Twin Falls City Council
Agenda

Monday, November 30, 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 November 12 -25, 2020.
   By: Amy Luna, Finance Administrative Assistant

   b) **ACTION ITEM:** Request to approve the Monday, November 9, 2020, City Council Minutes.
   By: Amy Luna, Finance Administrative Assistant

   c) **ACTION ITEM:** Request to approve the Monday, November 16, 2020, City Council Minutes.
   By: Amy Luna, Finance Administrative Assistant

   d) **ACTION ITEM:** Request to approve the Findings of Fact and Conclusions of Law for the Latitude 42 PUD Amendment.
   By: Jonathan Spendlove, Planning and Zoning Director

   e) **ACTION ITEM:** Request to to hold the Living Nativity of Twin Falls.
   By: Sergeant Ryan Howe, Twin Falls Police Department

   f) **ACTION ITEM:** Request to hold the Joseph T. Rasch Fun Run.
   By: Sergeant Ryan Howe, Twin Falls Police Department

   g) **ACTION ITEM:** Request to hold the 7th Annual Vietnam War Veterans Commemoration.
   By: Sergeant Justin Dimond, Twin Falls Police Department

5) ITEMS OF CONSIDERATION

   a) **PRESENTATION:** Presentation of a plaque and check to Mayor Suzanne Hawkins for the St. Luke's Mayor's Walking Challenge.
   By: Michelle Bartlome, St. Luke's Magic Valley

   b) **PRESENTATION:** Presentation by Joshua W. Kern M.D., Vice President of Medical Affairs, St. Luke's Health System.
   By: Travis Rothweiler, City Manager

c) **ACTION ITEM:** Request to adopt Ordinance #2020-019 for vacation of the easement at 727 Aspenwood Lane.

By: Jonathan Spendlove, Planning and Zoning Director

d) **ACTION ITEM:** Request to approve a $3 million dollar grant from the Twin Falls Rural Fire Protection District for a Training Facility for the Twin Falls Fire Department.

By: Les Kenworthy, Fire Chief

e) **ACTION ITEM:** Discussion and possible action on approving the use of revenue anticipation notes funding mechanism to allow for the construction of Fire Station 2 and Fire Station 3.

By: Travis Rothweiler, City Manager

6) GENERAL PUBLIC INPUT

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, November 9, 2020, 5:00 PM

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

THE COUNCIL CHAMBERS DOORS WILL NOT OPEN PRIOR TO 4:30 PM.

IF YOU WISH TO GIVE VERBAL TESTIMONY ON THE FOLLOWING AGENDA ITEM YOU WILL BE REQUIRED TO SIGN IN OR WRITTEN TESTIMONY CAN BE SUBMITTED TO THE COUNCIL BY CLICKING HERE.

Consideration of an ordinance mandating face coverings when in public places in the City of Twin Falls.

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

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

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, City Attorney Shayne Nope, 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

MOTION: Vice Mayor Pierce moved to approve the Consent Calendar as presented. **Council Member Lanting** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0

a) Request to approve the Accounts Payable for October 29 thru November 4, 2020.
b) Request to approve November 2, 2020, City Council Minutes.
c) Request to approve Alcohol License for The Smokey Bone BBQ.

5) ITEMS OF CONSIDERATION

a) Presentation by Scott Martin on Veterans Memorial Wall Concept.

URA Director Murray introduced Scott Martin for a presentation on the Veterans' Memorial Wall Concept.

Mayor Hawkins thanked Mr. Martin for his information.

b) Consideration of an ordinance mandating face coverings when in public places in the City of Twin Falls.

City Attorney Nope requested consideration on an ordinance mandating face coverings when in public places in the City of Twin Falls.

Discussion ensued on the following:
Council Member Reid: Asked for clarification on the medical exemptions. Asked for clarification on "Public Areas". Physical distancing on City trails and maintaining 6 feed of distance.
Mayor Hawkins: Spoke on the ability of store owners to ask citizens that are not wearing masks to leave their business.
Chief Kingsbury: Spoke on the enforcement of this ordinance.
Mayor Hawkins: Would this ordinance cause delays for emergencies?
Council Member Reid: How will this be handled?
Mayor Hawkins: What if we decided to not move forward with the ordinance but do more education, a resolution, etc.?
Vice Mayor Pierce: What is the protocol for a call to a venue? What is you were called for a different issue?
Council Member Barigar: When the State was closed were your protocols the same as they would be for this ordinance?
Council Member Hawkins: Due to the political climate, how is the moral of the TFPD?

Public Input:
Citizens spoke on the mask mandate.
**If you wish to have a full accounting of the citizens who spoke please listen to the recording of this meet that is located on our website.

Discussion ensued on the following:
Council Member Barigar: Spoke at 9:45 pm about not being able to get to the desired goal.
Council Member Reid: Discussed the topics that have been brought up tonight.

MOTION: Council Member Barigar moved to table Ordinance #2020-020 mandating face coverings when in public places in the City of Twin Falls. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 1 with Council Member Hawkins voting against.

Further discussion ensued on the following:
Council Member Barigar: Asked for a discussion on what we can do.
City Attorney Nope: Spoke to the Council on how to move forward.
Council Member Reid: Talked about getting people together to put a plan together to put out the needed information.
Vice Mayor Pierce: What is the time frame that is allowed by law on bringing a resolution back to Council?
Council Member Barigar: Agreed that time is of the essence.

6) GENERAL PUBLIC INPUT

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Reid spoke about the Library services.

Vice Mayor Pierce spoke about the grants that are available to small business. Applications are being accepted through the end of November.

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/0 Gerald Martens. (PZ20-0100).

The applicant spoke on the request. **Discussion**

ensued on the following: None Public Hearing

Opened: 10:13 p.m.
Public Hearing Closed: 10:14 p.m.

MOTION: Council Member Barigar moved to approve the request to amend the Latitude 42 PUD to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle c/0 Gerald Martens. (PZ20-0100). **Vice Mayor Pierce** 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 10:15 PM

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Amy Luna, Finance Administrative Assistant

Twin Falls City Council
Minutes

Monday, November 16, 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, Craig Hawkins, Greg Lanting, Christopher Reid & Nikki Boyd.

