

COUNCIL MEMBERS:

SHAWN BARIGAR	DON HALL	SUZANNE HAWKINS	GREGORY LANTING	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
<i>Vice Mayor</i>		<i>Mayor</i>				



AMENDED AGENDA
 Meeting of the Twin Falls City Council
November 5, 2012
 City Council Chambers
 305 3rd Avenue East - Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
PROCLAMATIONS: *Non-Profit Week*

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for October 23 – November 5, 2012. 2. Consideration of the October 22, 2012, City Council Minutes. 3. Consideration of a request to approve the 22 nd Annual Christmas in the Night Time Sky events sponsored by Kimberly Nurseries to be held at 2862 Addison Avenue East on November 23, 2012.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan Leila Sanchez Dennis Pullin
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to approve an agreement between the City of Twin Falls and the Bureau of Land Management (BLM) for repairs to their Joslin Field Facility. 2. Presentations from Municipal Powers Outsource Grants (MPOG) recipients on use of funds received for Fiscal Year 2012. 3. Public input and/or items from the City Manager and City Council.	Action Presentations	Bill Carberry Patricia Lehmann
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 1. Consideration of a request to approve an Ordinance of the City Council of the City of Twin Falls to create a local improvement district (LID) as requested by Chobani Idaho, Inc. <i>Proposed Ordinance No. 3040</i>	Public Hearing	Travis Rothweiler
V. <u>ADJOURNMENT:</u>		

**Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
 3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.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.
 4. A City Staff Report shall summarize the application and history of the request.
 - The City Council may ask questions of staff or the applicant pertaining to the request.
 5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the mayor. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
 7. The Mayor shall close the Public Hearing. The City Council 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.

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

Proclamation



IDAHO NONPROFIT AWARENESS MONTH

WHEREAS, nonprofit organizations help build and sustain healthy communities in our state and enhance the quality of life for Idahoans and for others throughout the country and the world; and

WHEREAS, the thousands of nonprofit organizations based in Idaho contribute significantly to a viable economy by providing services to our communities, employing almost 50,000 Idahoans, and which have expenditures of more than \$3.7 billion annually according to the most recent data; and

WHEREAS, Idaho's nonprofit leaders are often entrepreneurs, creating new solutions to problems, and fill previously unmet needs in the areas of health, recreation, education, research, arts, social services, and more; and

WHEREAS, the nonprofit sector works as a responsible partner with private enterprise and government to alleviate the most pressing social issues of our time; and

WHEREAS, 400,000 Idahoans contribute 60 million volunteer hours annually, one of the highest volunteer rates in the nation, thus providing opportunities for leadership, civic engagement, and building communities; and

WHEREAS, the nonprofit sector acts as a responsible steward of charitable dollars to achieve a diverse range of missions and goals; and

WHEREAS, nonprofit organizations often fulfill their missions by advocating on behalf of those who cannot advocate for themselves; and

WHEREAS, the nonprofit sector throughout Idaho has a proud history of service, innovation, and social change; and

WHEREAS, the accomplishments of the nonprofit sector deserve acknowledgment, affirmation, and celebration; now, therefore,

I, Greg Lanting, Mayor of the City of Twin Falls, do hereby proclaim November 2012, to be "Idaho Nonprofit Awareness Month"

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

Mayor Gregory Lanting

Date: November 14, 2012



Date: Monday, November 5, 2012, Council Meeting

To: Honorable Mayor and City Council

From: Staff Sergeant Dennis Pullin

Request:

Consideration of a request to approve the 22nd Annual Christmas in the Night Time Sky event sponsored by Kimberly Nurseries to be held at 2862 Addison Avenue East on November 23, 2012.

