



Twin Falls City Council Agenda

Monday, October 26, 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 October 15-21, 2020.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the Wells Fargo Credit Commercial Card for September 2020
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve October 19, 2020, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - d) **ACTION ITEM:** Request to approve the Findings of Fact and Conclusions of Law: Tim Mingo Vacation (PZ20-0105)
By: Jonathan Spendlove, Planning and Zoning Director
 - e) **ACTION ITEM:** Request to authorize the Mayor to sign the dedication of Public Right-of-Way to the City for the purpose of constructing a signal at Madrona and Falls intersection (Grantor Thomas D. Kershaw).
By: Jesse Schuerman, Staff Engineer
 - f) **ACTION ITEM:** Request to authorize the Mayor to sign a dedication of a second piece of Public Right-Of-Way for the purpose of constructing a signal at the Madrona and Falls intersection (Grantor Jack Sherrill).
By: Jesse Schuerman, Staff Engineer
- 5) ITEMS OF CONSIDERATION
 - a) **INFORMATIONAL:** 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 approval by City Council to offer a Small Business Assistance Grant with CARES Act Funds
By: Mandi Thompson, Assistant to the City Manager

- c) **ACTION ITEM:** Request to accept an offer to purchase the City's half ownership share in the real property located at 303 4th Avenue East.

By: Mitch Humble, Deputy City Manager

6) GENERAL PUBLIC INPUT

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request for an Amendment to the Latitude 42 PUD to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle c/o Gerald Martens. (PZ20-0100) On September 22, 2020, the Planning and Zoning Commission recommended approval to City Council by a vote of 6-0.

By: Jonathan Spendlove, Planning & Zoning Director

9) ADJOURNMENT

- a) **ACTION ITEM:** Request to adjourn to Executive Session 74-206(1)(c) to acquire an interest in real property not owned by a public agency.

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, October 19, 2020, 5:00 PM

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

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Suzanne Hawkins, Vice Mayor Ruth Pierce, Council Member Shawn Barigar (by Phone), Greg Lanting, Christopher Reid & Nikki Boyd (by Phone).
Absent: Council Member Craig Hawkins
Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, City Attorney Shayne Nope, Planning & Zoning Director Jonathan Spendlove, Accounting Specialist Janie Higgins, Public Works Director Jon Caton, Environmental Engineer Jason Brown, 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: None

4) CONSENT CALENDAR

Council Member Boyd requested that the consent items be voted on separately.

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

MOTION: Vice Mayor Pierce moved to approve the Consent Calendar Item (b) as presented. **Council Member Lanting** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0 with Council Member Boyd abstaining.

- a) Request to approve the Accounts Payable for October 8-14, 2020.
- b) Request to approve the October 12, 2020, City Council Minutes.

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 Lanting: Stated concern that people do not want to wear masks and the long amount of time for recovery from the COVID. Citizens should put their country before themselves.

Council Member Reid: Thanked Council Member Lanting for his comments. People do not understand what happens in the Hospitals during this pandemic. What can we do to push out this information?

Council Member Barigar: Thanked Dr. Kern for his information and agreed that more information needs to get out there.

Mayor Hawkins: Thanked all that spoke and asked that we not overreact and just be diligent in our actions.

Vice Mayor Pierce: Spoke about the mandatory stay at home order and that we do not want to have it again. Made a plea that everyone does their part so that we can get through this.

Mayor Hawkins thanked Dr. Kern for his information.

- b) Request to confirm Mayor Hawkins' recommendation to appoint Lisa Maas to serve on the Historic Preservation Commission.

Mayor Hawkins requested to confirm the appointment of Lisa Maas to the Historic Preservation Commission.

MOTION: Vice Mayor Pierce moved to approve the request to confirm the appointment of Lisa Maas to the Historic Preservation Commission. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

Mayor Hawkins requested that **Planning & Zoning Director Spendlove** introduce the new City Planner Ian Zollinger.

- c) Request to adopt Ordinance #O-2020-015 for the Perrine Pointe Subdivision Vacation of Easements for blocks 2, 3, & 4.

P&Z Director Spendlove requested to adopt Ordinance #O-2020-015 for the Perrine Pointe Subdivision Vacation of Easement for blocks 2, 3 & 4.

Discussion ensued on the following: None

MOTION: Council Member Lanting made a motion to suspend the rules and place Ordinance #2020-015 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 6 to 0

Mayor Hawkins read the ordinance by title only.

MOTION: Vice Mayor Pierce moved to approve the request to adopt Ordinance #O-2020- 015 for the Perrine Pointe Subdivision Vacation of Easement for blocks 2, 3 & 4. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- d) Request to adopt Ordinance #O-2020-016 for the rezoning of Lot 5, Block 1 of the Fieldwood Subdivision.

P&Z Director Spendlove requested to adopt Ordinance #O-2020-016 for the rezoning of Lot 5, Block 1 of the Fieldwood Subdivision.

Discussion ensued on the following: None

MOTION: Council Member Reid made a motion to suspend the rules and place Ordinance #2020-016 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

Mayor Hawkins read the ordinance by title only.

MOTION: Council Member Boyd moved to approve the request to adopt Ordinance #O- 2020-016 for the rezoning of Lot 5, Block 1 of the Fieldwood Subdivision. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- e) Request to approve Ordinance #2020-017 for changes to Title 3 Business Regulations- Chapter 18 Commercial Vending.

Accounting Specialist Higgins requested to adopt Ordinance #O-2020-017 for changes to Title 3 Business Regulations - Chapter 18 Commercial Vending.

Discussion ensued on the following:

Mayor Hawkins: Asked about the conversations that were had with the vendors.

MOTION: Council Member Lanting made a motion to suspend the rules and place Ordinance #2020-017 on third and final reading by title only under suspension of the rules. **Vice Mayor Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

Mayor Hawkins read the ordinance by title only.

MOTION: Council Member Barigar moved to approve the request to adopt Ordinance #O- 2020-017 for changes to Title Business Regulations - Chapter 18 Commercial Vending. **Vice Mayor Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

Deputy Manager Humble thanked Janie for all her work on this chapter.

- f) Request to purchase a John Deere 672G motor grader with 6WD for \$237,439.70 using a Cooperative Purchasing Agreement with Sourcewell.
Public Works Director Caton requested to purchase a John Deere 672G Motor Grader with 6WD for \$237,439.70 using a Cooperative Purchasing Agreement with Sourcewell.

Discussion ensued on the following: None

MOTION: Council Member Boyd moved to approve the request to purchase a John Deere 672G Motor Grader with 6WD for \$237,439.70 using a Cooperative Purchasing Agreement with Sourcewell. **Vice Mayor Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- g) Request to approve the CH2M/Jacobs Yearly Contract Amendment.
Environmental Engineer Brown requested to approve the CH2M/Jacobs Yearly Contract Amendment.

Discussion ensued on the following:

Council Member Reid: Thanked Jacobs for the relationship.

MOTION: Council Member Reid moved to approve the CH2M/Jacobs Yearly Contract Amendment. Vice Mayor Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- h) Request to authorize the Mayor to sign the IDWR Flood Management Grant Agreement.
Environmental Engineer Brown requested to authorize the Mayor to sign the IDWR Flood Management Grant Agreement.

Discussion ensued on the following: None

MOTION: Vice Mayor Pierce moved to approve the request to authorize the Mayor to sign the IDWR Flood Management Grant Agreement. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- i) Request to approve Resolution #2020-017 to update the City of Twin Falls Industrial Pretreatment Enforcement Response Plan.
Environmental Engineer Brown requested to approve Resolution #2020-017 to update the City of Twin Falls Industrial Pretreatment Enforcement Response Plan.

