinance #O-2020-012 for the Cedarpark ZDA Agreement. (PZ20-0062)
By: Jonathan Spendlove, Planning and Zoning Director
 - c) **ACTION ITEM:** Confirmation by the City Council to remain in Governor Little's proposal to use CARES funding for property tax relief.
By: Travis Rothweiler, City Manager
- 6) GENERAL PUBLIC INPUT: To provide public input to the City Council please email: Citizeninput@tfid.org.

- 7) ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 8) PUBLIC HEARINGS: None
- 9) ADJOURNMENT

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Leila Sanchez (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

Public Input Procedures

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

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning & 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.



Twin Falls City Council Minutes

Monday, August 24, 2020, 5:00 PM

Council Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Vice Mayor Ruth Pierce, Council Member Shawn Barigar, Craig Hawkins, Greg Lanting, Christopher Reid & Nikki Boyd.

Absent: Mayor Suzanne Hawkins

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, City Attorney Shayne Nope, CFO Breanna Howard, Budget Coordinator Mat Farnes, Police Chief Craig Kingbury, Airport Director Bill Carberry, P&Z Director Jonathan Spendlove, City Engineer Mark Holtzen, Public Works Director Jon Caton, Communication Center Director Tami Lauda, Public Information Officer Josh Palmer, Network Administrator Mike Plane, Finance Administrative Assistant Amy Luna.

Mayor Hawkins called the meeting to order at 5:00 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

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

3) PROCLAMATIONS

4) CONSENT CALENDAR

Council Member Boyd asked to have the minutes voted on separately as she was not present for the last meeting.

MOTION: Council Member Boyd moved to approve the Consent Calendar items (b) & (c) as presented.

Council Member Barigar seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0

MOTION: Council Member Reid moved to approve the Consent Calendar item (a) as presented. **Vice Mayor Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0 to 1 with **Council Member Boyd** abstaining.

- a) Request to approve the August 17, 2020, City Council Minutes.
- b) Request to approve the Accounts Payable for August 13-19, 2020.
- c) Request for approval of the Final Plat for Broadmoor Subdivision No. 2 approximately .49(+/-) acres into 2 residential lots on property located at 1170 Woodland Meadows Way. c/o EHM Engineers, Inc. (PZ20-0068).

5) ITEMS OF CONSIDERATION

- a) Presentation by Joshua W. Kern M.D., Vice President of Medical Affairs, St. Luke's Health System.

Mayor Hawkins introduced Dr. Kern, Vice President of Medical Affairs, St. Luke's Health System.

Discussion ensued on the following:

Council Member Hawkins: Asked for the status of elective surgeries.

Council Member Lanting: What are your thoughts on the major retailers requiring masks?

Mayor Hawkins thanked Dr. Kern for his update.

- b) Consideration of FAA Grant Offers AIP 43, 44, and 45 for Airport Improvement Projects.

Airport Director Carberry asked for consideration of FAA Grant Offers AIP 43, 44, and 45 for Airport Improvement Projects.

Discussion ensued on the following: None

MOTION: Council Member Boyd moved to accept the FAA Grant Offers AIP 43, 44, and 45 for Airport Improvement Projects. **Vice Mayor Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- c) Consideration of an Agreement with Ricondo to Conduct an FAA Airport Master Plan Update.

Airport Director Carberry asks for consideration of an Agreement with Ricondo to Conduct an FAA Airport Master Plan Update.

Discussion ensued on the following:

Council Member Barigar: Asked for clarification on the GIS portion of the bid.

MOTION: Council Member Reid moved to approve the agreement with Ricondo to conduct an FAA Airport Master Plan Update. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- d) Request to adopt Ordinance # "O-2020-011" to Annex property located at the 400 – 600 block of Hankins Road. (Application PZ20-0057).

P&Z Director Spendlove requested to adopt Ordinance #O-2020-011 to Annex property located at 400-600 block of Hankins Road. (Application PZ20-0057).

Vice Mayor Pierce recused herself from this item.

Discussion ensued on the following: None

MOTION: Council Member Barigar made a motion to suspend the rules and place Ordinance on third and final reading by title only under suspension of the rules. **Council Member Lanting** seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0 to 1 with **Vice Mayor Pierce** abstaining.

Mayor Hawkins read Ordinance #O-2020-011 by title only.

MOTION: Council Member Boyd moved to adopt Ordinance #O-2020-011 to Annex property located at 400-600 block of Hankins Road. (Application PZ20-0057). **Council Member Barigar** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0 to 1 with **Vice Mayor Pierce** abstaining.

- e) Request to confirm Mayor Hawkins' recommendation to appoint Jennifer Shaffer, Ben Woodbury, and Lisa Maas to serve on the Historic Preservation Commission.

Mayor Hawkins requested to confirm the recommendation to appoint Jennifer Shaffer and Ben Woodbury to serve on the Historic Preservation Commission.

Discussion ensued on the following:

Council Member Barigar: Asked for clarification on the terms of the appointees.

MOTION: Council Member Hawkins moved to confirm the appointment of Jennifer Shaffer, Ben Woodbury, to serve on the Historic Preservation Commission. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- f) Consideration of a request for a Non-Conforming Building Expansion Waiver for property located at 1956 Falls Avenue East.c/o Anita & James Burdick PZ20-0103.

P&Z Director Spendlove requested consideration of a request for a Non-Conforming Building Expansion Waiver for property located at 1956 Falls Avenue East, c/o Anita & James Burdick PZ20-0103.

Discussion ensued on the following: None

MOTION: Council Member Lanting moved to approve the request for a Non-Conforming Building Expansion Waiver for property located at 1956 Falls Avenue East, c/o Anita & James Burdick PZ20-0103. **Vice Mayor Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- 6) **GENERAL PUBLIC INPUT - To provide public input to the City Council please email: Citizeninput@tfid.org.**

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Hawkins made the following announcements:

Wellness Tress is now providing both dental & vision services on Tuesdays & Thursdays from 6-9. The Lions Club is looking for someone to take over the plat flag placement on holidays.

September 9th at the Airport is the Community Airforce B25 Event.

Asked about Veterans sleeping in their cars in the City of Twin Falls. Police

Chief Kingsbury and City Attorney Nope addressed this question.

Recess called at 5:32 p.m. Meeting resumed at 6:00 p.m.

- 8) **PUBLIC HEARINGS: To make written comment please email: Citizeninput@tfid.org. Comments submitted after 12:00 PM, will not be included in the public hearing record. To call in to the meeting please telephone 1-208-939-6718, Conference ID: 322 671 720#. Calls must be received between 6:00 pm – 6:10 pm on August 24, 2020 and will be put into a queue to speak during the Public Hearing portion of the meeting.**

- a) Public Hearing on the FY2021 Budget and Adoption of the City of Twin FallsFY2021 Appropriations Ordinance.

City Manager Rothweiler presented the FY2021 Budget & Adoption of the City of Twin Falls FY2021 Appropriations Ordinance.

Discussion ensued on the following:

Council Member Barigar: Asked to wait until next week to make the decision on the CARES funds.

Public Hearing Opened: 6:18 pm

Public Hearing Closed: 6:19 pm

MOTION: Council Member Lanting made a motion to suspend the rules and place Ordinance #2020-013 on third and final reading by title only under suspension of the rules. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

MOTION: Vice Mayor Pierce moved to approve the FY2021 Budget & Adoption of the City of Twin Falls FY2021 Appropriations Ordinance #2020-013. **Council Member Barigar** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- b) Public Hearing and adoption of Resolution 2020-014 to reserve the forgone amount for the fiscal year 2020-2021 for use in subsequent years as described in Idaho Code §63-802, et al.