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, City Attorney Shayne Nope, Network Administrator Mike Plane, Finance Administrative Assistant Amy Luna.

Mayor Hawkins called the meeting to order at 5:01 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

a) Small Business Saturday - Request by Mayor Suzanne Hawkins
Mayor Hawkins read and presented the Small Business Saturday Proclamation.
Council Member Barigar spoke in favor of this proclamation.

4) CONSENT CALENDAR

MOTION: Council Member Boyd moved to separate the Consent items. **Council Member Hawkins** 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. 7 to 0

MOTION: Council Member Reid moved to approve the Consent Calendar Item (b) as presented. **Council Member Barigar** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0

a) Request to approve the Accounts Payable for November 5-11, 2020.
b) Consideration of a request from Scott Martin to approve a Veterans Memorial Wallproposal.

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 Boyd: Asked for clarification of the numbers of COVID cases that we have now.
Council Member Reid: Thanked Dr. Kern. Asked how the staff is doing right now. Spoke about the hospitalization rate and what it does to our community.
Council Member Lanting: Spoke about the Governor's calling up the National Guard.
Council Member Hawkins: Spoke about the contact tracing. Has our treatment of COVID patients improved?
Council Member Reid: Did furloughs/layoffs happen in our area?

Mayor Hawkins thanked Dr. Kern for his information.

b) Consideration of a request to appoint Janice B. Murphy and J. Michael Mason to serve as Commissioners on the Board for the Twin Falls Housing Authority; and, to affirm Mary Shaw fulfill her term as Commissioner on the Board for the Twin Falls Housing Authority.

Ms. Trappen requests the appointment of Janice B. Murphy and J. Michael Mason to serve as Commissioners on the Board for the Twin Falls Housing Authority and to affirm Mary Shaw fulfill her term as Commissioner on the Board for the Twin Falls Housing Authority.

Discussion ensued on the following: None

MOTION: Vice Mayor Pierce moved to approve the request for appointment of Janice B. Murphy and J. Michael Mason to serve as Commissioners on the Board for the Twin Falls Housing Authority and to affirm Mary Shaw fulfill her term as Commissioner on the Board for the Twin Falls Housing Authority and waive the residency requirement. **Council Member Lanting** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

c) Consideration of a resolution calling upon all citizens to fight against COVID-19.

City Attorney Nope requested consideration of a resolution calling upon all citizens to fight against COVID-19.

Discussion ensued on the following:
Mayor Hawkins: Spoke in favor of this resolution.
Council Member Hawkins: Spoke in favor of this resolution.
Vice Mayor Pierce: Spoke in favor of this resolution.
Council Member Lanting: Spoke in favor of this resolution but feels that we are falling a little short of the mark.
Council Member Boyd: Spoke about the redundancy of this resolution and will be voting against this resolution.
Council Member Barigar: Spoke in favor of this resolution.
Mayor Hawkins: Spoke on the importance of this resolution.

MOTION: Vice Mayor Pierce moved to approve Resolution 2020-018 calling upon all citizens to fight against COVID-19. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted on the motion. Motion passed 6 to 1 with Council Member Boyd voting against.

6) GENERAL PUBLIC INPUT

Citizen Patrick Patterson thanked the Council for all the work that they put in on the COVID-19 issue.
Citizen Grayson Stone spoke in favor of the mask mandate.

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Boyd reported on the airport master plan update and Citizens can hear on December 1, 2020, from 5-7 p.m. at the Airport and at two other locations to come.

Mayor Hawkins spoke about the meeting with the Idaho Department of Transportation.

8) PUBLIC HEARINGS

9) ADJOURNMENT

The meeting adjourned at 06:17 PM

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Amy Luna, Finance Administrative Assistant

BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
PUD Amendment, Application,	)	FINDINGS OF FACT,
	)	
	)	
Latitude 42, LLC c/o Gerald Martens	)	CONCLUSIONS OF LAW,
	)	
	)	AND DECISION
Applicant(s)		

This matter having come before the City Council of the City of Twin Falls, Idaho on **November 9, 2020** for public hearing pursuant to public notice as required by law to amend the Latitude 42 C-1 PUD #272 to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle, and the City Council having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied to amend the Latitude 42 C-1 PUD #272 to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle.

2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: **September 3, 2020 and October 1, 2020**.

3. The property in question is zoned **C-1 PUD** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Commercial** in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. The existing neighboring land uses in the immediate area of this property are: to the north, **Undeveloped/Pole Line Rd**; to the south, **Residential under construction**; to the east, **Twin Falls Reformed Church**; to the west, **Residential.**

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

CONCLUSIONS OF LAW

1. The application for a PUD Amendment to amend the Latitude 42 C-1 PUD #272 to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle is consistent with the purpose of the C-1 PUD 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, 10-4-8, 10-12-2-3 of the Twin Falls City Code and the PUD Agreement.

3. The proposed use is proper use in the C-1 PUD 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 amend the Latitude 42 C-1 PUD #272 to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

DECISION

1. The application to amend the Latitude 42 C-1 PUD #272 to modify allowed uses and remove restrictions on outdoor storage on property located at 1291 Latitude Circle is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though full set forth herein.

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

MAYOR - TWIN FALLS CITY COUNCIL

DATE

<u>"Exhibit No. A"</u>

1. Outside storage is permitted only on Lots 11-15.
2. Hours of business operation for uses that include outside storage on Lot 11 are limited to 7am to 7pm. Hours of the storage itself are not limited.
3. The outside storage on Lot 11 must comply with the screening plan dated November 6,2020.
4. A vinyl fence of color and design acceptable to the owner of Lot 1 must be constructed along the full boundary between Lot 1 and Lots 9 and 10.
5. Uses on Lots 9 and 10 are limited to uses permitted in Exhibit C to the PUD Agreement except the following uses are not permitted without express written approval of the owner of Lot 1:
    a. Uses requiring a special use permit (Section (B) in Exhibit C)
    b. Fire stations and police stations
    c. 4.d. Drug and alcohol treatment centers
    d. 6.a. Auditoriums
    e.8.1. Lumber, plumbing and/or electrical supply stores

APPLICATION # PZ20-0100

Date: Monday, November 30, 2020

To: Honorable Mayor and City Council

From: Sergeant Ryan Howe, Twin Falls Police Department

Request:

Consideration of a request to hold the Living Nativity of Twin Falls.