Discussion ensued on the following: None

MOTION: Council Member Reid moved to approve Resolution R-2020-017 to update the City of Twin Falls Industrial Pretreatment Enforcement Response Plan. **Council Member Lanting** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- j) Request to adopt Ordinance #2020-018 to update the current Twin Falls Sewer Use Ordinance.
Environmental Engineer Brown requested to approve Ordinance #2020-018 for the Twin Falls Sewer Use.

Discussion ensued on the following:

Council Member Reid: Asked for clarification on the revisions.

MOTION: Council Member Lanting made a motion to suspend the rules and place Ordinance #2020-018 on third and final reading by title only under suspension of the rules. **Vice Mayor Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

Mayor Hawkins read the ordinance by title only.

MOTION: Council Member Boyd moved to approve the Twin Falls Sewer Use Ordinance #O- 2020-018. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

6) GENERAL PUBLIC INPUT

Citizen Patrick Patterson asked about the possibility of an Ordinance (Similar to the one in Haley, regarding the wearing of masks) in the future and if so when would it go into effect.

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Reid asked to discuss events coming up soon.

City Manager Rothweiler addressed upcoming events. The only approved event is the Trick or Treating on Main Street scheduled for October 31, 2020. Staff will reach out to the event coordinators.

Vice Mayor Pierce asked about the ability of the City to cancel an event. **City Attorney Nope & City Manager Rothweiler** addressed this question. Staff will look at the language of the Special Event Code. **Police Chief Kingsbury** discussed the City Code as it reads currently

Council Member Lanting talked about the Idaho Department of Transportation meeting that was held a week ago.

Deputy Manager Humble spoke about **Planning & Zoning Director Spendloves'** addition to his family.

8) PUBLIC HEARINGS

- a) Request for an Amendment to the Latitude 42 PUD to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle c/o Gerald Martens. (PZ20-0100) On September 22, 2020, the Planning and Zoning Commission recommended approval to City Council by a vote of 6-0.

P&Z Director Spendlove requested an Amendment to the Latitude 42 PUD to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle c/o Gerald Martens. (PZ20-0100)

The applicant requested a continuance to the next meeting.

MOTION: Council Member Lanting moved to approve the request for a continuance of the Amendment to the Latitude 42 PUD until October 26, 2020, at 6: p.m. **Vice Mayor Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- b) Request to vacate a platted easement on property located at 727 Aspenwood Lane c/o Tim T. Mingo. (PZ20-0105) On September 22, 2020, the Planning and Zoning Commission recommended approval to City Council by a vote of 6-0.

P&Z Director Spendlove requested to vacate a platted easement on property located at 727 Aspenwood Lane c/o Tim T. Mingo. (PZ20-0105)

The applicant presented on request.

Public Hearing Opened: 6:30 pm

Public Hearing Closed: 6:31 pm

Discussion ensued on the following: None

MOTION: Council Member Barigar moved to approve the request vacate a platted easement on property located at 727 Aspenwood Lane c/o Tim T. Mingo. (PZ20-0105) Council Member Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

9) ADJOURNMENT

The meeting adjourned at 06:31 PM

Amy Luna, Finance Administrative Assistant



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:

Vacation Application,)

Tim T. Mingo

Applicant(s)

)
) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
)
)
) AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on **Monday, October 19, 2020** for public hearing pursuant to public notice as required by law to vacate a portion of a platted utility and irrigation easement on property located at 727 Aspenwood Lane and the City Council of the City of Twin Falls having heard testimony from interested parties and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied to vacate a portion of a platted utility and irrigation easement on property located at 727 Aspenwood Lane.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: **October 1, 2020 and October 8, 2020.**
3. 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.
4. The existing neighboring land uses in the immediate area of this property are: to the north, **Residential**; to the south, **Residential**; to the east, **Aspenwood Lane**; to the west, **Residential**.

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

CONCLUSIONS OF LAW

1. The application to vacate a portion of a platted utility and irrigation easement on property located at 727 Aspenwood Lane is consistent with the purpose of the **R-2** Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-4-4, 10-16-1, Twin Falls City Code.

3. The proposed use is proper use in the **R-2** Zone, subject to the conditions which are attached as "Exhibit No. A" and incorporated by reference as though fully set forth herein.

4. The application to vacate a portion of a platted utility and irrigation easement on property located at 727 Aspenwood Lane should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls.

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

DECISION

1. The application to vacate a portion of a platted utility and irrigation easement on property located at 727 Aspenwood Lane is hereby granted.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

Exhibit No. A

1. **Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.**
2. **Subject to retaining 7 ½ ft of the 15 ft easement per the Century Link request.**



Date: Monday, October 26, 2020
To: Honorable Mayor and City Council
From: Jesse Schuerman, URA Engineer, Staff Engineer

ACTION ITEM

Request:

Request to authorize the Mayor to sign the dedication of Public Right-of-Way to the City for the purpose of constructing a signal at Madrona and Falls intersection (Grantor Thomas D. Kershaw).

Time Estimate:

Consent Calendar

Background:

This dedication of right-of-way is for approximately 36 square feet of property on the South-West Corner of the Falls and Madrona Intersection. This property is need to construct the sidewalk and ADA ramp to current standards.

Approval Process:

Approval of Consent Calendar

Budget Impact:

n/a

Regulatory Impact:

none

History:

n/a

Analysis:

n/a

Conclusion:

Staff recommends approval of the dedication.

Attachments:

1. Kershaw

PUBLIC RIGHT-OF-WAY DEED

Thomas D. Kershaw, (Grantor), does hereby grant, convey and dedicate fee simple title to the public as public right of way under the jurisdiction of City of Twin Falls, 203 Main Avenue East, P.O. Box 1907, Twin Falls, ID 83301-1907, (Grantee) a permanent and perpetual public right-of-way, for construction, continued operation, maintenance, repair, alteration, inspection and replacement of a public street and utilities, and legally described as follows:

(See attached Exhibit A - Legal Description)

And the said Grantor does hereby covenant that the Grantor is the owner in fee simple of said premises; that they are free from encumbrances, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Executed and delivered this 22 day of Oct, 2020.



(Thomas D. Kershaw)

ACCEPTANCE OF PUBLIC RIGHT-OF-WAY

Grantee (City of Twin Falls) does hereby accept dedication of the public right-of-way.

(Suzanne Hawkins, Mayor)

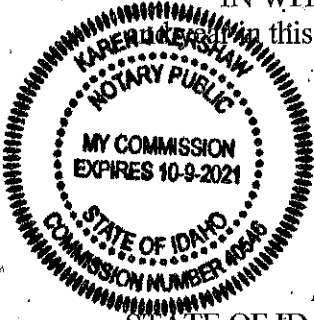
STATE OF IDAHO

) ss.

County of Twin Falls

On this 22 day of Oct, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas D. Kershaw, known or identified to me to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged to me that he/she 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.



Karen Kershaw

NOTARY PUBLIC

Residing at: TWIN FALLS, ID

Commission expires: 10-9-2021

STATE OF IDAHO

) ss.

County of Twin Falls

On this ____ day of _____, _____, before me, the undersigned, a Notary Public in and for said State, personally appeared Suzanne Hawkins, Mayor of Twin Falls, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the City of Twin Falls.