CFO Breanna Howard requested adoption of Resolution 2020-014 to reserve the forgone amount for the fiscal year 2020-2021 for use in subsequent years as described in Idaho Code §63-802, et al.

This year's amount:	\$ 697,681
Previous Balance:	\$1,416,814
Total amount going forward:	\$2,114,495

Discussion ensued on the following:

Council Member Barigar: Commented on the new process.

Public Hearing Opened: 6:23 pm

Public Hearing Closed: 6:24 pm

MOTION: Council Member Barigar moved to approve the adoption of Resolution #2020-014 to reserve the forgone amount for the fiscal year 2020-2021 for use in subsequent years as described in Idaho Code §63-802, et al. **Council Member Lanting** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

9) ADJOURNMENT

The meeting adjourned at 06:25 PM

Amy Luna, Finance Administrative Assistant



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Final Plat</u> Application,	)	FINDINGS OF FACT,
	)	
<u>Broadmoor Subdivision No. 2</u>	)	
<u>c/o EHM Engineers, Inc.</u>	)	CONCLUSIONS OF LAW,
Applicant(s).	)	
	)	AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on **Monday, August 24, 2020** for consideration of the final plat of the **Broadmoor Subdivision No. 2**, approximately **.49 (+/-)** acres, to develop 2 lots located at **1170 Woodland Meadows Way**, and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the final plat of the **Broadmoor Subdivision No. 2**, approximately **.49 (+/-)** acres, to develop 2 lots located at **1170 Woodland Meadows Way**.
2. The property in question is zoned **R-2** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Town Neighborhood** in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, **Park**; to the south, **Residential**; to the east, **Residential/Wendell Street**; to the west, **Residential/Woodland Meadows Way**.
4. The City Engineering Office has reviewed the final plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The final plat of the **Broadmoor Subdivision No. 2**, approximately **.49** (+/-) acres, to develop 2 lots located at **1170 Woodland Meadows Way** is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The final plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H)(2)(a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H)(2)(d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the City Council's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

7. The final plat is in conformance with the Preliminary Plat. Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

The request for approval of the final plat of the **Broadmoor Subdivision No. 2**, approximately **.49** (+/-) acres, to develop 2 lots located at **1170 Woodland Meadows Way** is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

1. Subject to final technical review and amendments as required by the Building, Engineering, fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.



Date: Monday, August 31, 2020, Council Meeting
To: Honorable Mayor and City Council
From: Sergeant Ryan Howe, Twin Falls Police Department

Request:

Consideration of a request to hold the 8th Annual Haunted Swamp.

Time Estimate:

Staff requests this item be placed on the Consent Calendar.

Background:

Gary Miller, owner of Magic Mountain Ski Resort, has held the Haunted Swamp event at this location for the last seven years. It will be held at 646 South Park Ave West, property owned by Mr. Miller. The Haunted Swamp will be open weekends starting on September 25, 2020 and running until October 31, 2020. The Haunted Swamp will be open on Friday and Saturday evenings from 7:00 p.m. until 12:00 a.m. Additionally, it will be open on two Wednesday evenings in October from 7:00 p.m. until 10:00 p.m. There will also be a kiddie day on October 19, 2020 from 12:00 p.m. until 4:00 p.m.

This event is a fundraiser for the Magic Mountain Ski Patrol. They will have several employees working the event. This will include guides to aid people through the Haunted Swamp. Mr. Miller will also have three large parking areas for those attending and with a gravel road leading them to the parking area. He will have employees providing security and assisting with traffic control and parking.

Mr. Miller and ski patrol members will be responsible for any mud and debris tracked onto South Park Ave West from this event. He has made arrangements for clean-up of the roadway if necessary.

Ski Patrol members will be assisting with the event at all times. Ski Patrol members are trained in CPR and first aid.

We have had no calls for service during this event over the past seven years. Alcohol and smoking will not be allowed on the property.

This event benefits the volunteer Ski Patrol at Magic Mountain and helps pay for equipment and training.

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

Conclusion:

With the success of this event in the past, Twin Falls Police Department and relevant City Staff Members have reviewed this Special Event Application and recommend that the City Council approve the annual Haunted Swamp event.

Attachments:

N/A



Date: Monday, August 31, 2020, Council Meeting

To: Honorable Mayor and City Council

From: Sergeant Ryan Howe, Twin Falls Police

Request:

Consideration of a request to approve the “Free Our Children” March.

Time Estimate:

Staff requests this item be placed on the Consent Calendar.

Background:

Courtney Potter of MisfitsRED has submitted a Special Event Application requesting to hold a march to draw attention to the issue of child sex trafficking. The goal of the event is to raise money for the THORN foundation. The THORN foundation is a non-profit company that uses technology to defend children against sexual abuse. The money will be raised through the sale of #FreeOurChildren silicone bracelets.

This event is scheduled to begin near the intersection of Minidoka and Shoshone Street at 1:00 pm. The marchers will wear t-shirts and have signs to help boost awareness of the child sex trafficking issue. The march will end at Twin Falls City Park with three guest speakers at the bandshell. The event will last approximately one hour.

The event organizer has agreed to conduct the march so that it will not interfere with traffic flow. Pedestrians will be allowed to use the sidewalk during the event and no streets or sidewalks will be closed or blocked. The organizer anticipates less than 300 individuals. The organizer has secured the required insurance for this event and anticipates a peaceful event.

The organizer recognizes that this event is contingent upon progression through Idaho Governor’s “Idaho Rebounds” stages. If this event is approved, the organizer will take all required precautions to safeguard those attending the event and may be required to implement additional safety measures as deemed necessary by Twin Falls City Staff.

Approval Process:

Consent of the City Council.

Budget Impact:

There will be no budget impact for this event

Regulatory Impact:

N/A

Conclusion:

The Twin Falls Police Department Staff and several relevant City Staff Members have approved this Special Event Application. Based on this request and the information provided, Staff recommends this event be approved as presented.

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

Attachments:

None



Date: Monday, August 31, 2020, Council Meeting

To: Honorable Mayor and City Council

From: Sergeant Ryan Howe, Twin Falls Police

Request:

Consideration of a request to approve the 9th Annual Magic Valley Beer Festival.

Time Estimate:

Staff requests this item be placed on the Consent Calendar.

Background:

Shayne Carpenter has submitted a Special Event Application requesting to hold the 9th Annual Magic Valley Beer Festival on Saturday, September 26, 2020. This event is scheduled to be held in the Twin Falls City Park from 1:00 p.m. to 6:00 p.m. The festival is a charitable event with the proceeds going to support the National Wild Turkey Federation. This event had previously been approved with the Rotary Club as the sponsor. Multiple brewers will share several different beers with attendees.

The area requested for the Beer Festival will be the north half of the City Park. The area will be fenced in with only one entry point. Identification will be checked, and wristbands will be provided to those purchasing and consuming beer. The event organizers will be required to have two (2) Twin Falls Police Officers to provide security for the event. The officers will begin security at 2:00 p.m. and will stay one (1) hour after beer sales cease (7:00 p.m.) or until they deem security is no longer needed. The event organizers will pay for the cost of security.

There will be live music in the park band shell from 12:00 p.m. to 7:00 p.m.