Time Estimate:

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

Background:

Dave and Sherry Wright have submitted a Special Events Application requesting to hold the 22nd Annual Christmas in the Night Time Sky Event. The festivities will be held at the Kimberly Nurseries location of 2862 Addison Avenue East. This is a nonprofit event that will benefit needy children in our community, as it is the Valley's largest toy fundraiser. The festivities begin at 5:00 p.m. The hosts will serve a chili/potato dinner beginning at 5:30 p.m. in exchange for an unwrapped toy. There will be live amplified music played during the event on the property of Kimberly Nurseries, as well as a bonfire. A choreographed fireworks display will follow at approximately 7:30 p.m. The fireworks show will take place north of Kimberly Nurseries in a vacant field located on the north side of Addison Avenue East. The estimated crowd size for this event is 2,500 people, depending on the weather. Event organizers will be responsible for providing advanced notification to all business owners and residents affected by the street closure due to this event. Event organizers will provide transportation by school bus from the K-Mart parking lot to Kimberly Nurseries for the event and will provide transportation back to K-Mart at the conclusion of the event.

In 2011, the Twin Falls Police Department did not receive any calls for service related to the Christmas in the Night Time Sky Event.

Addison Avenue East will be closed from Eastland Drive to Hankins Road from 5:00 p.m. until approximately 9:00 p.m. Carriage Lane and Carriage Lane North will also be closed at the intersections of Addison Avenue East. Road closures will be controlled by traffic cones, barricades, Twin Falls Police Department Officers and employees, officers from other agencies, and volunteers.

The Twin Falls City Street Department will provide the traffic cones and barricades for the event.

The Twin Falls Fire Department will be on scene for the bonfire and for the fireworks display.

Agenda Item for November 5, 2012
From Staff Sergeant Dennis Pullin
Page Two

Approval Process:

Consent by the City Council.

Budget Impact:

This event will require a total of eleven (11) Twin Falls Police Officers, four (4) non-sworn Police Department employees, Citizens on Patrol volunteers, and other law enforcement agencies. A briefing will be held at 4:30 p.m. and the street closures will take place at 5:00 p.m. The event is estimated to conclude by 9:00 p.m. Total overtime cost for the Twin Falls Police Department will be \$2,756.00, which has been included in the Twin Falls Police Department's overtime budget.

Regulatory Impact:

N/A

Conclusion:

This Special Events Application has been approved by several relevant City Staff members and the Twin Falls Police Department Staff. It is recommended that this request be approved by the City Council as presented.

Attachments:

None

DP:aed



November 5th, 2012 City Council Meeting

To: Honorable Mayor and City Council

From: Bill Carberry, Airport Manager

Request: Consideration of an agreement between the City of Twin Falls and the Bureau of Land Management (BLM) for Repairs to their Joslin Field facility.

Time Estimate: Staff estimates this item will take 5 minutes with additional time for questions.

Background: For several years the BLM has had a persistent problem with moisture penetrating the inside of the building around the exterior windows. After investigating the problem they have formed a repair solution with Stanley & Associates, the firm that originally constructed the building. In addition to the repairs of the windows, the BLM would like to replace 4 toilets in the facility, asking the City to purchase the toilets with BLM responsible for installing. The BLM is requesting the City contract with Stanley & Associates to make the window repairs based on Stanley's bid of \$6800 and purchase the new toilets (approx \$279.00 each).

As with other development phases and/or significant repairs of the BLM facility, we have developed an agreement which calls out the requested repairs and supplies and identifies BLM's responsibility to reimburse the City. The agreement is formatted through a modification of the existing lease agreement with the BLM.

Approval Process: This item would require a majority of the Council vote to be approved.

Budget Impact: This is a pass-through-cost for the City of Twin Falls, BLM will reimburse the City for the cost of the project. As a means of protecting the City from potentially higher construction costs than available funding, the agreement carries a clause requiring the BLM to approve any additional funding for the project if costs exceed the estimates.

Regulatory Impact: None anticipated.

Conclusion: After working in conjunction with the BLM Contracting Officer to develop the agreement, and the review of the City Attorney on this agreement, staff recommends City Council approval authorizing the Mayor to sign the agreement.