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

NOTARY PUBLIC

Residing at: _____

Commission expires: _____

EXHIBIT A

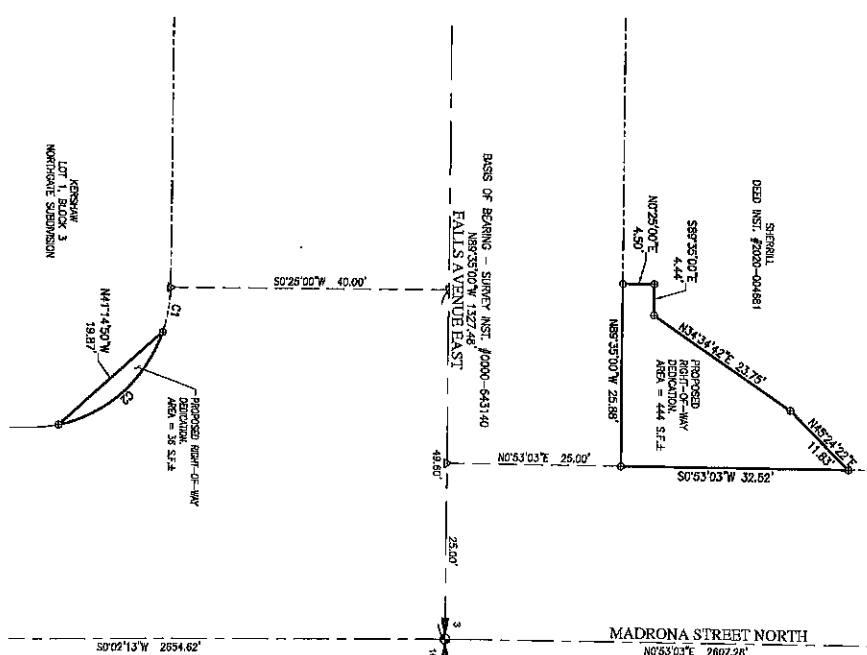
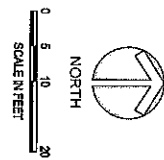
**Legal Description
Proposed Right-of-Way Dedication (Kershaw)
Twin Falls, Idaho**

Being a portion of Lot 1, Block 3 as shown on that certain map entitled "Northgate Subdivision", recorded December 1, 1972 as Instrument No. 0000-643140 in the office of the County Recorder of Twin Falls County, more particularly described as follows:

Commencing at the North Quarter corner of Section 10, Township 10 South, Range 17 East, Boise Meridian;
Thence, along the North Boundary of the NW $\frac{1}{4}$ of said Section 10, North 89°35'00" West 49.60 feet;
Thence, leaving said North Boundary, South 00°25'00" West 40.00 feet to a point on the North Boundary of said Lot 1;
Thence, along said North Boundary, along the arc of a non-tangent curve to the right having a radius of 20.00 feet, through a central angle of 18°32'44", an arc distance 6.47 feet and a long chord that bears South 80°18'38" East 6.45 feet and being the REAL POINT OF BEGINNING;
Thence, continuing along said North Boundary, along the arc of a non-tangent curve to the right having a radius of 20.00 feet, through a central angle of 59°34'51", an arc distance 20.80 feet and a long chord that bears South 41°14'50" East 19.87 feet;
Thence, leaving said North Boundary, North 41°14'51" West 19.87 feet to said REAL POINT OF BEGINNING.

Containing approximately 36 square feet.

End of Description



Curve Table

CURVE #	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEG	CHORD END
C1	183°24'44"	20.00'	8.47'	8.45'	3.37'	S89°35'00"E	S89°35'00"E
C2	58°34'51"	20.00'	20.80'	19.87'	11.45'	S41°45'07"E	S41°45'07"E



Located in
A Portion of
Lot 1, Block 3
Northgate Subdivision
In
NE 1/4 NW 1/4, Section 10
and a Portion of the
SE 1/4 SE 1/4 SW 1/4, Section 10
Township 10 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2020

Legend

SURVEY BOUNDARY LINE	_____
SECTION LINE	_____
QUARTER SECTION LINE	_____
ADJACENT PROPERTY LINE	_____
THE LINE	_____
CENTERLINE OF STREET	_____
PAINTED LOT LINE	_____
CALCULATED POINT (NOT SET)	Δ
FOUND BRASS NIP	⊙
FOUND 5/8" REBAR (AS NOTED)	○
FOUND 1/2" REBAR (AS NOTED)	○
FOUND ALUMINUM CIP	■
SET COPPER DISC - LS 10110	⊙
MONUMENT (AS NOTED)	⊙
SET 1/2" x 24" REBAR	⊙
& CAP - LS 10110	⊙

Survey References

DEED REFERENCES

1. CHRISTOPHER S. HANSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER IN THE STATE OF IDAHO AND THIS MAP HAS BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IS AN ACCURATE REPRESENTATION OF SAID SURVEY. IT IS IN ACCORDANCE WITH THE ENGINEERING AND SURVEYING ACT, CHAPTER 3, TITLE 33, IDAHO CODE, AND I AM NOT PROVIDING ANY SERVICE RELATING TO THIS SURVEY.

CERTIFICATE OF SURVEYOR

Property Exhibit
for
CITY OF TWIN FALLS

EHM Engineers, Inc.
Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83401
p (208) 734-4888 fax (208) 734-6049 web: ehm-inc.com

DATE	07-25
PROJECT	LOT 1, BLOCK 3
CLIENT	CITY OF TWIN FALLS
DATE	07-25
BY	CHRISTOPHER S. HANSON
DATE	07-25



Date: Monday, October 26, 2020
To: Honorable Mayor and City Council
From: Jesse Schuerman, URA Engineer, Staff Engineer

ACTION ITEM

Request:

Request to authorize the Mayor to sign a dedication of a second piece of Public Right-Of-Way for the purpose of constructing a signal at the Madrona and Falls intersection (Grantor Jack Sherrill).

Time Estimate:

Consent Calendar

Background:

This is a public right-of-way dedication to the City for approximately 444 square feet of property for the proper construction of the signal at Madrona and Falls intersection. The property is needed to construct sidewalk and ADA ramp to current engineering standards.

Approval Process:

Consent Agenda approval.

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends Council approve the Mayor to sign the Public Warranty Deed.

Attachments:

1. Sherrill

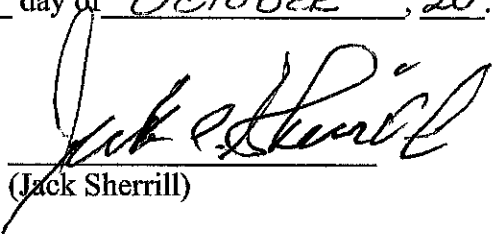
PUBLIC RIGHT-OF-WAY DEED

Jack Sherrill, (Grantor), does hereby grant, convey and dedicate fee simple title to the public as public right of way under the jurisdiction of City of Twin Falls, 203 Main Avenue East, P.O. Box 1907, Twin Falls, ID 83301-1907, (Grantee) a permanent and perpetual public right-of-way, for construction, continued operation, maintenance, repair, alteration, inspection and replacement of a public street and utilities, and legally described as follows:

(See attached Exhibit A - Legal Description)

And the said Grantor does hereby covenant that the Grantor is the owner in fee simple of said premises; that they are free from encumbrances, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Executed and delivered this 15th day of October, 20.


(Jack Sherrill)

ACCEPTANCE OF PUBLIC RIGHT-OF-WAY

Grantee (City of Twin Falls) does hereby accept dedication of the public right-of-way.

(Suzanne Hawkins, Mayor)

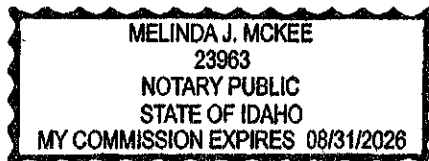
STATE OF IDAHO

) ss.

County of Twin Falls

On this 15 day of Oct, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Jack Sherrill, known or identified to me to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged to me that he/she 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.