The event organizer has purchased a Benevolent Catering Permit through the State of Idaho, which will cover all vendors. Additionally, they have secured the required insurance for this event.

The organizer recognizes that this event is contingent upon progression through Idaho Governor's "Idaho Rebounds" stages. If this event is approved, the organizer will take all required precautions to safeguard those attending the event and may be required to implement additional safety measures as deemed necessary by Twin Falls City Staff.

Approval Process:

Consent of the City Council.

Budget Impact:

There will be two (2) Twin Falls Police Officers working the event from 2:00 p.m. to 7:00 p.m. The estimated total cost for security will be \$600.00, which will be paid by the event organizer. The event organizer will have 60 days from the conclusion of the event to pay the security invoice.

Regulatory Impact:

N/A.

Conclusion:

The Twin Falls Police Department Staff and several relevant City Staff Members have approved this Special Event Application. Based on this request and the information provided, Staff recommends this event be approved as presented.

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

Attachments:

None



Date: Monday, August 31, 2020
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request to adopt Ordinance #O-2020-012 for the Cedarpark ZDA Agreement. (PZ20-0062)

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

On June 23, 2020, the Planning and Zoning Commission sent a positive recommendation to the City Council for the amendment to the Cedarpark ZDA, as requested by the applicant.

On July 20, 2020, the City Council heard, deliberated and approved the ZDA Amendment of the property located at the northwest corner of Addison Avenue East and Carriage lane North.

Approval Process:

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

Budget Impact:

Regulatory Impact:

History:

N/A

Analysis:

N/A

Conclusion:

As directed by Council, staff has prepared an ordinance to finalize the ZDA Amendment process.

Attachments:

1. PZ20-0062 Ordinance and Cedarpark ZDA signed

ORDINANCE NO. 0-2020-012

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

WHEREAS, Gary N. Nelson has made application for rezoning of property located at the northwest corner of Addison Avenue East and Carriage Lane North; City of Twin Falls, and an amendment of the revised Area of Impact and Comprehensive Plan Land Use Map; and

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 23rd day of June , 2020, to consider the Zoning Designation and necessary Zoning & Planning Map amendment upon a rezone of the real property below described, and an amendment to the revised area of Impact and Comprehensive Plan Land Use Map; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 20th day of July, 2020.

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

SECTION 1. The following described real property located at the northwest corner of Addison Avenue East and Carriage Lane North is the subject of a Zoning District Change and Zoning Map amendment from R-2, R-4, R-4 PRO, C-1 PUD to C-1 ZDA.

"Exhibit A"-Legal Description

"Exhibit B"-Zoning Development Agreement

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

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

PASSED BY THE CITY COUNCIL _____, 20____

SIGNED BY THE MAYOR _____, 20____

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, _____, 20____

Exhibit A

**LEGAL DESCRIPTION
CEDARPARK C-1 ZDA
TWIN FALLS COUNTY, IDAHO**

BEING A PORTION OF SE4 SW4, SECTION 11, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO; SAID PROPERTY BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 11, SAID POINT LIES SOUTH 88°51'24" EAST 2614.91 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 11;
THENCE, ALONG THE EAST BOUNDARY OF THE SW4 OF SAID SECTION 11, NORTH 00°00'25" WEST 379.08 FEET;
THENCE, LEAVING SAID EAST BOUNDARY, NORTH 88°51'24" WEST 37.01 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN MAP ENTITLED "CEDARPARK SUBDIVISION NO. 10", RECORDED MAY 5, 2014 AS INSTRUMENT NO. 2014-007131 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY AND BEING THE REAL POINT OF BEGINNING;
THENCE, ALONG THE WEST RIGHT-OF-WAY BOUNDARY OF CARRIAGE LANE, SOUTH 00°00'25" EAST 300.66 FEET;
THENCE, CONTINUING ALONG SAID WEST RIGHT-OF-WAY BOUNDARY, ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 91°09'00", AN ARC DISTANCE OF 31.82 FEET AND A CHORD THAT BEARS SOUTH 45°34'06" WEST 28.57 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY BOUNDARY OF ADDISON AVENUE EAST;
THENCE, ALONG SAID NORTH RIGHT-OF-WAY BOUNDARY, NORTH 88°51'24" WEST 141.42 FEET;
THENCE, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY BOUNDARY, SOUTH 01°08'36" WEST 18.00 FEET;
THENCE, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY BOUNDARY, NORTH 88°51'24" WEST 451.33 FEET;
THENCE, LEAVING SAID NORTH RIGHT-OF-WAY BOUNDARY, NORTH 00°04'42" WEST 339.08 FEET TO THE SOUTHWEST CORNER OF SAID MAP;
THENCE, ALONG THE SOUTH BOUNDARY OF SAID MAP, SOUTH 88°51'24" EAST 613.94 FEET TO SAID REAL POINT OF BEGINNING.
CONTAINING APPROXIMATLY 4.707 ACRES.

AND

BEING ALL OF CEDARPARK SUBDIVISION NO. 10, RECORDED MAY 5, 2014 AS INSTRUMENT NO. 2014-007131 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY.

Ordinance No.

Page 3 of 3

Zoning Application No.PZ20-0062

Cedarpark ZDA

A C-1 Commercial

Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this ____ day of _____, 2020, by and between the city of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Gary N. Nelson & Co., an Idaho Business Corporation (hereinafter called "Developer") for the purpose of developing Commercial uses on property located West of and adjacent to Carriage Lane, North of Addison Avenue East, known as Cedarpark Subdivision No. 13, a PUD.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 8; Commercial Highway District or as amended, and all references to other sections therein including the following deviations:
2. C-1, Commercial Highway District modified as follows;
 - a. Permitted uses;
 - i. Residential
 1. Dwellings – fourplexes.
 - ii. Retail Trade
 1. Equipment rental.
 2. Large implement and heavy equipment sales and or rentals.
 3. Storage Units with extended hours of operation.
 - b. Special uses;
 - i. Miscellaneous
 1. Any Permitted or Special non-residential use requesting hours of operation outside the hours of six o'clock A.M. (6:00 A.M.) to ten o'clock P.M. (10:00 P.M.) except storage unit facilities.
 - c. Prohibited uses;
 - i. Animal Hospital - Large Animal
 - ii. Bulk Fuel Sales
 - iii. In Home Day Care Centers
 - iv. Cemeteries
 - v. Fairgrounds
 - vi. Go Cart Tracks
 - vii. Jails, Detention Centers, Or Work Release Centers
 - viii. Judicial Facilities
 - ix. Outdoor Amplified Sound systems (permanent)
 - x. Outdoor Theaters
 - xi. RV And Camping Parks
 - xii. Shelter Homes and/or Facilities
 - xiii. Stand Alone Drug and Alcohol Treatment facilities
 - xiv. Tattoo Parlors
 - xv. Zoos

Cedarpark ZDA
A C-1 Commercial
Zoning Development Agreement

d. Property Development Standards

i. Landscaping;

1. A twenty-foot (20') landscaping buffer directly behind the sidewalk shall be installed along Carriage Lane. This buffer shall adhere to tree and shrub counts as noted in City code Title 10, Chapter 11, Section 2.
 - a. Trees and shrubs may be grouped throughout the development, with a maximum of seventy-five feet (75') between groupings.