Time Estimate:

Staff requests this item be placed on the Consent Calendar.

Background:

Mitchell J Moffitt has submitted a special event application requesting to hold the Living Nativity of Twin Falls beginning on December 14, 2020 and ending on December 16, 2020. The event will take place from 6:00 p.m. to 9:00 p.m. each night. The display on private property will be located at 1267 Madrona Street North.

Because of the COVID 19 pandemic, the event organizers have limited the event to 10 cast members. There will only be a drive by option to view the nativity scene. The organizer proposes using the back side of their property on Galena Drive. Traffic would flow north on Galena with an anticipated buildup on Galena Drive to Pomerelle Drive and Madrona Street North. As people leave the area, they can continue on Galena Drive and leave by way of Madrona Street North.

It has been requested that the event organizer notify residents on Pomerelle Drive and Galena Drive of the event so they can anticipate delays and diminished traffic flow.

The event organizers will have volunteers to monitor the traffic throughout the event to reduce the overall effect on traffic. Those attending the event will be required to obey applicable pedestrian and traffic laws.

The organizer recognizes that this event is approved contingent upon current COVID 19 regulations and recommendations. The City of Twin Falls reserves the right to cancel or postpone this event for the safety of participants and the citizens of Twin Falls. 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 by the Council

Budget Impact:

There is no budget impact to the City of Twin Falls.

Regulatory Impact:

N/A

Conclusion:

Relevant City Staff members have approved this Special Event Application. Staff recommends the Council approve the Living Nativity of Twin Falls based on the information provided.

Attachments:

None

Date: Monday, November 30, 2020

To: Honorable Mayor and City Council

From: Sergeant Ryan Howe, Twin Falls Police Department

Request:

Consideration of a request to hold the Joseph T. Rasch Fun Run.

Time Estimate:

Staff requests this item be placed on the Consent Calendar.

Background:

Nora Wells has submitted a special event application requesting to hold the Joseph T. Rasch Fun Run on May 12, 2021. The event will take place from 10:00 a.m. to 12:00 p.m. The Joseph T. Rasch Fun Run is a fundraising event with all proceeds going to a nursing scholarship in Joseph's name.

Those participating in this event will walk or run starting at Hospice Visions office on Park View Loop. They will run to Park View Drive, turn right onto the Pole Line Road sidewalk, and run west. The runners will turn right on Grandview Drive North and go north, they will turn right onto Federation Road to run east, left on Park View Drive to go north, run to Canyon Rim Road and turn right. The runners will go back to Federation Road, then run west to Parkview Drive and finally finish at the same location as the start of the event.

The event organizers must have volunteers to monitor the route throughout the event to ensure the safety of those participating and all runners will be required to obey applicable pedestrian and traffic laws as the course will not close roads or crossings.

The organizer recognizes that this event is approved contingent upon current COVID 19 regulations and recommendations. The City of Twin Falls reserves the right to cancel or postpone this event for the safety of participants and the citizens of Twin Falls. 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 by the Council

Budget Impact:

There is no budget impact to the City of Twin Falls.

Regulatory Impact:

N/A

Conclusion:

Relevant City Staff members have approved this Special Event Application. Staff recommends the Council approve the Joseph T. Rasch Fun Run based on the information provided.

Attachments:

None

Date: Monday, March 9, 2020, Council Meeting

To: Honorable Mayor and City Council

From: Sergeant Justin Dimond, Twin Falls Police Department

ACTION ITEM

Request:

Consideration of a request to approve the 7th Annual Vietnam War Veterans Commemoration.

Time Estimate:

Staff is requesting this event be placed on the consent calendar.

Background:

Nora Wells of Hospice Visions, Inc., has submitted an application to hold a celebration to commemorate Vietnam War Veterans in the Twin Falls City Park on July 17, 2021. The event is scheduled from 8:00 a.m. to 3:00 p.m. This is the 7th annual event, and the organizers anticipate approximately 250 to 300 people in attendance.

The event plans to host a guest speaker and a barbeque. There will be pre-recorded amplified music starting at 10:00 a.m. and continuing until 3:00 p.m.

To help celebrate the event, there will be a motorcycle ride beginning at 10:00 a.m. It is anticipated that 100 riders will participate. The ride will start at City Park and proceed south to Kimberly Road. From there, riders will travel east on Kimberly Road (US Hwy 30) and proceed out of city. Riders will be making stops at the Veteran's Cemetery and Vietnam Veteran's Memorial while making a loop through the cities of Kimberly, Hansen, and Jerome. Once through the City of Jerome, riders will proceed back to Twin Falls via Blue Lakes Boulevard and continue back to City Park.

The Twin Falls Police Department and the Twin Falls County Sheriff's Department will assist with an escort both out of town and back into town. All rules of the road will be followed by those participating in the event. There will be no street closures for the ride.

There will be no alcohol served during this event.

The organizer recognizes that this event is approved contingent upon current COVID 19 regulations and recommendations. The City of Twin Falls reserves the right to cancel or postpone this event for the safety of participants and the citizens of Twin Falls. 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:
Approval by the City Council

Budget Impact:
N/A

Regulatory Impact:
N/A

Conclusion:
The Twin Falls Police Department Staff and several relevant City Staff members have reviewed and approved this Special Event Application. Based on this request and the information provided, Staff recommends that 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 or disturbances by those participating in the event, and non-compliance, the on-duty Patrol Supervisor shall have the authority to terminate the event.

Attachments:
None

Date: Monday, November 30, 2020

To: Honorable Mayor and City Council

From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request to adopt Ordinance #2020-019 for vacation of the easement at 727 Aspenwood Lane.