Melinda J. McKee
NOTARY PUBLIC
Residing at: Twin Falls, ID
Commission expires: 8-31-2026

STATE OF IDAHO

) ss.

County of Twin Falls

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for said State, personally appeared Suzanne Hawkins, Mayor of Twin Falls, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the City of Twin Falls.

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

NOTARY PUBLIC

Residing at: _____

Commission expires: _____

EXHIBIT A

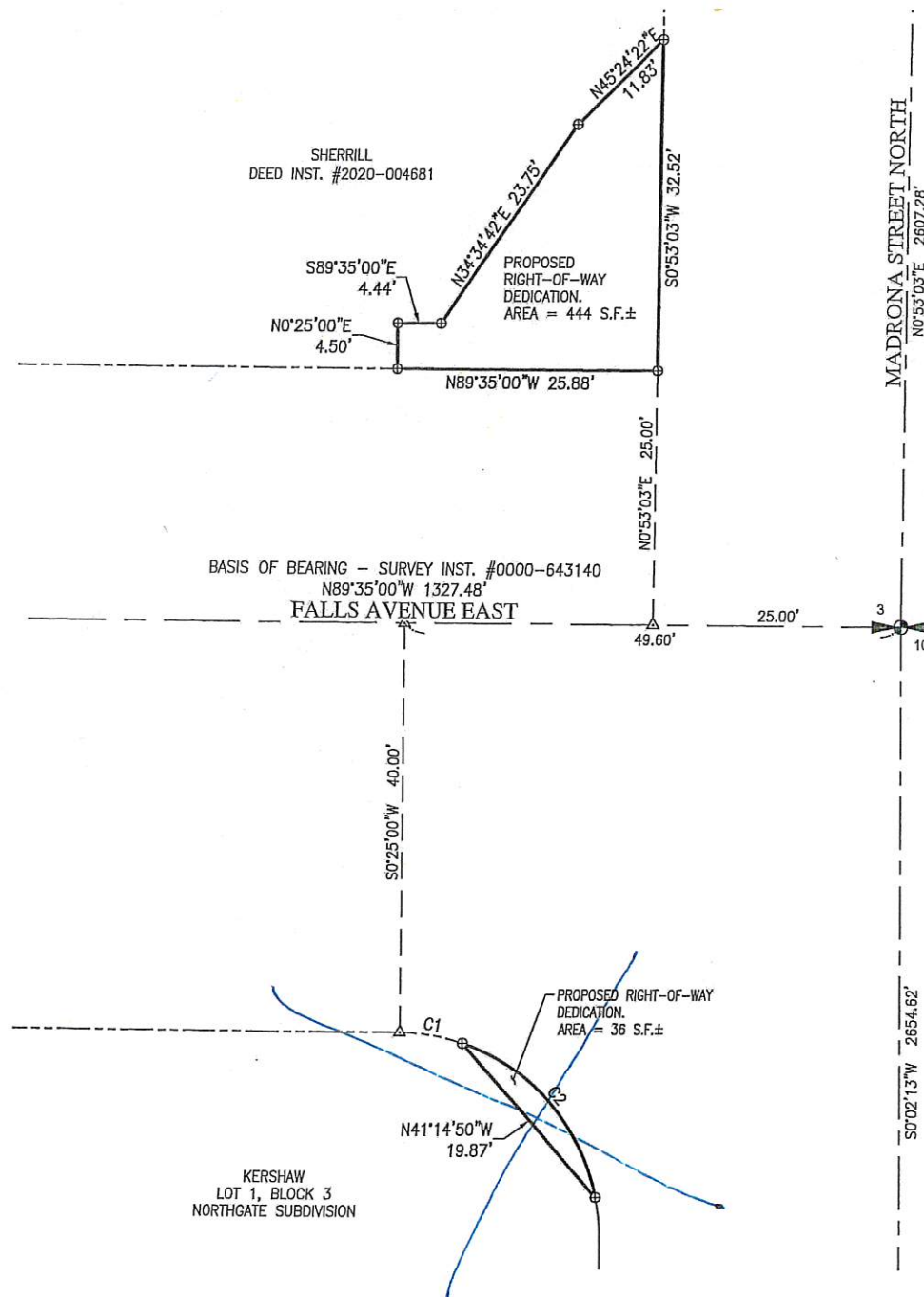
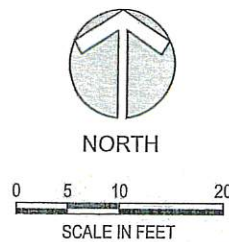
**Legal Description
Proposed Right-of-Way Dedication (Sherrill)
Twin Falls, Idaho**

Being a portion of the SE ¼ SE ¼ SW ¼ of Section 3, Township 10 South, Range 17 East, Boise Meridian, more particularly described as follows:

Commencing at the South Quarter corner of said Section 3,
Thence, along the South Boundary of the SW ¼ of said Section 3, North 89°35'00" West 25.00 feet;
Thence, leaving said South Boundary, North 00°53'03" West 25.00 feet to a point on the North Right-of-Way Boundary of Falls Avenue East and being the REAL POINT OF BEGINNING;
Thence, along said North Right-of-Way Boundary, North 89°35'00" West 25.88 feet;
Thence, leaving said North Right-of-Way Boundary, North 00°25'00" East 4.50 feet;
Thence, South 89°35'00" East 4.44 feet along a line parallel with said North Right-of-Way Boundary;
Thence, North 34°34'42" East 23.75 feet;
Thence, North 45°24'22" East 11.83 feet to a point on the West Right-of-Way Boundary of Madrona Street North;
Thence, along said West Right-of-Way Boundary, South 00°53'03" West 32.52 feet to said REAL POINT OF BEGINNING.

Containing approximately 444 square feet.

End of Description



Curve Table

CURVE #	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
C1	18°32'44"	20.00'	6.47'	6.45'	3.27'	S86°18'38"E
C2	59°34'51"	20.00'	20.80'	19.87'	11.45'	S41°14'50"E

Located In
A Portion of
Lot 1, Block 3
Northgate Subdivision
In
NE ⁴ NW ⁴, Section 10
and a Portion of the
SE ⁴ SE ⁴ SW ⁴, Section 3
Township 10 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2020

Legend

SURVEY BOUNDARY LINE	_____
SECTION LINE	_____
QUARTER SECTION LINE	_____
ADJACENT PROPERTY LINE	_____
TIE LINE	_____
CENTERLINE OF STREET	_____
PLATTED LOT LINE	_____
CALCULATED POINT (NOT SET)	△
FOUND BRASS CAP	⊕
FOUND 5/8" REBAR (AS NOTED)	○
FOUND 1/2" REBAR (AS NOTED)	◦
FOUND ALUMINUM CAP	⊞
SET COPPER DISC - LS 10110	⊕
MONUMENT (AS NOTED)	⊕
SET 1/2" x 24" REBAR & CAP - LS 10110	⊙

Survey References

#

Deed References

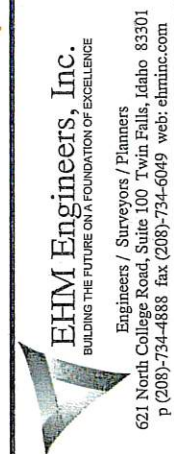
#

Surveyor's Narrative

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE RIGHT-OF-WAY DEDICATION AT THE NORTHWEST AND SOUTHWEST QUADRANT OF FALLS AVENUE EAST AND MADRONA STREET NORTH AT THE REQUEST OF THE CITY OF TWIN FALLS. MONUMENTS WERE FOUND AT THE BOUNDARY CORNERS, SECTION AND QUARTER CORNERS. THESE MONUMENTS ARE OF RECORD PER PREVIOUS RECORD OF SURVEYS AND/OR CORNER PERPETUATION AND FILING RECORDS.