Developer: Gary N. Nelson & Co.
P.O. Box 6004
Twin Falls, ID 83303

City: City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

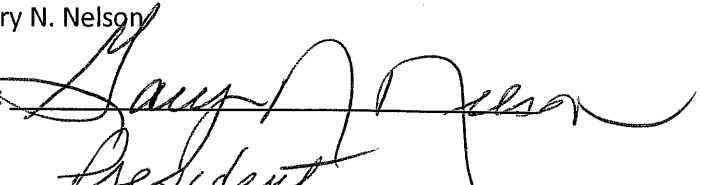
"CITY"
CITY OF TWIN FALLS

By: _____
Mayor

ATTEST:

City Clerk

"DEVELOPER"
Gary N. Nelson

By: 

President

Cedarpark ZDA
A C-1 Commercial
Zoning Development Agreement

SATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 2020 before me, a Notary Public for said County and State, personally appeared _____ and _____, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City executed the same.

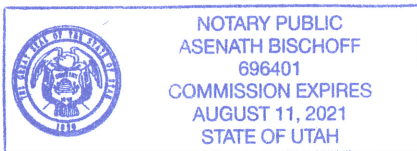
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

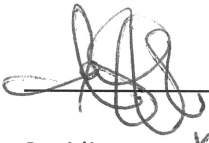
Residing at _____
My commission expires _____

STATE OF UTAH)
 ss.
County of Salt Lake)

On this 20 day of August, 2020 before me, a Notary Public for said County and State, personally appeared Gary N. Nelson, known or identified to me, to be the President of Gary N. Nelson & Co., that executed said instrument.

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





Residing at Riverton
My commission expires Aug. 11, 2021

EXHIBIT A

**LEGAL DESCRIPTION
CEDARPARK C-1 ZDA
TWIN FALLS COUNTY, IDAHO**

BEING A PORTION OF SE4 SW4, SECTION 11, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO; SAID PROPERTY BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 11, SAID POINT LIES SOUTH 88°51'24" EAST 2614.91 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 11;
THENCE, ALONG THE EAST BOUNDARY OF THE SW4 OF SAID SECTION 11, NORTH 00°00'25" WEST 379.08 FEET;
THENCE, LEAVING SAID EAST BOUNDARY, NORTH 88°51'24" WEST 37.01 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN MAP ENTITLED "CEDARPARK SUBDIVISION NO. 10", RECORDED MAY 5, 2014 AS INSTRUMENT NO. 2014-007131 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY AND BEING THE REAL POINT OF BEGINNING;
THENCE, ALONG THE WEST RIGHT-OF-WAY BOUNDARY OF CARRIAGE LANE, SOUTH 00°00'25" EAST 300.66 FEET;
THENCE, CONTINUING ALONG SAID WEST RIGHT-OF-WAY BOUNDARY, ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 91°09'00", AN ARC DISTANCE OF 31.82 FEET AND A CHORD THAT BEARS SOUTH 45°34'06" WEST 28.57 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY BOUNDARY OF ADDISON AVENUE EAST;
THENCE, ALONG SAID NORTH RIGHT-OF-WAY BOUNDARY, NORTH 88°51'24" WEST 141.42 FEET;
THENCE, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY BOUNDARY, SOUTH 01°08'36" WEST 18.00 FEET;
THENCE, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY BOUNDARY, NORTH 88°51'24" WEST 451.33 FEET;
THENCE, LEAVING SAID NORTH RIGHT-OF-WAY BOUNDARY, NORTH 00°04'42" WEST 339.08 FEET TO THE SOUTHWEST CORNER OF SAID MAP;
THENCE, ALONG THE SOUTH BOUNDARY OF SAID MAP, SOUTH 88°51'24" EAST 613.94 FEET TO SAID REAL POINT OF BEGINNING.
CONTAINING APPROXIMATLY 4.707 ACRES.

AND

BEING ALL OF CEDARPARK SUBDIVISION NO. 10, RECORDED MAY 5, 2014 AS INSTRUMENT NO. 2014-007131 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY.

END OF DESCRIPTION

ZONE:
R-4 PUD

2.12 Ac.
92,390 sf
Cedarpark Subdivision No. 10

0.31 Ac.
13,617 sf
(3,000 sf Pad)

0.30 Ac.
13,043 sf
(3,000 sf Pad)

0.30 Ac.
13,043 sf
(3,000 sf Pad)

0.30 Ac.
13,044 sf
(3,000 sf Pad)

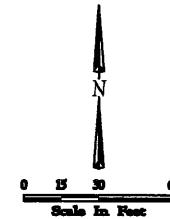
0.30 Ac.
13,044 sf
(3,000 sf Pad)

0.33 Ac.
14,300 sf
(3,000 sf Pad)

ZONE:
C-1 PUD

Cedarpark Subdivision No. 13

ZONE:
C-1



Cedarpark

A ZDA

Located In

A Portion of

**SW4, Section 11
T. 10 S., R. 17 E., BM
Twin Falls County, Idaho
2020**

EXISTING SUBJECT PROPERTY ZONING: C-1 PUD
PROPOSED SUBJECT PROPERTY ZONING: C-1 ZDA

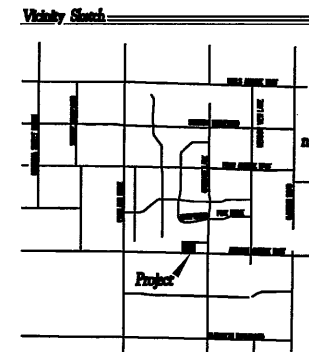


EXHIBIT B

Master Development Plan

EHM Engineers, Inc.
ENGINEERS / SURVEYORS / PLANNERS
621 North College Road, Suite 100, Twin Falls, Idaho 83301
P (208) 734-4888 F (208) 734-6059 www.ehm.com