Attachments:

Letter from BLM Unit Aviation Manager, Greg Loper

Stanley Window Repair Proposal

Modification/Agreement

**DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SUPPLEMENTAL LEASE AGREEMENT**

No. 10

DATE
October 18, 2012

TO LEASE NO. L01PL00220

ADDRESS OF PREMISES: 402 Airport Loop, Twin Falls, Idaho

THIS AGREEMENT, made and entered into this date by and between

Joslin Field Magic Valley Regional Airport
492 Airport Loop
whose address is: PO Box 1907
Twin Falls, ID 83303

hereinafter called the **Lessor** and the UNITED STATES OF AMERICA, hereinafter called the **Government**:

WHEREAS, the parties hereto desire to amend the above Lease. NOW THEREFORE, these parties for the consideration hereinafter mentioned covenant and agree that the said Lease is amended, effective October 18, 2012, as follows:

Supplemental Lease Agreement No. 10 is issued to reflect the following revisions:

1. Paragraph 28 to re-seal all exterior windows in accordance with the specifications below
2. Paragraph 29 Lessor to purchase 4 of the toilets depicted and BLM to install.

Therefore, lease Paragraphs 28 and 29 are hereby incorporated into the lease agreement as follows:

"28. Upon completion, inspection and acceptance by James Loper, BLM Fire Management Officer, of the following work items, the Lessor will submit an invoice to the Contracting Officer for payment.

In a workmanlike manner, remove existing windows, repair window frames and re-install existing windows for the BLM Joslin Field Office Building including but not limited to the following:

- A. Remove existing windows in order to remove all existing metal jambs and head trims.
- B. Prepare all areas to receive new polyurethane sealant.
- C. Re-seal entire perimeters of windows with polyurethane sealant.
- D. Install new metal jamb and head trims to match existing metal trims and reinstall windows that were removed.
- E. Apply surface caulking at new trims as needed.

The estimated cost for the removal, repair, and replacement of the windows will not exceed \$6,800.00, if the cost is more than the estimated cost, prior to commencement of the project, this lease agreement must be amended.

"29. Lessor will purchase and deliver four (4) toilet fixtures as depicted on Attachment A. to BLM. BLM will remove the existing toilet fixtures and replace with the provided toilet fixtures located in the existing BLM Joslin Field Office Building. The estimate cost of the toilets is \$279.00 each plus tax.

All other terms and conditions of the lease shall remain in force and effect.

IN WITNESS WHEREOF, the parties subscribed their names as of the above date.

LESSOR: **Joslin Field Magic Valley Regional Airport**

BY _____
Member/General Partner (Signature)

Mayor, Twin Falls, Idaho
(Title/Member/General Partner)

IN THE PRESENCE OF

Name (Signature)

(Title/Member/General Partner)

UNITED STATES OF AMERICA: **BUREAU OF LAND MANAGEMENT**

BY _____
TERRY BAKER (Signature)

CONTRACTING OFFICER
(Title)

Bill Carberry

Airport Manager

Twin Falls Airport

10/19/12

Bill,

Following up on our phone conversation I will outline Twin Falls BLMs needs and process to have several maintenance projects accomplished at the Airbase facility. Internal budget payments for the lease and construction at the Airbase are actually administrated by a Contracting Officer in Denver; CO. Twin Falls BLM – Fire and Aviation Management has a preexisting account for these projects that Denver pays to the City of Twin Falls. Upon completion of the recent parking lot project, there are remaining unused funds in this account. The BLM would like to utilize a portion of these funds to soon accomplish resealing of the Airbase building windows and replacement of four toilets. Total app. cost is \$ 8500.00.

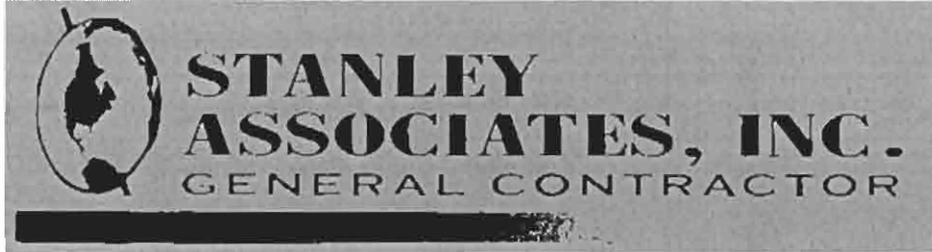
As with the parking lot project and other projects, the City will invoice the BLM in Denver and an electronic transfer of funds will occur.