CERTIFICATE OF SURVEYOR

I, CHRISTOPHER S. HARMISON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, IN THE STATE OF IDAHO, AND THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND IS AN ACCURATE REPRESENTATION OF SAID SURVEY. IT IS IN CONFORMITY WITH THE CORNER PERPETUATION AND FILING ACT, STATE OF IDAHO CODE 55-1601 THROUGH 55-1612 AND TO THE IDAHO CODE RELATING TO SURVEYS.



Property Exhibit
for
CITY OF TWIN FALLS

JOB NO.	075-20
APPROVED	
DESIGN	
DRAWN	CSH
DATE	AUGUST 2020
SCALE	As Shown
	V 075-20 ROS
Sheet No.	1



Date: Monday, October 26, 2020
To: Honorable Mayor and City Council
From: Mandi Thompson, Assistant to the City Manager

ACTION ITEM

Request:

Request approval by City Council to offer a Small Business Assistance Grant with CARES Act Funds

Time Estimate:

10 minute presentation plus time for questions from Council

Background:

On March 27, 2020, the President signed into law the U.S. government's Phase 3 aid package to provide relief due to the novel coronavirus COVID-19 through the Coronavirus Aid, Relief, and Economic Security Act, CARES Act. The CARES Act authorized approximately \$2 trillion in federal stimulus funds to combat the crisis. This included a number of programs to address the issues that states and local governments are facing as they work to protect their communities during this challenging time.

The core of the CARES Act's aid to state and local governments was \$150 billion in Coronavirus Relief Fund. This money was distributed to state, tribal and local governments with populations exceeding 500,000 to cover necessary expenditures related to COVID-19 that were not accounted for in that government's budget and are incurred between March 1 and December 30, 2020. The state is the only entity with a population above 500,000 in Idaho, so it is acting as the fund distributor.

Idaho received \$1.25 billion of the relief fund and then redistributed these funds to local and tribal governments based on population. Twin Falls received an allocation of \$1,713,300. All funds must be spent in accordance with the U.S. Department of Treasury Guidelines and be expended by December 30, 2020. Idaho moved the deadline for approval up to December 11, 2020 in order to have some time to consider re-obligation of unused funds before they expire.

To date, Twin Falls has spent or obligated a total of \$329,000 of our \$1,713,300 allocation. These funds have covered:

- The cost of cleaning and disinfectant supplies and services, sanitary supplies, PPE, and other expenditures directly related to COVID-19
- Upgrades at all City park restroom facilities - installation of water heaters, hand driers, soap dispensers, hand sanitizer dispensers to increase hand hygiene
- Reusable masks for the Twin Falls School District (students, teachers, and staff)
- Reusable masks for residents of Twin Falls
- Improvements to workstations at City Hall and the Police Department to enhance the separation of employees in order to reduce the spread of the virus
- Installation of an air filtration system at the Twin Falls Senior Center to increase the safety of seniors using the facility

In order to broaden the impact of the federal relief dollars, staff is proposing the City establish a Small

Business Assistance Grant. This is an approved use of funds by the State of Idaho, and is compliant with Treasury guidelines. There are several cities in Idaho that are currently offering this program, or are preparing to do so.

The basic requirements include being an Idaho domiciled business that has not received reimbursement for the expenses included in an application from any other COVID relief grant or program. Applicants will be required to complete a State of Idaho form and grant application, as well as provide documentation of expenditure and proof of payment. Applications will be reviewed by a review committee and those approved will be submitted for reimbursement through the Idaho CARES online grant portal system. Once approved by the State, funds will be released to the City and payments will be made from the City to the qualifying businesses.

The application window will be November 1-30 in order to ensure all requests are approved and payments can be made before the December 11 deadline.

Staff recommends that Council designate \$500,000 of the City's CARES funds for this program. Businesses and qualifying organizations can receive up to \$10,000 in reimbursement for eligible COVID-19 related expenses.

Approval Process:

Majority approval by Council

Budget Impact:

\$500,000 of the City's CARES ACT allocation. Funds will not be expended prior to approval by the State. Once approved, funds will be released to the City. Upon the completion of a grant agreement, the City will disperse funds to eligible businesses and organizations.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that Council approve the creation of a Small Business Assistance Grant, designating \$500,000 of federal CARES Act funds to the program.

Attachments:

1. Twin Falls Municipal Small Business Grant Program Criteria
2. Grant Program Letter

Twin Falls Municipal Small Business Grant Program Criteria

1.0 PROGRAM OVERVIEW

The Twin Falls City Council has designated \$500,000 from the City's CARES Act funding to provide grants to assist small businesses impacted by COVID-19. Qualifying businesses and organizations can receive up to \$10,000 in the form of reimbursements for eligible COVID-19 related expenses. Grants will be distributed on a first-come, first-served basis.

Grant funds will reimburse qualified business expenses and organizations for eligible expenses incurred between June 20 and December 30, 2020 that were NOT PREVIOUSLY reimbursed by other State and Federal CARES Act programs or insurance.

2.0 BUSINESS/ORGANIZATION ELIGIBILITY CRITERIA

Business/Organization must meet all of the following criteria:

1. Have an official EIN number
2. Idaho domiciled business
3. In good standing and not federally debarred from receiving funds
4. Have a qualified business interruption or expense caused by COVID-19 related incidents or decisions at Twin Falls facilities, including but not limited to local closure orders, need for personal protective equipment (PPE), social distancing requirements, increased costs, disrupted supply network, etc.
5. Has not received funds for the current purpose from other COVID-19 grant programs or insurance
6. Does not exist for the purpose of advancing partisan political activities or the business does not directly lobby federal or state officials, defined as having had a registered lobbyist at any point during 2020
7. Has 500 or fewer employees as of March 27, 2020
8. Operates and has a business address in Twin Falls city limits, as reflected in the registry of the Idaho Secretary of State
9. Compliant in all respects with all COVID-19 related orders, laws, ordinances, and regulations

2.1 ELIGIBLE USE OF FUNDS

The State of Idaho identifies eligible expenses as Personal Protective Equipment (PPE) and Employee Testing, Inventory, Equipment, Rent and Utilities that are necessary COVID-19 related expenditures not accounted for in operating budgets as of March 27, 2020. Examples include, but are not limited to:

1. **COVID-19 related expenses** incurred between June 20 and December 30, 2020 not previously reimbursed by other State and Federal CARES Act programs or insurance
2. Operating costs from businesses that have experienced interruptions caused by required closures
3. **COVID-19 related expenditures** to purchase inventory, supplies including cleaning and sanitation supplies, PPE for employees or customers, furniture, fixtures and equipment
4. Measures to support social distancing or safety to combat COVID-19 including testing for employees

2.2 INELIGIBLE USE OF FUNDS

1. Expenses incurred prior to June 20, 2020 or after December 30, 2020
2. Purposed for which an entity has received funding from any other emergency COVID-19 grant program
3. Payroll or benefits expenses including workforce bonuses, hazard pay and overtime
4. Repayment of non-business debt, such as a personal credit cards, for purchases not associated with the business
5. Personal expenses such as buying a new family car, making home mortgage payments or funding repairs or improvements to a participant's home
6. Installation of equipment (including construction, renovations, alterations, and repairs not limited to painting or decorating)
7. Direct financing to political activities or paying off taxes or fines
8. Purchases personal items or support other businesses in which the applicant may have an interest
9. Damages or loss of business covered by insurance
10. Reimbursement to donors for donated items or services
11. Severance pay
12. Legal settlements

3.0 APPLICATION PROCESS

Applicants must complete the City of Twin Falls application and Form IDA-20. All application data, eligible expense documentation including proof of payment, and the completed IDA-20 form must be submitted through the City's online grant management system. Final documentation must be received by January 15, 2021.