**Master Development Plan For
Cedarpark Subdivision No. 13, A PUD
City of Twin Falls, Idaho**

NO. OF SHEETS: 12
SHEET NO.: 12 OF 12

DATE: 10/1/2020
BY: T. WARDEN

DATE: 10/1/2020
BY: T. WARDEN

DATE: 10/1/2020
BY: T. WARDEN

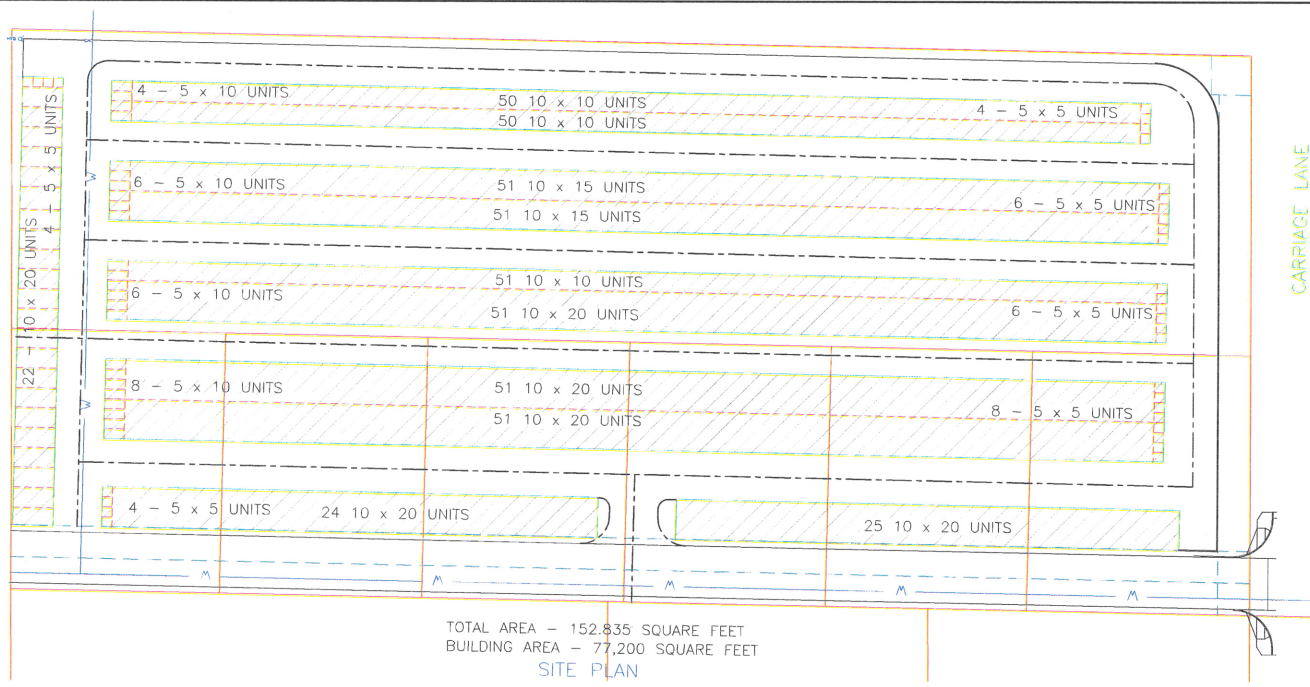
DATE: 10/1/2020
BY: T. WARDEN

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BY: T. WARDEN

DATE: 10/1/2020
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DATE: 10/1/2020
BY: T. WARDEN

DATE: 10/1/2020
BY: T. WARDEN



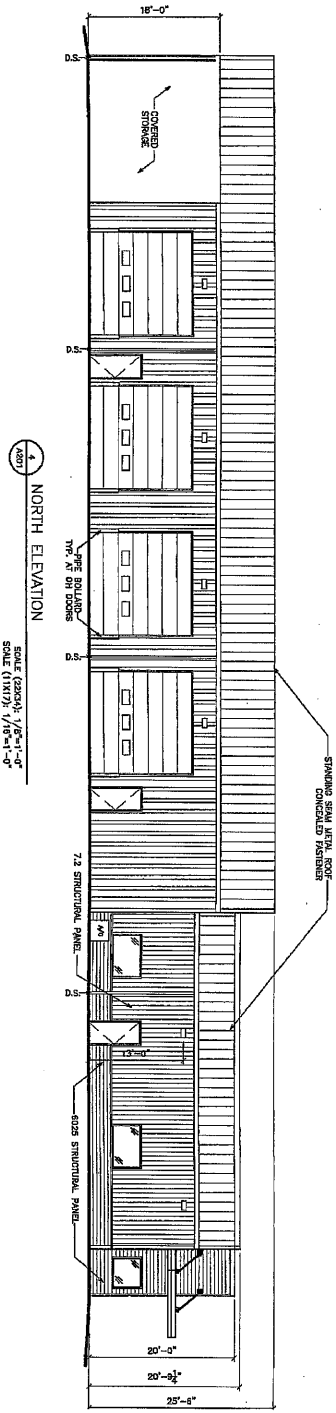
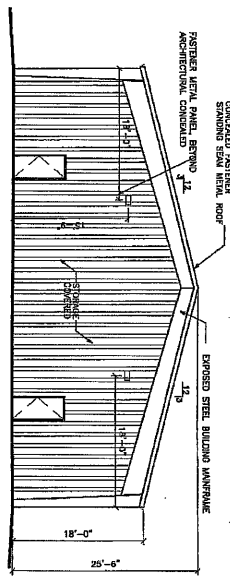
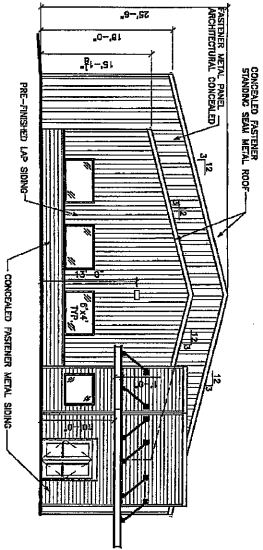
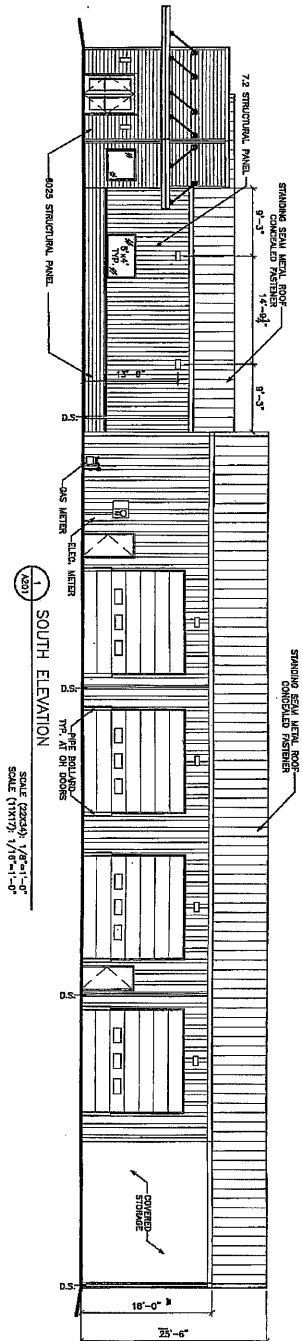
NOT FOR
CONSTRUCTION

REV	DATE	REVISION

TD&H Engineering
tdehengineering.com

DRAWN BY: RLH DESIGNED BY: QUALITY CHECK: DATE: 2/5/20 JOB NO. TF20-005 FIELDBOOK	CARRIAGE LANE SELF STORAGE TOWN FALLS, IDAHO SUP SITE PLAN AND BUILDING ELEVATIONS
--	---