S: // *J. Greg Loper*

J. Greg Loper

Interagency Aviation Manager

Twin Falls BLM/Sawtooth NF



FAX QUOTATION

Ph. 208-734-0455

Fax 208-734-7841

TO: City of Twin Falls DATE: 9/27/2012
CO: Bill Carberry TIME: _____
FAX: bcarberry@tfid.org
FROM: Don Stanley

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE: 1

RE: B.L.M. JOSLIN FIELD OPS BLDG. EXTERIOR WINDOWS

Gentlemen:

Please find our quote for the above mentioned.

Our scope of work consists of the following:

- 1) Remove all existing metal jamb and head trims.
- 2) Prep. all areas to receive new polyurethane sealant.
- 3) Re-seal entire perimeters of windows with polyurethane sealant.
- 4) Install new metal jamb and head trims to match existing metal trims.
- 5) Apply surface caulking at new trims as needed.

TOTAL AMOUNT FOR THE ABOVE \$6,800.00

Thank you for considering Stanley Associates Inc. for your project

Don Stanley

P.O. BOX 1719, TWIN FALLS, IDAHO 83303

Idaho Lic.#14120-AA-3 * Oregon Lic.#134710 * Washington Lic.#STANLAI981B4 * California Lic.#773562 * Nevada Lic.#0052239

Idaho Contractors Reg. Lic.#RCE-1267 * Arizona Lic.#ROC195-926

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November 5th, 2012 City Council Meeting

To: Honorable Mayor and City Council

From: Pat Lehmann, Budget Coordinator

Request:

Presentations from Municipal Powers Outsource Grants (MPOG) Recipients on use of funds received last fiscal year.

Time Estimate:

Each of the recipients has been given up to 5 minutes for their report, plus any additional time needed to address questions presented by Council members. There are 7 recipients, and I would anticipate approximately 45-50 minutes for the presentations and questions/answers.

Background:

At the April 2, 2012 Council Meeting, the Municipal Powers Outsource Grants for FYE 2012 were awarded. The Council requested that a report on how the funds were used by the recipients be presented to the Council by the first of November.

Budget Impact:

None.

Regulatory Impact:

There is no regulatory impact

Conclusion:

Attachments:

1. Order of presentations and amounts awarded

TWIN FALLS CITY COUNCIL MEETING
Monday – November 5, 2012
Municipal Powers Outsource Grants
Report Presentation Schedule

1. Boys & Girls Club	\$21,500
2. Crisis Center of Magic Valley	\$11,000
3. Magic Valley Arts Council, Inc.	\$ 9,000
4. Southern Idaho Tourism	\$ 4,000
5. Trans IV	\$30,000
6. Twin Falls Municipal Band	\$20,000
7. Twin Falls Senior Center	\$ 4,500



Date: Monday, November 5, 2012
To: Honorable Mayor and City Council
From: Travis Rothweiler, City Manager

Request:

Consideration of a request to approve an Ordinance of the City Council of the City of Twin Falls to create a local improvement district (LID) as requested by Chobani Idaho, Inc. *Proposed Ordinance No. 3040*

Time Estimate:

The City Manager's presentation will take approximately 10 minutes in addition to time needed to answer questions.

Background:

The purpose of this agenda item is to hold a public hearing in accordance with Title 50, Chapter 17 of the Idaho Code and consider the adoption of an ordinance creating the LID as requested by Chobani.

John Winnie will be representing Chobani at the meeting.

Since the announcement and execution of the Development Agreement, Chobani has been covering the upfront costs of the improvements by providing advances to the Agency. This short term financing has allowed the City and the Agency to make the improvements prior to the development and creation of a long-term funding solution being in place.