Applications will be processed and considered in the order in which they are received, and grants will be awarded to qualified businesses/organizations with demonstrated COVID-19 related eligible expenditures on a first-come, first-served basis.

3.1 APPLICATION PERIOD

Applications will be accepted November 1 – 30, 2020. Applications will be reviewed for completeness by the City. Staff will contact the applicant to request any missing documentation.

3.2 EVALUATION PROCEDURES

Complete applications will be reviewed by a four-member review committee made up of the Assistant to the City Manager, the Chief Financial Officer, Accounting Technician, and a member of the Twin Falls City Council.

The City will evaluate applications based on eligibility and adherence with Federal, State and City program guidelines.

The City will submit qualifying applications through the Idaho State, Local, and Tribal Community Support Municipal Small Business Grant Portal. Denials of applications will be based on the parameters and qualifications as state in the Idaho Rebounds – Municipal Small Business Grant Program Description and Guidance, and the U.S. Treasury’s Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments.

Records submitted for the purposes of applying for or receiving grant funds are public records subject to disclosure by the City of Twin Falls and/or State of Idaho pursuant to those agencies’ respective obligations to comply with the Idaho Public Records Act (IPRA). All personal and business financial information will be kept confidential to the extent permitted by law. Other information, including the name of the business/organization and the amount of grant funds awarded will be identified on the transparent.idaho.gov website and on the City of Twin Falls’ Economic Development webpage, and may be disclosed upon request in accordance in IPRA.

3.3 DISBURSEMENT OF FUNDS, REPAYMENT OF INELIGIBLE EXPENSES

Funds will be disbursed within 30 days of application approval by the City of Twin Falls and the State of Idaho. Approved businesses/organizations will be required to complete and submit a Grantee Agreement and IRS W-9 Form prior to release of funds. Note that the City will issue a 1099 in early 2021 for the full grant amount.

Any expenditure determined to be ineligible must be repaid to the City within 30 days of written notification.



P.O. Box 1907

203 Main Avenue East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2296

October 21, 2020

Coronavirus Financial Advisory Committee (CFAC)
State of Idaho Controller's Office
P.O. Box 83720
Boise, Idaho 83720-0011

Members of CFAC:

The City of Twin Falls is seeking approval from the Coronavirus Financial Advisory Committee (CFAC) to establish a Municipal Small Business Grant Program Criteria. As outlined in the Program Description and Guidance, cities interested in Small Business Grant Program must provide specific program details. General Grant Details and Adherence to Federal and State Guidelines are included in the Twin Falls Municipal Small Business Grant Program Criteria that is being submitted along with this letter.

Evaluation Process –

- Business/Organization eligibility
- Proposed grant purpose qualification in adherence with Federal and State guidelines
- Required documentation: invoices/statement AND proof of payment

Risk Analysis –

- Business impacts
- Affirmation that expenses have not been covered by other CARES Act programs
- Committee Review – Assistant to the City Manager, Chief Financial Officer, Accounting Technician, and City Council member

CRF Allocation Amount to Grant – \$500,000

City Program Management –

- Mandi Thompson, Assistant to the City Manager
- Breana Howard, Chief Financial Officer
- Janie Higgins, Accounting Technician
- Ruth Pierce, CPA and City Councilwoman

Mandi Thompson
Assistant to the City Manager
City of Twin Falls



Date: Monday, October 26, 2020
To: Honorable Mayor and City Council
From: Mitch Humble, Deputy City Manager

ACTION ITEM

Request:

Request to accept an offer to purchase the City's half ownership share in the real property located at 303 4th Avenue East.

Time Estimate:

the presentation for this request should take less than five minutes. Some time for discussion will be needed following the presentation.

Background:

In 1999, The City purchased a half share of the property located at 303 4th Ave East, Twin Falls Townsite Block 47, Lot 9. See the attached aerial photo location map. This lot contains a small parking lot that the City intended to use as overflow parking for the City Council Chambers, located a block away at 305 3rd Ave East. Users of the Council Chambers building never really used the parking lot much, as there is much more convenient parking on the streets nearby and at the former City Hall site. Since the Council Chambers have been moved into our new City Hall on Main Ave East, the City's use of this parking lot has almost entirely disappeared. Currently, the parking lot represents a maintenance and parking enforcement burden for the City with no real advantage at all.

Toward the end of 2019, the City Council declared the property as surplus and directed staff to go through the process to dispose of it. The Council set a minimum bid price of \$15,000 for the property at that time. The public auction process concluded in January 2020 with no one bidding on the property. There was one party who was interested, the owner of the other half share of the same property, but they were not willing to submit a bid that met the minimum bid price. The Council then directed staff to attempt to negotiate the sale of the property with that party.

Jim Stephenson represented the interested party. Staff began having negotiation conversations with Jim, but the COVID-19 pandemic delayed those conversations for a few months. Staff recently reached out to Jim to begin again the conversations, and we have made progress. The Stephensons recently submitted an offer of \$5,000 to purchase the City's share of the property. That is significantly less than the \$15,000 that the Council hoped to get for the sale of the property. However, there has been no interest from another party. We also believe that it is in the City's best interest to dispose of the property, as it is only a drain on City resources right now, without any real benefit at all. City staff is spending time maintaining the weeds on the property and enforcing parking use on the property. In the last year, Code Enforcement staff have had to ticket and tow several cars using the lot inappropriately. So, while the offer is less than desired, there will be an added savings that comes to the City if we were to accept the offer.

Approval Process:

A simply majority vote of the Council is needed to approve the request.

Budget Impact:

If this item is approved, staff will proceed to sell the property as discussed. the revenue from the sale will be received as "unanticipated."

Regulatory Impact:

If this request if approved, staff will take the necessary steps to transfer the City's half ownership share of the property to the Stephensons.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council review and accept the offer, or provide direction regarding a counter offer.

Attachments:

1. Location Map



Subject Property
- 303 4th Ave East

Idaho St East

4th Ave East

Former City
Council Chambers
- 305 3rd Ave East

Police Station -
321 2nd Ave East





Date: Monday, October 26, 2020
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning & Zoning Director

ACTION ITEM

Request:

Request for an Amendment to the Latitude 42 PUD to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle c/o Gerald Martens. (PZ20-0100) On September 22, 2020, the Planning and Zoning Commission recommended approval to City Council by a vote of 6-0.

Time Estimate:

Approximately 5-10 minutes for the presentation with questions/comments to follow.

Background:

This a request to amend the Latitude 42 C-1 PUD Agreement #272. The purpose of the request is to removed the last line "No outside storage as allowed" Latitude 42 PUD Agreement and replace it with the following:

1. Outside Storage / Loading Docks / Trash Containers/ medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City code. Screening may consist of landscaping, masonry walls, buildings, or fencing. Outside storage shall conform with City Code Section 10-7-14. The amendments are as follows:

Allowed Uses:

1. Outside Storage and display of equipment rental, large implement and heavy equipment for sale or rent on property located adjacent to or clearly visible from US 93.
2. Permitted retail/trade uses operating between the hours of six o'clock (6:00) AM to ten o'clock (10:00) PM.

Prohibited Uses:

Outside storage and display of unfinished materials such as aggregate, lumber, masonry and other similar materials shall not be stored on any lots fronting Latitude Circle within the Latitude 42 Subdivision No. 2, a PUD.

Approval Process:

The Preliminary Presentation for this request was held August 25, 2020.

A public hearing with the Planning and Zoning Commission for this request was on September 22, 2020 the Planning and Zoning Commission unanimously voted to recommend approval to City Council by a vote of 6-0.