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

On September 22, 2020, the Planning & Zoning Commission sent a positive recommendation to the City Council for this request.

On October 19, 2020 the City Council conducted a Public Hearing on this item. At the conclusion of the Public Hearing and deliberation, the City Council approved the vacation request.

Approval Process:

In order to enact this ordinance today, Council would need to successfully suspend the rules and place it on third and final reading by title only.

Budget Impact:

Regulatory Impact:

Approval of this request will remove the limitations, or entitlement, for the specific area, as described on the plat or in other recorded documents. This area will become private property, and subject to current rules and regulations for taxes, zoning code compliance, and development.

History:

N/A

Analysis:

N/A

Conclusion:

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

Attachments:

1. PZ20-0105 Tim Mingo Vacation

ORDINANCE NO. O-2020-019

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS IDAHO, **VACATING** THE **EASEMENT** DESCRIBED BELOW.

WHEREAS, Tim T. Mingo has made application for vacation of the easement located 727 Aspenwood Lane ; in the City of Twin Falls; and

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 22nd day of September, 2020, to consider the vacation of the easement below described; 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 19th day of October, 2020.

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

SECTION 1. The following described easement is hereby VACATED:

"Exhibit A" – Legal Description

SECTION 2. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's Office for indexing and recording, in the same manner as other instruments affecting the title to real property, as required by Idaho Code 50-1324(2).

PASSED BY THE CITY COUNCIL ______________________, 20_______

SIGNED BY THE MAYOR ______________________, 20_______

____

Mayor

ATTEST:

____

Deputy City Clerk

PUBLISH: Thursday, ____________________, 20_______

Exhibit A

Legal Description
Proposed Easement Vacation
Twin Falls, Idaho

Being a portion of Lot7, Block 1 as shown on that certain map entitled “Green Tree Estates”, recorded August 1, 1980 as Instrument No. 0000-787808 in the office of the County Recorder of Twin Falls County, more particularly described as follows:

Commencing at the Northwest corner of said Lot 7;
Thence, along the North Boundary of said Lot 7, North 89°54’04” East 15.00 feet;
Thence, leaving said North Boundary, South 00°05’56” East 7.50 feet to a point on the East line of a 15.00 foot wide Utility and Irrigation Easement as shown on said map and being the REAL POINT OF BEGINNING;
Thence, along said East line, South 00°05’56” East 28.00 feet;
Thence, leaving said East line, South 89°54’04” West 7.50 feet;
Thence, North 00°05’56” West 28.00 feet;
Thence, North 89°54’04” East 7.50 feet to said REAL POINT OF BEGINNING.

End of Description

Date: Monday, November 30, 2020

To: Honorable Mayor and City Council

From: Les Kenworthy, Fire Chief

ACTION ITEM

Request:

Request to approve a $3 million dollar grant from the Twin Falls Rural Fire Protection District for a Training Facility for the Twin Falls Fire Department.

Time Estimate:

This item is scheduled to take approximately 20 minutes, plus time for questions and answers.

Background:

During our fire station committee meetings over the past two years the station planning committee and citizens advisory committee have deleted the training components in the building of new fire stations. This was done with the realization that a training facility in residential, educational, or business districts was not the best location for a fixed training facility. In addition, another site, located in the industrial area of the city, became available (See Attachment 1). The vision was shifted from building training facilities at fire stations to a fixed location with more centralized access and more appropriate zoning location. A centralized location allows for better response times when multi-company training operations are occurring.

We also learned it has been a vision of the Twin Falls Fire District commissioners to fund the first phase of construction of a fixed training facility that can be used regionally in the Magic Valley. The fire district commissioners were hoping for some initial assistance with city funding for infrastructure costs. Knowing that fire stations are a priority over a training facility, the city could not expend funds other than donating the land, and a commitment to fund the contractor. Twin Falls Fire District Commissioners have asked to name the facility after the founder of the Twin Falls Fire District "Jim Bieri Regional Training Center".

While Twin Falls Fire would be the primary user and owner of the facilities, plans would be developed for shared contribution and usage of the facility.

Over the past two years we have communicated with Magic Valley fire chiefs, the college, and private industries to see who might be willing to participate in a regional approach to a fire training center. CSI began a fire service degree program that includes a hands-on portion of their program. They are currently doing this by taking field trips out of the area to perform required functions to achieve certification. A regional training facility could be advantageous to their program as is grows.

The larger industries in the area, such as Glanbia and Chobani, have other on-site rescue and fire crews to assist and provide initial responses to emergency incidents. Twin Falls Fire Department provides the technical level certification and rescue response when incidents occur. They are required to complete a certain amount of training to remain certified for emergency response. Their training facilities and capabilities are also limited. A regional training center could also be beneficial to them.

In 2019 Twin Falls city council approved the fire chief to move forward with a grant provided by the Twin Falls Fire District to prepare a master plan for a fixed training facility at the city owned site at 450 Victory

Avenue. Since then the fire district has also funded some additional work that included a geo and survey investigation.

The architect used to develop the plan, as approved through the RFQ process with station and training planning, is Pivot North and Rice Fergus Miller. Fire staff organized a parallel team consisting of several fire staff and members of the architectural staff. Over several weeks and months in 2019, a master site plan was developed and prepared for consideration. The initial cost estimates to fully develop the site were just over $17 million dollars (Attachment 1). Realizing fire stations are a priority over a training facility, the plan was to implement this as funding is realized (Multi decade plan), the team looked at possible options.

As the plan developed and discussions occurred, those involved produced a plan for phase one of the project. The plan was presented to the fire district commissioners for their consideration. The fire district commissioners voted at a special meeting in October to fund phase one of the proposed plan (Attachment 3) by providing a grant in the amount of $3 million dollars. I am asking the council to accept the grant of $3 million dollars to fund the construction of phase one of the training facility.

Approval Process:

Approval of this request requires a simple majority (50% + 1) of the members in attendance at this meeting.

Budget Impact:

Acceptance of a grant of $3 million dollars. No impact at this time.