TF20-005 FP.DWG
SHEET **1**



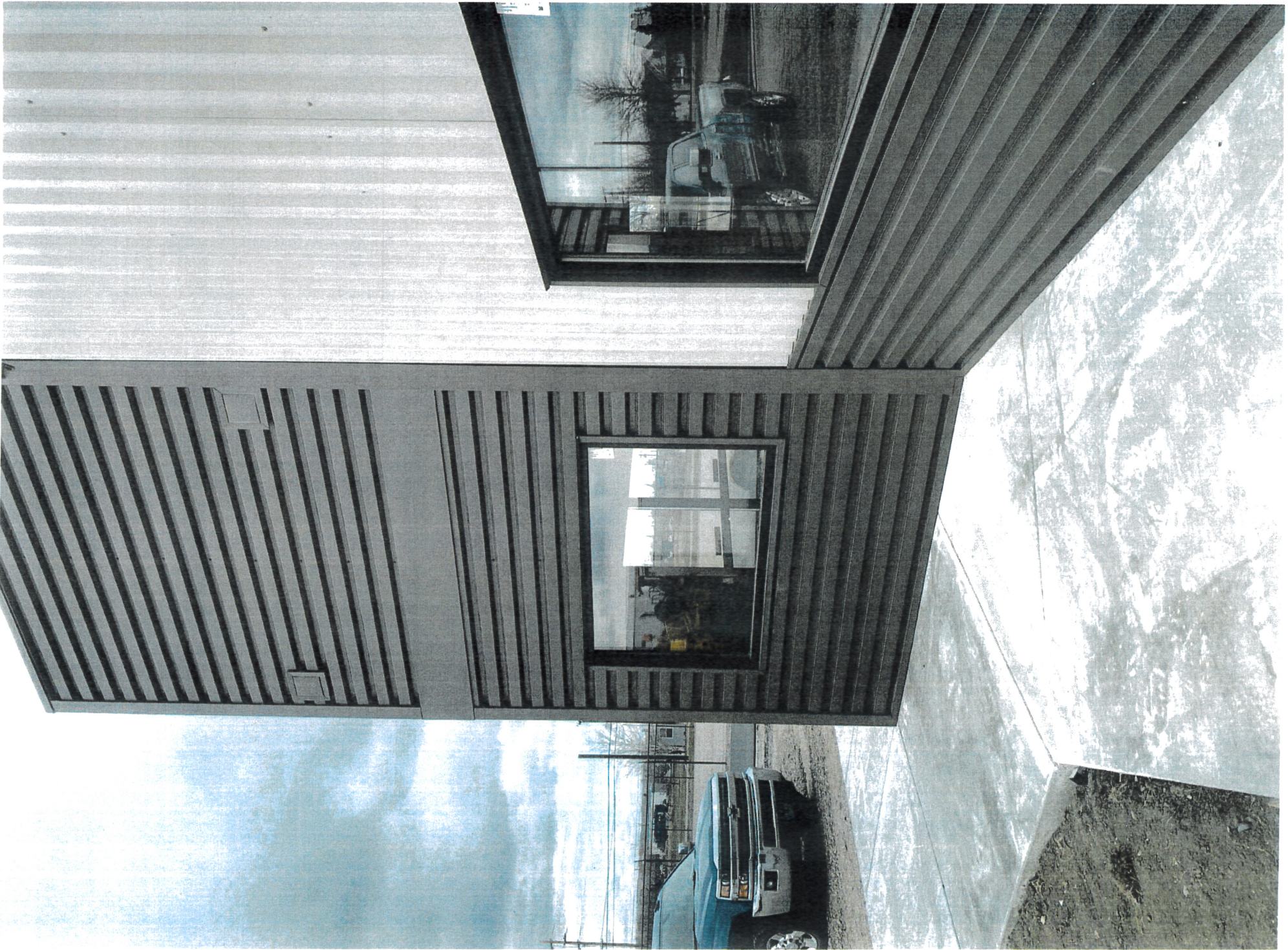
Drawn By: CH
Checked By:
Date: 02-18-2020
Project #:
Cadd file:

TENSCO INC.
621 North College
Twin Falls, Idaho
Phone: 208-420-2461

PRO SALES
Twin Falls, Idaho

PRELIMINARY
SET
02-18-2020
SHEET#:
A201











Date: Monday, August 31, 2020
To: Mayor and City Council
From: Travis Rothweiler, City Manager

Request

ACTION: Confirmation by the City Council to remain in Governor Little's proposal to use CARES funding for property tax relief.

Time Estimate

The estimated amount of time this item will take is 20 minutes plus time to answer questions.

Background

Statutorily under Idaho Code, cities and counties are permitted to collect 3% more property tax revenue than the previous fiscal year, plus the value of new construction and annexation, and recover any portion of the City's forgone balance.

In May 2020, the City Council and the City Manager made the decision not to assess the statutorily allowed three percent (3%) property tax increase as provided for in Idaho Code §63-802. More than a month later, the Governor created a tax relief program that diverts \$200 million in Federal CARES funding directly to Idaho property taxpayers if cities and counties elect to not take the three percent (3%) property tax increase. For those that elect to participate, the CARES funding will be proportionately divided among those Idaho cities and counties using a formula based on the actual cost of public safety personnel salaries (police, fire, animal control, dispatch, etc.).

On July 13, 2020, the City Council authorized the City Manager to provide written notice of the City's intent to opt into Governor Little's CARES property tax relief program.

Since it was first introduced, several questions surrounding the legality and conformity of the Governor's proposal to the U.S. Treasury's guidance surfaced. Several County Prosecutors questioned if the proposal is allowable under the CARES Act regulations.

On August 6, 2020, Governor Little issued Executive Order No. 2020-15. In the Order, he stated in the recitals that he "...met with senior U.S. Treasury and White House staff in Washington, D.C., to discuss the proposed (Public Safety) initiative and received positive reinforcement that the proposed plan aligns with U.S. Treasury guidance..." on July 16, 2020.

The City Manager does not believe there will be any additional information that will be provided before the deadline the City is required to submit the L-2, the property tax request form, to the Twin Falls County Officials.

On August 24, 2020, the City Council adopted the 2020-2021 Fiscal Year Budget for the City of Twin Falls. The adopted budget did not include the statutorily allowed three percent (3%) property tax increase or use of the forgone balance. As a result of this action, the City remains eligible to participate in the Governor's property tax relief program.

The exact amount of tax credit received will not be known until October 2020 when all cities and county budgets are certified, and all public safety salaries are calculated. Based on the initial guidance supplied by the Governor's office, we are estimating that our citizens will receive a collective total of \$5,978,324.46, which will be split proportionately between the City's property owners and the properties contained in the Twin Falls Urban Renewal Agency's tax increment finance areas. The City residents will share \$4,779,423.73, while the Agency will proportionately split \$1,019,551. This assumes the City will retain the 3% administrative fee, which equates to \$179,349.73.

As a result, the functional tax rate to be approximately \$5.45/\$1,000. The anticipated City property tax savings on a median-valued, owner occupied house will be \$124.13 annually compared to the taxes paid by our residents in 2020. If the City elects not to retain the administrative fee, the property tax savings will increase by \$6.00 annually and the functional tax rate would be \$5.39/\$1,000 of total taxable value.

The credit is for only one fiscal year.

The City Council will need to determine if it would like to retain this amount. As requested by the City Council, the City Manager will provide a list of possible uses of the funding should it be retained.

Approval

To Be Eligible to Participate: The City of Twin Falls has completed the preliminary steps to be eligible to participate in the program. We provided our written notice of intent to the Governor, supplied the requested salary information, and did not include the three percent (3%) property tax increase or the forgone balance in the 2020-2021 Fiscal Year Budget. The last step that we will need to be completed is the submission of the L-2 Form to the County. The L-2 Form is the final step the City needs to take.

Action by the City Council: The approval process is 50% +1 of the members of the City Council that are present. By adopting the ordinance, the City Council will create the 2020-2021 Budget for the City of Twin Falls, Idaho.

Budget Impact:

If the City Council elects to remain in the program, the City's overall revenue would be increased by \$179,349.73 if it elects to retain the 3% administrative fee. If not, there would not be any financial impact to the City.

As stated above, there is a financial consequence of participating in the program for our residents.

There are no current budgetary or financial impacts to the City if it elects to opt out of Governor Little's CARES property tax proposal.