Budget Impact:

n/a

Regulatory Impact:

Should the City Council approve the amendment as requested the amended document will be recorded and will be applicable to both Latitude 42 Subdivision No. 1 & 2.

History:

The Latitude 42 C-1 PUD Agreement #272 contains Latitude Subdivision No. 1 recorded in April 2016 and Latitude 42 Subdivision No. 2 recorded in April 2018.

The PUD Agreement was recorded in April 2016. Recently Lots 6-8 in the Latitude 42 Subdivision No. 2, a PUD was approved for a Special Use Permit to allow for storage unit rental.

Analysis:

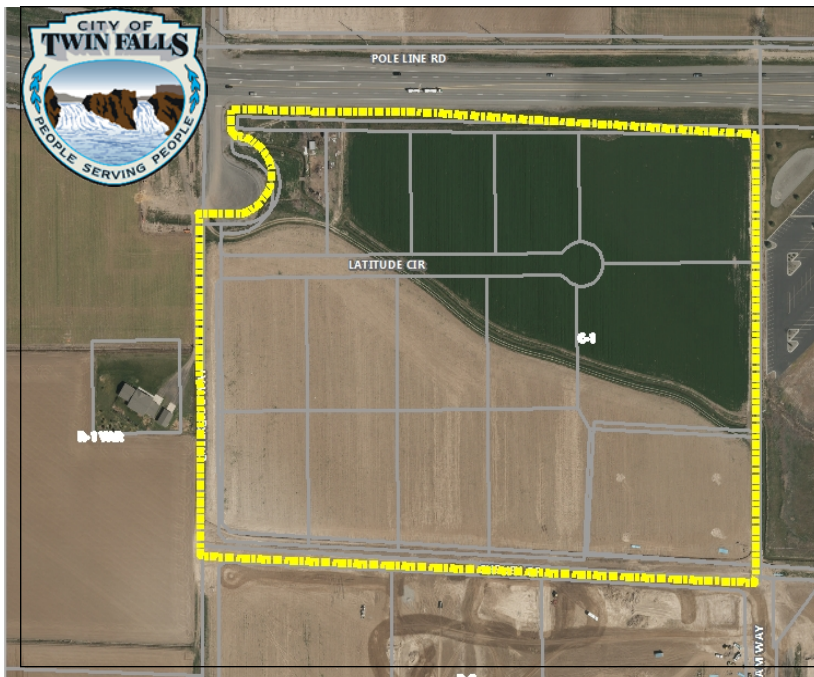
Staff has reviewed the request and does not anticipate any negative impacts related to the changes being requested.

Conclusion:

The Commission is tasked with making a recommendation to the City Council. You may recommend approval as requested; recommend a modification or recommend denial.

Attachments:

1. PZ20-00100 Public Hearing Staff Report
2. Vicinity Map
3. Narrative_2
4. Draft_2 Latitude 42 PUD Amendment 2
5. PZ20-0100 Public Comment no. 1
6. PZ20-0100 Public Comment no. 2



Comprehensive Staff Report

To: Planning & Zoning Commission
Presenter: Lisa Strickland, City Planner

Request: **Preliminary Presentation** for a request to amend PUD #272 to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle

Application: PZ20-00100

Applicant & Representative:

Gerald Martens
 621 N College Rd Ste 100
 Twin Falls, ID 83301

OutsPublic Hearing: September 22, 2020

Analysis:

This is a preliminary presentation for an amendment to the Latitude 42 C-1 PUD Agreement #272.

The purpose of the request is to remove the last line "No outside storage is allowed" Latitude 42 PUD Agreement and replace it with the following:

1. Outside Storage / Loading Docks / Trash Containers/ medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City code. Screening may consist of landscaping, masonry walls, buildings, or fencing. Outside storage shall conform with City Code Section 10-7-14.

The request will also modify the allowed uses and prohibited uses as follows:

1. Outside storage and display of equipment rental, large implement and heavy equipment for sale or rent on property located adjacent to or clearly visible from US 93.
2. Permitted retail/trade uses operating between the hours of six

o'clock (6:00) A.M. to ten o'clock (10:00) P.M.

1. Outside storage and display of unfinished materials such as aggregate, lumber, masonry, and other similar materials shall not be stored on any lots fronting Latitude Circle within the Latitude 42 Subdivision No. 2, a PUD

History:

The Latitude 42 C-1 PUD Agreement #272 contains Latitude Subdivision No. 1 recorded in April 2016 and Latitude 42 Subdivision No. 2 recorded in April 2018.

The PUD Agreement was recorded in April 2016. Recently Lots 6-8 in the Latitude 42 Subdivision No. 2, a PUD was approved for a Special Use Permit to allow for storage unit rental.

Approval Process:

The Preliminary Presentation for this request was held August 25, 2020. A public hearing shall then be held before the Commission for a recommendation to City Council to approve, approve with conditions or deny the amendment request.

Applicable Regulations or Codes:

Should the City Council approve the amendment as requested the amended document will be recorded and will be applicable to both Latitude 42 Subdivision No. 1 & 2.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Commercial" and the request is in compliance with the plan.

Conclusion:

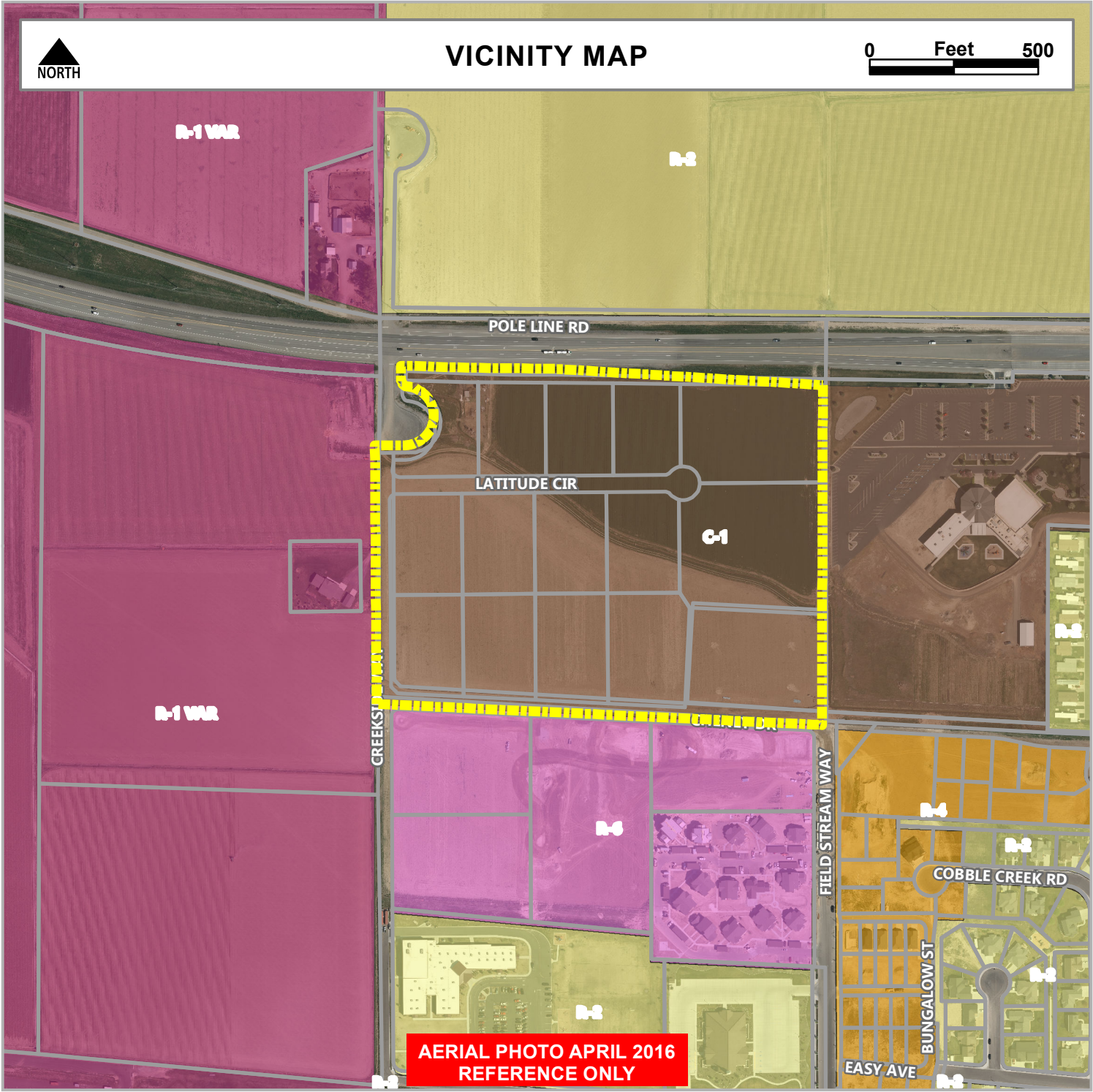
The Commission is tasked with making a recommendation to the City Council. You may recommend approval as requested; recommend a modification or recommend denial.