Regulatory Impact:

History:

Twin Falls Fire Department has changed from a department that only responded to fire incidents to a fully functional all hazards fire department. This phenomenon has not only occurred in Twin Falls but across the nation. The way in which firefighters' approach structural firefighting have changed significantly with modern fuel loads. Fires burn hotter and faster. Building construction has changed from heavy wood frame to light weight technology. Twin Falls has increased in population. Our buildings and hazards have increased in size and complexity. With these changes, new firefighting strategies and tactics must be incorporated to mitigate emergencies. Hands-on training is critical to prepare our firefighters for the situations they will encounter.

Hazards include rescue, aircraft firefighting, wildland, and hazardous materials mitigation.
Each type of rescue situation (rescue disciplines or special operations) requires different levels of training and certification. Rescue disciplines are categorized into rope rescue (high angle and low angle), water rescue (surface water, swift water, dive), confined space rescue, heavy rescue (building collapse), and vehicle extrication. Each discipline has three levels of certification: awareness, operations, and technician level. To keep proficient and operationally ready, significant training is required.

The National Fire Protection Association (NFPA) is a global self-funded nonprofit organization, established in 1896, devoted to eliminating death, injury, property, and economic loss due to fire, electrical and related hazards. The NFPA standards are recommendations and suggested best practice for the fire service in all hazards (those mentioned above). Most states have adopted some, or all, of the safety standards into law to ensure firefighter safety.
The National Institute for Occupational Safety and Health (NIOSH) is responsible for conducting research and making recommendations for the prevention of work-related injury and illness. When a significant

firefighter injury or death occurs the NFPA standard is generally referred to as the best practice to determine corrective actions. This includes Idaho. Lack of training is usually a contributing factor in most of these situations.

Twin Falls firefighters have relied upon acquiring abandoned structures that are scheduled for teardown to practice firefighting, forcible entry, fire strategy, live fire (recommended once a year minimum), fire tactics, search and rescue, and ventilation. Many of these structures have numerous restrictions due to access or asbestos abatement and carry a potential for liability. Most of the available buildings end up not meeting the criteria to use for training. When structures are acquired, they must be prepared and readied for firefighter training. The NFPA has specific standards for training in these types of structures. The preparation time usually takes more time than the actual training. While there is significant value in experiencing a real structure fire, routine training can be better accomplished in a fixed training facility.

Practicing hose evolutions involves hooking fire apparatus hoses to fire hydrants, deploying several hundred feet of hose, and operating hose streams and aerial apparatus. Twin Falls firefighters have historically used privately owned property to conduct this type of training. This is very limiting and shares a level of liability. Firefighters are forced to keep training evolutions to a small scale and minimize practice and learning. Standpipe and sprinkler training in a training environment is not currently an option for our firefighters. We have added numerous systems in our new modern buildings that require a very strategic approach to rapidly extinguish or mitigate a fire.

Fixed training centers have become the norm in the fire service. Throughout the state of Idaho training facilities have been established to train firefighters. In Southern Idaho there are currently no fixed training facilities. Some of the area departments around Twin Falls have limited training props at fire stations, but most have none. Twin Falls Fire Department needs a training facility to conduct required training.

Analysis:

Conclusion:

Fire staff is requesting city council to approve the acceptance of a $3 million dollar grant to start phase 1A of a training facility on the site noted above and in Attachment 2.

Attachments:

1. Attachment 1 Full Site
2. Attachment 2 Phase 1A Site Plan
3. Attachment 3 Phase 1A Budget

SCALE 1" = 100'-0"