Regulatory Impact:

- Idaho Code Section 50-811 states the City Manager shall "...keep the council fully advised of the financial condition of the city and its future needs..." and "...prepare and submit to the council a tentative budget for the next fiscal year."
- Idaho Code §50-235 empowers each city council of each city to levy taxes for general revenue purposes
- Idaho Code §63-802 sets limitations on all taxing district budget requests on the amount of property tax revenues that can be used to fund programs and services. This section also states that taxing entities can only increase property tax collections by a maximum of three percent (3%) annually,

plus value of new construction and annexation added during the previous calendar year, and forgone taxes that have been accumulated and reserved in prior fiscal years

- Governor Little's Order creating the CARES Property Tax Relief Program

Attachments

1. Governor's Program Description: Leveraging the CRF to Cover Qualified Payroll Costs if Local Governments Pass Savings on in Form of Property Tax Relief
2. Written notice provided by the City of Twin Falls to Governor Little to opt into the program.
3. Governor Little's Executive Order No. 2020-15

**Leveraging the CRF to Cover Qualified Payroll Expenses if Local Governments
Pass Savings on in Form of Property Tax Relief**

Program Goals

- Allow city and county governments to opt into using CRF dollars to cover the payroll of public health and public safety personnel if they agree to pass along the resulting budget savings to Idahoans in the form of property tax relief.
- Support our police, fire, and EMS personnel and ensure there are no reductions in public safety during these unprecedented COVID-19 related challenges.
- Provide **\$200 million** in property tax relief to Idahoans.

Proposed Implementation

- Program is announced by Governor and legislative leadership on June 4.
- CFAC finalizes parameters for participation by June 10:
 - Define qualified public safety and public health personnel
 - Set parameters for those services that are contracted
 - Attest they will not take the 3% increase (0%) and will not take foregone
- Each city and county government must provide a notice of intent to participate by July 17, 2020.
 - Specifically, each participating city and county must provide estimates of their payroll for public health and public safety personnel.
- By July 24, CFAC reviews the notices of intent and payroll data and establishes equitable allocation model to each city and county to establish a cap on payroll expenses that can be reimbursed by CRF funds.
- After completing their certification of property tax levy on or before September 20, 2020, each participating city and county government must submit to DFM the amount of property tax relief that they will provide citizens under this program.
- By November 1, 2020, each city and county government must submit documentation to the State Controller on their actual public health and public safety payroll expenses from March 1 through October 30, and their estimated payroll expenses through December 30.
- In late November, the property tax savings is reflected as a credit on the property tax statement with an accompanying letter explaining the program.
- By December 15, 2020, the State Controller send a check to city and county governments for covered payroll expenses:
 - The covered amount must be within the CFAC allocation established for each city/county; and
 - The covered amount must not exceed 103% of the property tax relief certified on or before September 20.

	<u>Salarie and Wages</u>	<u>Benefits and Payroll Taxes</u>	<u>Total</u>
Police	402,191	1,792,801	2,194,992
Fires	850,232	654,045	1,504,277
	<u>1,252,423</u>	<u>2,446,846</u>	<u>3,699,269</u>

Travis Rothweiler

From: Brent Hyatt
Sent: Monday, June 8, 2020 8:42 AM
To: Travis Rothweiler
Subject: RE: Here you go

That's March, April, May and does not include Dispatch.

Brent Hyatt
Assistant Finance Director
City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303
208-735-7241
<mailto:bhyatt@tfid.org>



From: Travis Rothweiler
Sent: Monday, June 8, 2020 8:41 AM
To: Brent Hyatt <bhyatt@tfid.org>
Subject: Re: Here you go

Is that for 3 months or annually

Travis Rothweiler
City Manager
City is Twin Falls, Idaho
Sent from my iPhone

On Jun 8, 2020, at 8:20 AM, Brent Hyatt <bhyatt@tfid.org> wrote:

	<u>Salaries and Wages</u>	<u>Benefits and Payroll Taxes</u>	<u>Total</u>
Police	4,669,373	1,743,492	6,412,865
Fire	2,306,428	1,063,082	3,369,510
	6,975,801	2,806,574	9,782,375

Brent Hyatt
Assistant Finance Director
City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303
208-735-7241
<mailto:bhyatt@tfid.org>

<image001.png>

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Brent Hyatt
Assistant Finance Director
City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303
208-735-7241
<mailto:bhyatt@tfid.org>

<image001.png>



P.O. Box 1907

203 Main Avenue East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2296

OFFICE OF THE CITY MANAGER

208-735-7271

July 13, 2020

The Honorable Governor Brad Little
State Capitol
Boise, Idaho 83720

*Sent via e-mail to: CFAC@dfm.idaho.gov
Original will not follow unless requested.*

Dear Governor Little:

Greetings! We hope this finds you well in these unprecedented times.

The City of Twin Falls is a growing, vibrant community with an estimated population of more than 50,000. We serve as the retail, educational, entertainment, medical and employment hub of a geographic area that contains over 260,000 individuals. Through the collective efforts of 313 employees, we provide meaningful public services designed to provide for our community's safety, health and overall welfare, using revenues received from many sources, including property taxes.

As we developed the budget for the upcoming fiscal year, we found ourselves dealing with a tremendous amount of uncertainty. We do not know what a "new normal" will look like when, and if, it arrives. To this day, we remain concerned about the long-term economic, health, psychological and societal effects that the novel coronavirus disease (COVID-19) will have on our community and our ability to provide public services.

As you know, Idaho Code §63-802 sets limitations on all taxing districts. Cities and counties are permitted to collect three percent (3%) more property tax revenue than they did in the highest of the previous three fiscal years, the value of new construction and annexation, and recover any portion of the City's forgone balance.

In January 2020 when the members of the Idaho Legislature started having the conversation of a "tax freeze" on local government property tax revenue, we committed to build a budget that did not assess the statutorily allowed three percent (3%) property tax increase and preserve the entirety of our

forgone balance. Each of our departments worked hard to right-size their respective budgets. From hours of thoughtful review and many discussions, we produced a balanced, sustainable budget proposal in a time of tremendous uncertainty.

On April 27, 2020 at its regular meeting, the City Council endorsed this approach. As a result, the recommended budget for the City of Twin Falls for FY 2020-2021 does not require the City of Twin Falls to take the statutorily provided for three-percent increase in property tax revenue or touch any portion of its more than \$1.4 million in forgone balance.

In June 2020, the tax relief program that diverts almost \$200 million on Federal CARES funding directly to Idaho property taxpayers was announced. We understand the exact amount of tax credit received will not be known until October 2020 when all cities and county budgets are certified, and all public safety salaries are calculated. Based on the initial guidance supplied by representatives from your team, we are estimating that our citizens will receive \$3,529,398 in total property tax relief from the programs.

The tax rate assessed to properties in the City of Twin Falls is 0.0071341 or \$7.13/\$1,000 of taxable value. Based on our efforts, we were able to reduce the FY 2021 tax rate to 0.0069038 or \$6.90/\$1,000. Based on our initial calculations, we estimate the city's functional tax rate would decrease to approximately 0.0058712 or \$5.87/\$1,000 taxable value. This will save an estimated \$111.29 in city property tax savings for our taxpayers who own and live in a home valued at \$208,050, which is the median home value (Zillow).

At this time, we understand there are several questions surrounding the program as it is currently drafted. Several County Prosecutors have questioned if the property tax relief proposal is allowable under the CARES Act regulations.

Because the recommended budget does not require the need to increase property tax revenue by 3% of the greater of the previous 3 years' tax levy or any portion of the city's forgone balance to balance, we are notifying you the City of Twin Falls intends to participate in the public safety proposal. The Twin Falls City Council voted unanimously to participate at its regular meeting on July 13, 2020, contingent upon US Department of Treasury's favorable review and acceptance of the tax relief program.