Attachments

1. Vicinity Map
2. Narrative
3. Latitude 42 PUD #272
4. PUD Amendment Agreement

VICINITY MAP

0 Feet 500



- | | | | |
|--|---------|---|-----|
|  | C-1 |  | R-4 |
|  | R-1 VAR |  | R-6 |
|  | R-2 | | |

Reason for Request

The purpose of the request is to remove the last line “No outside storage is allowed” from section V-D-2 of the Latitude 42 PUD Agreement and replace it with the following:

1. Outside Storage / Loading Docks / Trash Containers. Loading docks, trash containers, medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City code. Screening may consist of landscaping, masonry walls, buildings, or fencing. Outside storage shall conform with City Code Section 10-7-14.

The request is to modify the allowed uses as follows:

1. Outside storage and display of equipment rental, large implement and heavy equipment for sale or rent on property located adjacent to or clearly visible from US 93.
2. Permitted retail/trade uses operating between the hours of six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.

The request is to modify the prohibited uses as follows:

1. Outside storage and display of unfinished materials such as aggregate, lumber, masonry, and other similar materials shall not be stored on any lots fronting Latitude Circle within the Latitude 42 Subdivision No. 2, a PUD

The location, adjacent or clearly visible from US 93 is appropriate location for storage and display of vehicles, construction equipment, and farm equipment.

The sale, rental and display of vehicles, construction equipment, and farm equipment will have no negative impact on adjacent properties.

The storage of this equipment will be on a paved surface eliminating any potential for dust. Noise, glare, and odor will be extremely minimal

AMENDMENT TO C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

LATITUDE 42, PUD

The Amendment to the Agreement is made and entered into as of the _____ day of _____, 20____, by and between the CITY OF TWIN FALLS, a Municipal Corporation (hereinafter called "City") and James and Anna McCormick, Gary Nelson, Blass, Inc., Gary Slette, Gerald Martens, Evan Robertson, Dirk Gibson, Daniel Konen, Stephen George, Kirby Dahl (hereinafter called "Developer"), whose address is PO Box 6004, Twin Falls, Idaho 83303-6004.

RECITALS:

WHEREAS, the City and Developer entered a C-1 Planned Unit Development Agreement for the development of Latitude 42, PUD. dated March 28, 2016.

WHEREAS, the City and Developer amended C-1 Planned Unit Development Agreement for the development of Latitude 42, PUD, dated September 28, 2016.

WHEREAS, the C-1 Planned Unit Development agreement identifies areas to be developed within Latitude 42, PUD.

WHEREAS, the parties hereto desire to amend the above referenced C-1 Planned Unit Development agreement regarding the development of paragraph V-D-2 of the Developer's property in Latitude 42, PUD.

WHEREAS, The City, by and through its City Council on _____, has agreed to paragraph V-D-2 subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of the Agreement and are stated as follows:

2. Outside Storage / Loading Docks/Trash Containers. Loading docks, trash containers, medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City code. Screening may consist of landscaping, masonry walls, buildings, or fencing. No outside storage is allowed.

NOW, THEREFORE, the parties hereto, agree to amend the PUD agreement as follows:

Remove the last line "No outside storage is allowed".

Permitted Uses

1. Outside Storage / Loading Docks / Trash Containers. Loading docks, trash containers, medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City code. Screening may consist of landscaping, masonry walls, buildings, or fencing. Outside storage shall conform with City Code Section 10-7-14.

2. Outside storage and display of equipment rental, large implement and heavy equipment for sale or rent on property located adjacent to or clearly visible from US 93.
3. Permitted retail/trade uses operating between the hours of six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.

Prohibited Uses

1. Outside storage and display of unfinished materials such as aggregate, lumber, masonry, and other similar materials shall not be stored on any lots fronting Latitude Circle within the Latitude 42 Subdivision No. 2, a PUD

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

City of Twin Falls,
a Municipal Corporation

Developer,

By: _____
Suzan Hawkins, Mayor

By: _____
Gerald Martens, Managing Member

STATE OF IDAHO)
 : ss.
COUNTY OF TWIN FALLS)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Suzan Hawkins, Mayor of Twin Falls, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have 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 _____ Idaho
My commission expires: _____

STATE OF IDAHO)
 : ss.
COUNTY OF TWIN FALLS)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Gerald Martens, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have 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 _____ Idaho
My commission expires: _____

Kelli Ebersole

From: Jonathan Spendlove
Sent: Tuesday, October 20, 2020 10:51 AM
To: Kelli Ebersole
Subject: FW: New City Council Meeting Comment

From: noreply@tfid.org <noreply@tfid.org>
Sent: Monday, October 19, 2020 3:59 PM
To: CM-Council <Council2016@tfid.org>
Subject: New City Council Meeting Comment

New comments for City Council listed below:

Submitter Name: Kip PrahI
Submitter Phone: [REDACTED]
Submitter Email: kipcsp@yahoo.com

Comments:

I am the board chair of Serenity Healthcare, LLC located at 1134 Cheney Drive West in Twin Falls. I am writing to comment on the proposed amendment to the "Latitude 42 PUD Agreement" that would allow the development of an equipment sales and rental facility on the property immediately adjacent to Serenity.

I only learned of this proposed amendment earlier today and am not in favor of it. In the interest of brevity, I will limit my comments to stating that Serenity makes every effort to provide patients, many of whom are in a fragile state, with a restful and pleasant environment. In my opinion the proposed "equipment sales and rental facility" can be expected to be quite noisy and, with daily operating hours of 6:00AM to 10:00PM, would have a measurably adverse effect upon the restful environment that is especially important for Serenity patients.

I appreciate this opportunity to comment.

Kip PrahI

Kelli Ebersole

From: forms@tfid.org
Sent: Monday, October 19, 2020 11:59 AM
To: Kelli Ebersole
Subject: Public Comment Notice for PZ20-0100

A public comment has been submitted for PZ20-0100 presented at the City Council Meeting on 10/19/2020.

Name: Latham Williams

Phone: [REDACTED]

Email: lathamwilliams@me.com

Comments:

Concerning 1291 Latitude Circle, I am a property owner in the PUD and do NOT approve of the change proposed by applicant Gerald Martens.