Jim Bieri Regional Training Center

Full Build-out

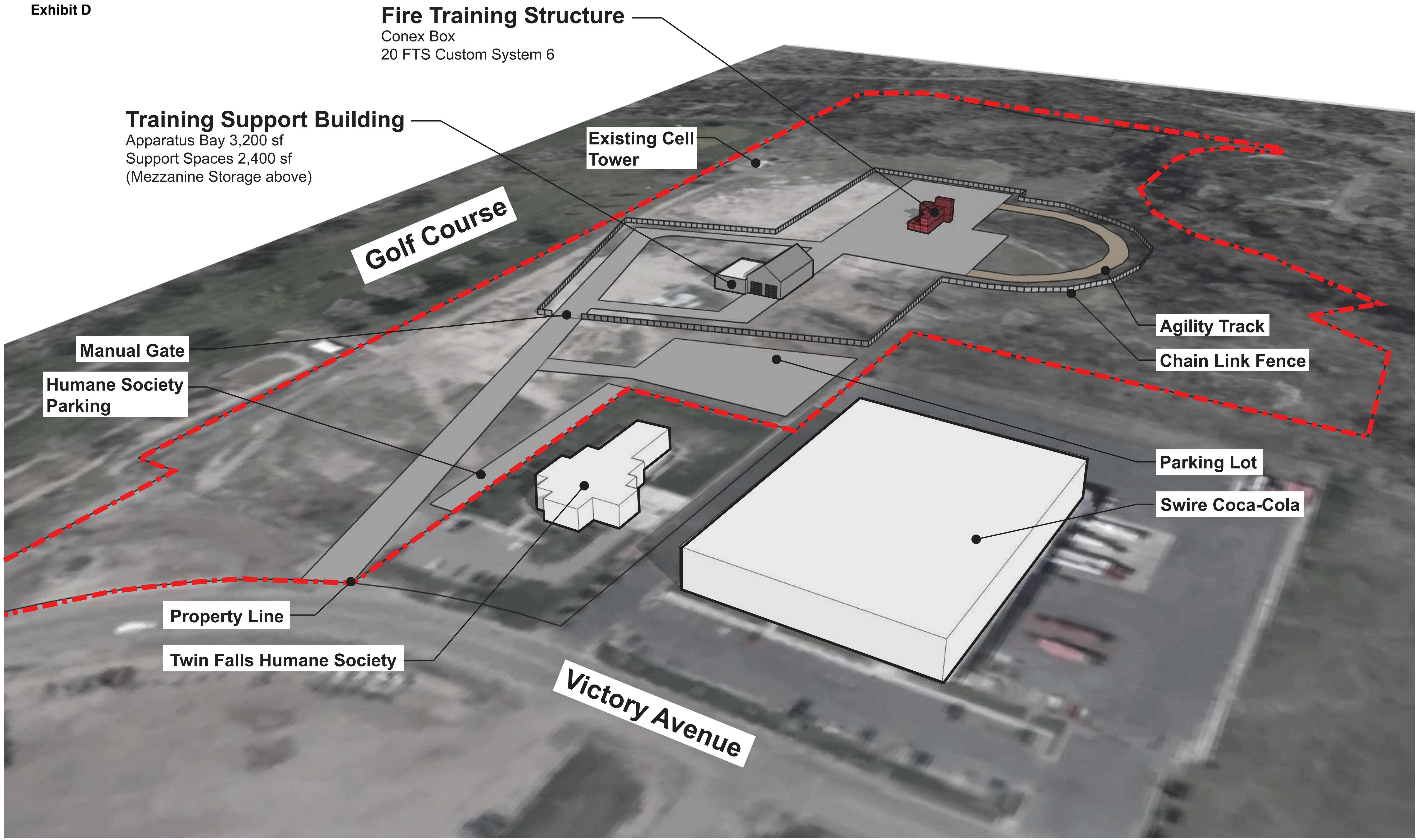
TWIN FALLS FIRE DEPARTMENT

JANUARY 10, 2020

RICEfergusMILLER

PIVOT NORTH architecture

Exhibit D



Twin Falls Training Site

Phase 1A

RICE fergus MILLER

PIVOT NORTH architecture

Exhibit C

PIVOT NORTH architecture

OPINION OF COST PROJECT BUDGET

PROJECT:	Twin Falls Fire Training Facility			
CLIENT:	City of Twin Falls Idaho			
PHASE:	Programming		Date:	10/13/20
PROJECT ENTITIES:	TYPE:	SQ. FOOTAGE:	Version:	V2
New Training Facility	New Construction	5,000		
	Total SqFt:	5,000		

BUDGET	FUNDING	UNDER/OVER
$ 2,994,880.00	$ -	$ 2,994,880.00

CONSTRUCTION COSTS (HARD COSTS) - Includes GC General Conditions, Overhead, and Profit

	UNITS	BUDGET COST	NOTES
New Construction		$ 1,000,000	training support building
Cost per Square Foot:	*$ 200*		
Site Development	allow.	$ 450,000	roads, fence, conc. pads, rehab shelter etc.
Site Utilities	allow.	$ 450,000	power, gas, water, sewer, etc.
Off-Site Development			
Off-Site Utilities			
Training tower	allow.	$ 500,000	from TFFD
Subtotal Anticipated Construction Costs		$ 2,400,000	
Escalation to Mid-point of Construction	3.0%	$ 72,000	
CM/GC Fee			
Construction Contingency	0.0%	$ -	in construction cost
Owner/Design Contingency	5.0%	$ 120,000	E/O and owner
Total Anticipated Construction Costs - Escalated		**$ 2,592,000**	

PROJECT EXPENSES (SOFT COSTS)

	UNITS	BUDGET COST	NOTES
Predesign/Programming	allow.	$ 20,000	master plan update
CMGC Preconstruction Services	allow.	$ 10,000	By City
CMGC Bond	allow.	$ -	in construction number
Builders Risk Insurance	allow.	$ -	in construction number
Winter Conditions allowance		$ -	
A&E Basic Services	9.0%	$ 233,280	
A&E Reimbursable Budget	allow.	$ 10,000	
Supplemental Services	4.0%	$ 103,680	allowance
Interior Design	0.0%	$ -	included in A&E
Civil Engineering	0.0%	$ -	in allowance above
Landscape Architect	0.0%	$ -	in allowance above
Geotechnical Engineering		$ -	Complete
Site Survey		$ -	Complete
Telecom/Audiovisual	allow.	$ -	tbd
Security	allow.	$ -	tbd
As-Constructed Record Drawings		$ -	included in A&E
Impact Fees		$ -	By City
Permit Fees	0.0%	$ -	By City
Utility Fees		$ -	By City
Plan Check Fees		$ -	By City
Development Fees		$ -	By City
Franchise Utilities	allow.	$ -	By City
FF&E		$ -	By City
Fixtures		$ -	By City
Furniture		$ -	By City
Equipment		$ -	By City
Testing and Inspection Services during	1.0%	$ 25,920	allowance
Total Anticipated Soft Costs		**$ 402,880**	
Subtotal Construction Costs and Project Expenses		$ 2,994,880	
Overall Project Contingency	0.0%	$ -	
PROJECT BUDGET		**$ 2,994,880**	
PROJECT CONSTRUCTION COST PER SQFT		**$ 518.40**	
PROJECT TOTAL COST PER SQFT		**$ 598.98**	

Date: Monday, November 30, 2020

To: Honorable Mayor and City Council

From: Travis Rothweiler, City Manager

Request:

Discussion and possible action on approving the use of revenue anticipation notes funding mechanism to allow for the construction of Fire Station 2 and Fire Station 3.

Time Estimate:

This item is scheduled to take 30 minutes, plus time for questions and answers.

Background:

The City of Twin Falls staff have worked with our financial advisors and bond counsel to identify a solution that would allow the City of Twin Falls to leverage its financial strength and resources to construct two replacement fire stations. During the presentation, the City Manager will outline the differences between each option and discuss why we have ultimately decided to move forward with our request to initiate a revenue participation note in lieu of the other two options.

On May 21, 2019, the City asked its citizens to consider a general obligation bond for the construction of new Headquarters Fire Station 1, Fire Station 2, Fire Station 3, a fire training facility, and funding to renovate the existing Fire Station 1 to be able to accommodate additional needs of the Twin Falls Police Department. While 63.45% of Twin Falls resident who went to the polls voted in favor of the City's proposed fire bond, authorization fell short of Idaho's supermajority (66.67%) requirement.