Our estimated payroll costs from March 1, 2020 through December 30, 2020 are as follows:

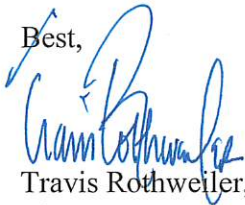
Employee Category	Actual Payroll March 2020 – June 2020	Estimated Payroll July 2020 – December 2020	Total
Communications Center	\$381,709.64	\$580,910.67	\$962,620.31
Emergency Personnel	\$412,400.16	\$626,338.63	\$1,038,738.79
Fire Department	\$1,624,234.24	\$2,453,171.44	\$4,077,405.68
Police Department	\$3,190,555.43	\$4,826,304.77	\$8,016,860.20
TOTAL	\$5,608,899.47	\$8,486,725.51	\$14,095,624.98

July 13, 2020
Page 3

We request members of your team provide us with an estimated payroll allocation available through the Coronavirus Relief Fund.

Should you have any questions or comments, please do not hesitate to contact me. Thank you.

Best,

A handwritten signature in blue ink, appearing to read "Travis Rothweiler", is written over the printed name.

Travis Rothweiler, ICMA-CM
City Manager
City of Twin Falls, Idaho



*Executive Department
State of Idaho*

*State Capitol
Boise*

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2020-15

***DIRECTING IDAHO STATE TAX COMMISSION TO ADMINISTER
THE BUDGET AND LEVY COMPONENTS OF THE GOVERNOR'S
PUBLIC SAFETY GRANT INITIATIVE FOR CITIES AND
COUNTIES***

WHEREAS, Congress has passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), which provided the State of Idaho \$1.25 billion through the Coronavirus Relief Fund for qualifying expenses; and

WHEREAS, on April 30, 2020, the Board of Examiners approved, pursuant to Idaho Code § 67-3516(2), non-cognizable spending authority for the Governor's Office in fund 0345 for the \$1.25 billion for the time period of March 1, 2020, through December 30, 2020; and

WHEREAS, on June 30, 2020, the United States Department of Treasury ("U.S. Treasury") issued guidance for state, territorial, local, and tribal governments on the proper uses of the Coronavirus Relief Fund; and

WHEREAS, the U.S. Treasury guidance ("U.S. Treasury guidance") outlines a non-exclusive list of eligible expenditures, including expenditures for payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency; and

WHEREAS, the U.S. Treasury guidance states that as a matter of administrative convenience, the entire public health and public safety payroll costs may be presumed to be substantially dedicated to mitigating or responding to the COVID-19 public health emergency; and

WHEREAS, the U.S. Treasury Secretary and senior staff of the U.S. Treasury are quoted in various outlets stating that this presumption of substantial dedication to COVID-19 efforts exists regardless of whether or not the payroll costs were accounted for in the budget most recently approved as of March 27, 2020; and

WHEREAS, the U.S. Treasury states that the funds may be transferred from the state to units of local government with the addition of certain restrictions to satisfy the requirements of the CARES Act and guidance; and

WHEREAS, the U.S. Treasury notes that for payments to be deemed necessary, they must be reasonably necessary for their intended use in the reasonable judgment of the government officials responsible for spending Fund payments;

WHEREAS, in Executive Order 2020-07, I established the Coronavirus Financial Advisory Committee (CFAC) to make recommendations to me for prioritizing the use of Coronavirus Relief Funds; and

WHEREAS, CFAC is comprised of a broad group of stakeholders, including

legislators, representatives of local and tribal governments, and representatives from the Idaho Association of Cities and Association of Idaho Counties; and

WHEREAS, on May 4, 2020, I approved a recommendation from CFAC to allocate \$94 million to local and tribal governments to cover their direct COVID-19 expenses, making Idaho one of the first states to provide local governments access to the fund, eliciting praise from the Trump Administration; and

WHEREAS, local governments have expressed that this initial \$94 million allocation is sufficient for and, in many cases in excess of, their direct COVID-19 costs and relatively little expenses have been incurred to date; and

WHEREAS, on May 28, 2020, CFAC sent a letter to U.S. Treasury staff outlining the potential use of the Fund for a Public Safety Grant Initiative (the Initiative) with restrictions to ensure compliance with U.S. Treasury guidance; and

WHEREAS, CFAC convened on June 11, 2020, and determined that, in its judgment, the expenditure of Coronavirus Relief Funds on local public safety payroll expenses was necessary to respond to COVID-19 and made unanimous recommendations to me on the expenditure of up to \$200 million with eligibility criteria targeted to the U.S. Treasury guidance; and

WHEREAS, CFAC voted unanimously to allow local governments to voluntarily apply for a grant to receive this additional allocation of funds, which is on top of the original \$94 million allocated to local governments; and

WHEREAS, CFAC established parameters for voluntary participation, aimed at advancing compliance with critical areas of U.S. Treasury guidance, namely (1) ensuring the receipt of this voluntary allocation does not constitute revenue replacement, which is not a permissible use of fund payments; and (2) ensuring that the allocation does not create a windfall that is used for non-COVID-19 related purposes; and

WHEREAS, CFAC further saw that these voluntary restrictions could advance other areas of U.S. Treasury guidance, namely the allowance to provide economic support to those suffering from the widespread COVID-19 related closures and expenses; and

WHEREAS, on June 11, 2020, I accepted the recommendation of CFAC and announced the program known as the Public Safety Grant Initiative that will provide funding for public safety payroll expenses to city and county governments that agree to participate in the Initiative and provide the resulting savings as property tax relief to the taxpayers of the participating units of local government by foregoing the taxes that would otherwise traditionally have been collected; and

WHEREAS, on July 6, 2020, CFAC sent an updated letter to U.S. Treasury re-outlining the proposed Public Safety Initiative in the context of U.S. Treasury guidance; and

WHEREAS, on July 16, 2020, I met with senior U.S. Treasury and White House staff in Washington, D.C., to discuss the Initiative and received positive reinforcement that the proposed plan aligns with U.S. Treasury guidance; and

WHEREAS, 54 cities and 28 counties submitted Letters of Intent to participate in this voluntary grant program; and

WHEREAS, the Initiative would provide a grant to these local governments in an amount that would cover approximately 42-percent of their public safety budget, allowing the funds to be targeted to those frontline public safety and public health officials who are substantially dedicated to COVID-19 mitigation and response; and

WHEREAS, local governments have the ability to finalize their participation in

this voluntary grant program by discussing it in open, public meetings where public testimony on the merits may be taken; and

WHEREAS, I have agreed with the CFAC unanimous recommendation that this expenditure is necessary for its intended use.

NOW, THEREFORE, I Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

- 1. The Idaho State Tax Commission shall ensure that the budget and levy effects of the Initiative remain neutral for those cities and counties that choose to participate. To accomplish this, the Idaho State Tax Commission shall not consider any subtraction from a participating entity's 2020 operating budget due to participation in this program when determining 2021 budget limitations according to Idaho Code § 63-802.*
- 2. Urban renewal agencies that would otherwise lose funds due to the lowered levy rates of participating cities and counties shall be treated neutrally.*
- 3. The Idaho State Tax Commission shall make such adjustments to the L-2 form as necessary to verify that participating cities and counties have met the requirements of the Initiative by certification.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 6th day of August in the year of our Lord two thousand and twenty.

A handwritten signature in black ink, appearing to read "Brad Little", written over a horizontal line.

BRAD LITTLE
GOVERNOR

A handwritten signature in black ink, appearing to read "Lawrence Denney", written over a horizontal line.

LAWRENCE DENNEY
SECRETARY OF STATE