In the weeks following the election, city staff engaged in several conversations with residents and stakeholders. Several factors played a role in our inability to reach a supermajority vote for the passing of the bond election. City staff learned of several possible reasons why it wasn't able to realize the supermajority requirement, including: the total cost of $36 million was too high; failing to make the connection between expanding fire capacity and improving our fire service coverage; flaws in our overall communication strategy, and; lack of awareness of the election. Although the bond proposal did not pass, the fire department (still) has significant facility/operational needs.

On July 8, 2019, City staff shared what it had learned after the election and approached the City Council looking for direction on the next steps. The City Council authorized the City's staff to continue to work with the Citizen's Advisory Committee to identify solutions to fund capital improvements designed to address fire station deficiencies.

In early 2020, a new Citizen's Committee was re-established. The committee consisted of seven community members and City staff, including members of Twin Falls Fire Department. The community members include Dave Moore, Tami Gooding, Jim Olson, Debbie Dane, Joe Miller, Josh Kliegl, Jesse Bowman, Dwayne Tucker, and Jan Rogers. Nikki Boyd served as the City Council liaison to the committee. COVID-19 impacted the committee's work as well as its ability to meet. The committee met on March 10, 2020; August 26, 2020; October 1, 2020, and October 29, 2020.

During their meetings, they explored options the City had to fund the improvements. The Committee learned that Idaho local governments have limited options when it comes to securing the resources necessary to fund the construction of significant, long-term capital projects. Those options include:

- a general obligation bond,
- certificate of participation
- saving or using cash reserves,
- initiating a revenue participation note.

Each of these tools can provide the initial funding needed to construct capital projects. However, the debt repayment obligation and the potential cashflow consequences of each vary significantly.

A general obligation bond allows a local government to pledge tax proceeds to make payments on the debt over the life of the bond. General obligation bonds are highly desired because it is backed solely by the credit and taxing power of the issuing jurisdiction rather than the revenue from a given project. This also tends to be the least expensive option over the life of the bond. The current interest rate on a 20-year note is approximately 1.3%.

Given the current economic condition of our nation and worldwide, with the uncertainty of COVID-19 and the potential long-lasting ramifications related to this pandemic, we do not believe we could generate the necessary support that we would need to issue a general obligation bond.

The second option is a Certificate of Participation (COP). This option does not require voter approval. A COP is a type of financing where an investor purchases a share of the lease revenues of a program rather than the bond being secured by those revenues. The key factor in a COP is that it is a lease-financing agreement, one in which the City makes regular payments over the annually renewable contract for the acquisition and “use” of the property. The steps involved include the City issuing bonds from a trustee (typically a bank), who uses an underwriter to provide access to investors, that is then sold to investors as securities that represent a percentage interest in the right to receive payments from the City under the lease-purchase contract. The City uses the money to finance the capital investment and makes the required annual payments. Typically, the interest rate is around 2%.

There are two big distinctions between a COP and a general obligation bond. The first is the City does not “own” the property being built until the end of the lease period. Second, the City would not have the ability to use the fire impact fees that have been collected to make a down-payment to reduce overall financial cost of the project. Legal experts believe it is hard to argue the City would be willing to walk away after making a substantial down-payment. In the City’s case, approximately $3 million could be used to as a down payment on Fire Station 2, which is 100% eligible.

The path that we are recommending is a combination of options 3 and 4. The option allows the City to use its financial strength and take advantage of the benefits associated with issuing a revenue participation note. Additionally, there are no pre-payment penalties associated with revenue anticipation notes.

A revenue participation note is a financing tool that provides an outlay of cash for construction, similar to a general obligation bond. However, it does not require an election and can be approved by a majority vote of the City Council. It uses a similar annual process of repayment as the COP structure in that it is an annual note and is re-assessed every year. It is recognized in Idaho Code as a financial option available to Idaho local governments. There are three components to a revenue anticipation note: first that it matures within 1 year and is re-issued until the principal is paid in full, second that the payments cannot exceed 75% of anticipated revenue, and third that a special fund is created by resolution to make the annual payments.

The City can use nearly $3 million in Fire Impact Fees as a down payment on the initial note prepayments can be initiated.

It is staff's request to use the revenue anticipation note financial tool by investing a portion of the cash reserve balances of the Enterprise Funds and other funds in a revenue anticipation note issued by the City's general fund.

Specific to this project, we are recommending the City Council authorize the City Manager and Chief Financial Officer to work with legal counsel to create two separate revenue anticipation notes issued by the City's General Fund and purchased by the City's Enterprise funds. One of the revenue anticipation notes is for a replacement for Fire Station 2. The second will be for the replacement of Fire Station 3. This model will allow the City to leverage its financial strength and internally finance construction of the fire stations.

There are benefits to the General Fund issuing the revenue anticipation notes and the Enterprise Funds that would invest in the revenue anticipation notes. The rate paid by the General Fund could be less than what it may have otherwise paid had the City been able to have the authorization to issue a bond. The Enterprise Funds benefit by having an opportunity to earn an interest rate substantially higher than the 0.56% annual percentage rate that is currently being offered by the Idaho State investment pool.

The fire stations being considered at this time are different than what was requested by the City in the general obligation bond proposal. The size of both stations has been reduced to meet available revenues. Members of the City's fire programming team have physically toured the Meridian and Nampa Fire Stations and they believe the modified stations will meeting the City's mid-term needs. Additionally, the stations are designed and constructed in a way that allows for them to be expanded, as needed in the future and as funds become available.

The estimated cost for one fire station would be $7M. This is based on the actual construction cost of new fire stations recently completed in the City of Meridian and Nampa. Because the City can apply impact fees to assist with the construction of Fire Station 2, the revenue anticipation note for Station 2 is estimated to be $4M. The revenue note for Fire Station 3 is estimated to be $7M because it is not eligible for the use of fire impact fees.

The annual "debt service" payment can be realized from several sources. Fire impact fees can be used to make all or some of the payment for Fire Station 2. The City Council has its "council capital" revenue in the amount of $770,000 that it can use for the payment. Additionally, the City Council has cash reserves in the General Fund that it can use as well. Each year, the City Council will have the ability to determine the source of the payment.

By comparison, if the City was able to issue a general obligation bond for this project ($11 M) with a 15-year term, the estimated annual debt service will be $800,000.

The revenue anticipation notes would be created by Skinner Fawcett, the City's bond counsel. The notes would be drafted to ensure compliance with applicable Idaho Codes and the Idaho Constitution. The annual payments would be estimated at no more than 75% of anticipated revenues, and a special fund within the General fund would be created to divert funds to make the required payments that are due within 12 months of the date of issuance. The City could make additional payments at any time during the year, with no pre-payment penalties or ramifications. New revenue anticipation notes are issued annually for the balance remaining in each note.

While we believe the 2019 proposal asked the community for what was needed and necessary to meet our fire service programing/facility needs for the next 30 to 40 years, this option provides the City the opportunity to make the necessary improvements to the City. As stated, that proposal was not supported.

The agreement has been reviewed by the attorneys with Skinner Fawcett law firm, the City's bond counsel.

Approval Process:

Approval of this request requires a simple majority (50%+1) of the members in attendance at this meeting.

Regulatory Impact:

Idaho Code Title 57 discusses restrictions relating to variable municipal debt. Section 57-231 of the Idaho Code permits the city to provide any variable rate using any reasonably available index.

Title 63, Chapter 31, Idaho Code sets forth the statutory framework to issue tax anticipation obligations.

Section 50-1013(k), Idaho Code, provides the authority to invest City funds in the tax anticipation obligations.

Attachments:
Memorandum from Skinner Fawcett, LLP

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MEMORANDUM

To: **City of Twin Falls, Idaho**
Travis Rothweiler, City Manager
Breanna Howard, Chief Financial Officer

From: Skinner Fawcett LLP

Date: 11/17/2020

Re: **Legal Structures for Financing Capital Improvement Projects**

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

The following constitutes legal advice or a legal opinion to the City of Twin Falls, Twin Falls County, Idaho (the "City") or to one or more of its officers, departments, or employees. As such, this information is protected by the attorney-client privilege. Circulation and discussion of this letter must be limited to those individuals named above or copied below. The letter may not be broadly disseminated. If there is any question as to whether the letter may be copied or shared, please contact either the attorney providing the advice or the Twin Falls City Attorney.

The purpose of this Memorandum is to summarize our analysis regarding the legal structure of using revenue anticipation notes to finance certain capital improvements in the City, including the construction and/or renovation of fire stations (the "Capital Improvement Projects").

Revenue Anticipation Notes.

1. Revenue anticipation notes must mature within one year from the date of issuance and normally within the same fiscal year when the notes are issued.

2. Revenue anticipation notes cannot be issued in an amount that exceeds:

   a. (i) 75% of the taxes levied for the current fiscal year and not yet collected by the City, (ii) 75% of the anticipated distribution from the public school income fund not yet collected for the current fiscal year, and (iii) seventy-five per cent 75% of other revenues anticipated, as shown by the budget duly adopted by the taxing district and certified in accordance with Idaho Code, Section 63-804, and not yet collected for the fiscal year; or

b. if the tax levy or budget for any fiscal year has not been completed, then the amount of revenue anticipation notes issued in anticipation of taxes, state funds, or other revenues to be levied for such fiscal year shall not exceed 75% of the taxes levied or state funds or other revenues received by the City in the previous fiscal year.

3. To provide for the payment of revenue anticipation notes at maturity, a special fund to be known as the Revenue Anticipation Note Redemption Fund will need to be created by resolution (the "Redemption Fund").

a. All anticipated moneys collected or received after the issuance of revenue anticipation notes shall be placed in the Redemption Fund until such time as the funds accumulated therein shall be sufficient to pay the balance owing on the outstanding revenue anticipation notes outstanding, together with interest thereon at maturity, and the funds accumulated in the Redemption Fund are by statute appropriated and set apart for such purpose only, and shall be used for no other purpose;

b. however, the revenue anticipation notes can be repaid from other funds or revenues of the City.

4. Application of legal structure:

a. Each year, the City issues a revenue anticipation note in anticipation of the City's specific general revenues.

b. The revenue anticipation note is issued in an amount of up to 75% of the City's anticipated specific general revenues.

c. The City purchases the revenue anticipation note as an investment with Enterprise Funds.

d. Proceeds of the revenue anticipation note are used to finance the Capital Improvement Projects.

e. The specific anticipated revenues are deposited in the Redemption Fund as they come in.

f. The City repays the revenue anticipation note within 12 months of the date of issuance, normally within the City's fiscal year ("Fiscal Year"), and then issues a new revenue note for the next Fiscal Year and uses the proceeds to continue financing the Capital Improvement Projects.

g. The City can begin paying down the principal owing on the revenue anticipation note at any time and can issue lower principal amounts each Fiscal Year until the outstanding balance is paid in full.

h. Revenue anticipation notes can be issued without an election or judicial confirmation if issued and repaid within the Fiscal Year.

i. Once a revenue anticipation note program is established, the legal costs to issue under the program should be relatively low and the procedures to issue are fairly straightforward.

j. However, the City will need to continue issuing revenue anticipation notes each year under the program until the outstanding balance is paid in full.

k. Careful attention will need to be paid to the timing of the payoff of the revenue anticipation note from the monies in the Redemption Fund and the issuance of the new revenue anticipation note, as well as having sufficient funds available to repay each Fiscal Year's revenue allocation note.

l. The City could, if necessary, issue its revenue anticipation note to an outside financial institution under the same procedures, but the transaction costs would be greater.

m. The City could issue more than one revenue anticipation note during a Fiscal Year using the same procedures set forth above.

n. The revenue anticipation notes would be issued on a taxable basis and therefore would have maximum flexibility without IRS regulation, including setting the interest rate at the City's discretion on a variable or fixed basis and the ability to invest the proceeds at a rate of the City's choosing including a rate comparable to the borrowing rate.