On October 22, 2012, the City Council received a petition from Chobani requesting the formation of a modified local improvement district. The creation of the local improvement district will provide the security required by Zion's bank for them to underwrite the TIF bonds. The LID recognizes that improvements to the sewer system, water system, related utility extensions, road and other facilities and related improvements are necessary and beneficial. In a modified LID, the improvements extend beyond the LID boundary. The improvements outside of the LID boundary include the water system improvements, waste water system improvements, roadway improvements, and utility system improvements. These improvements will benefit more than the 20 ± acres being considered for the LID, as requested by Chobani.

In addition, on October 22, 2012, the City Council adopted Resolution No. 1895 declaring the intention of the City Council to create the LID for the purpose of acquiring, constructing and installing various public infrastructure improvements needed to support the Chobani's expansion to Twin Falls. The Resolution passed by the City Council established that a public hearing would be held on November 5, 2012. The purpose of the public hearing is to provide an opportunity for the public to voice their thoughts on the creation of the LID. It is important to note that Chobani is the only property owner that is impacted by this decision.

The Ordinance states that the total costs and expenses of the total public improvements in the proposed modified LID area are estimated to be \$32,509,000. The LID, both principle and interest, will be paid completely by the owner of real property within the boundaries of said District. At no time will the City or the Agency be financially responsible for the LID.

As stated previously, the City of Twin Falls and the Twin Falls Urban Renewal Agency have been working with representatives from Chobani and Zion's Bank to develop a long-term funding plan designed to cover the costs of the public infrastructure improvements being financed with tax increment funds. The proposal before the City Council is the culmination of the collective efforts.

The attached Ordinance, Resolution, Petition and corresponding documents have been reviewed by Fritz Wonderlich, Twin Falls City Attorney, and Rick Skinner, Bond Counsel.

Approval Process:

Approval of the proposed Ordinance requires a simple majority vote of the City Council members present.

Budget Impact:

There are no budgetary or financial impacts to the City for recognizing the petition and creating an LID. The LID is secured with real property owned by Chobani. There is no financial liability or financial exposure to the City of Twin Falls or the Twin Falls URA.

Additionally, all of the costs and expenses for creating the LID, including "...engineering, collection of assessments, clerical, printing, advertising, inspection, collecting assessments and interest thereon, reserves, interest and other financing costs, legal services for preparing proceedings and advising in regard thereto and contingencies deemed necessary..." will be reimbursed with bond proceeds.

Regulatory Impact:

The City's ability to create a local improvement district is provided for in Title 50, Chapter 17. Resolution 1895 states the City intent to create a "modified district," as provided for in Section 50-1705.

50-1705. Modified district. Whenever any local improvement shall be of such nature and character that the special benefits resulting therefrom extend beyond the boundaries of the property abutting the improvement or whenever the special benefits do not accrue to some or all properties abutting the improvements, but to other properties, the council may create a modified local improvement district, which shall include as near as may be determined all the property especially benefited by such improvements. Provided however, that by unanimous agreement of the property owners to be assessed, properties may be included or excluded from the local improvement district regardless of whether they are specially benefited by the improvements. When such district is created, all property therein shall be assessed for a portion of the cost and expenses of such improvements, to be determined and fixed by the council when the district is created.

Conclusion:

Staff recommends the adoption of Ordinance 3040.

Attachments:

1. Ordinance 3040
2. Twin Falls City Council Resolution 1895, with Exhibits A, B, & C
3. Petition to Create a local improvement district signed by Chobani Idaho, Inc.
4. Letter from James McConeghy, Chobani's Chief Financial Officer, certifying value of project exceeds \$75 million, as described in Resolution 1895

ORDINANCE NO. 3040

BY THE CITY COUNCIL:

AN ORDINANCE ESTABLISHING AND CREATING LOCAL IMPROVEMENT DISTRICT NO. 2012-1 FOR THE CITY OF TWIN FALLS, IDAHO, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND INSTALLING VARIOUS SEWER SYSTEM, PRE-TREATMENT SYSTEM, WATER SYSTEM, RELATED UTILITY EXTENSIONS, ROAD AND OTHER FACILITIES AND RELATED IMPROVEMENTS; PROVIDING THE KIND AND CHARACTER OF THE PROPOSED IMPROVEMENTS; PROVIDING THAT SAID DISTRICT SHALL BE A MODIFIED DISTRICT PURSUANT TO SECTION 50-1705, IDAHO CODE; DESCRIBING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY THEREIN TO BE BENEFITED BY THE IMPROVEMENTS TO BE MADE; PROVIDING FOR THE TOTAL ESTIMATED COSTS AND EXPENSES OF IMPROVEMENTS TO BE LEVIED AND ASSESSED AGAINST THE SAID LAND TO BE BENEFITED BY SAID IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF BONDS IN PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS ASSESSED AGAINST THE SAID LAND; PROVIDING AND CONFIRMING THE APPOINTMENT OF THE CITY ENGINEER FOR THE NECESSARY PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS AND FOR THE PREPARATION AND FILING OF AN ASSESSMENT ROLL AND A LOCAL IMPROVEMENT DISTRICT REPORT PURSUANT TO THE PROVISIONS OF SECTION 50-1712, IDAHO CODE; PROVIDING A PROCEDURE FOR THE FILING, CERTIFICATION, NOTICE OF HEARING AND CONFIRMATION OF SAID ASSESSMENT ROLL, AND FOR THE NOTICE AND PAYMENT OF ASSESSMENT INSTALLMENTS SO CONFIRMED; CREATING CERTAIN FUNDS AND DOCKETS; PROVIDING SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Resolution No. 1895 (the "Resolution") declaring the intention of the City Council (the "Council") of the City of Twin Falls, Idaho (the "City") to create Local Improvement District No. 2012-1 (the "District"), pursuant to a petition (the "Petition") filed by Chobani Idaho, Inc. (the "Owner") as owner of all real property in the District, for the purpose of acquiring, constructing and installing various sewer system, pre-treatment system, water system, related utility extensions, road and other facilities and related improvements (collectively, the "Improvements") was duly adopted by the Council at its meeting on October 22, 2012 and thereafter approved by the Council on said date, and by which Resolution the Council established a protest hearing to be held before it on November 5, 2012, at 6:00 o'clock p.m. at the Council Chambers, Twin Falls City Hall, Twin Falls, Idaho, at which time the Council would proceed to publicly hear and determine protests filed and made by property owners against the proposed Improvements or the creation of said District; and

WHEREAS, on November 5, 2012, the Council held the public hearing established by the Resolution, notice (both publication and mailing to property owners) of said hearing as given by the City Clerk having been approved, ratified and confirmed as being in the manner and form required by Section 50-1708, Idaho Code, to hear protests against the proposed Improvements and the creation of said District; and no protests having been received against the proposed Improvements and creation of said District, the Council has now heard and passed upon any protests made against the proposed Improvements and the creation of said District, said protests numbering 0% of all property owners within the District, and thereupon by motion duly made, seconded and carried specifically has now ratified and confirmed said Resolution, with certain warranted revisions to the method of assessment as set forth in its revised form in subparagraph (f) below, and in support of such ratification, confirmation and revision has now made the following findings of fact and conclusions of law:

- (a) that notice of the public hearing upon the said Resolution of intent to create said District (by publication of notice in the Times News and by mailing notice to each property owner) as given by the City Clerk was given in the manner required by law and is therefore ratified and confirmed;
- (b) that the creation of the District will be for the best interests of the property affected and the City;
- (c) that there is reasonable probability that the obligations of the District will be paid considering that the value of the property, exclusive of the Improvements herein ordered to be made, is not less than the sum of \$75,000,000 based on cost information supplied by the Owner and that the estimated cost of the Improvements and related fees and costs is \$32,509,000 of which the sum of \$-0- is estimated to be paid from federal and state grants and/or City or other funds and the remaining \$32,509,000 which shall be levied upon and assessed against the property owners benefited by the method or manner provided in subparagraph (f) below;
- (d) that the market value of the property, as determined by the comparison with costs of the land and improvements as more fully described in a letter dated October 22, 2012 from the Owner to the City, in the amount of at least \$75,000,000 is hereby deemed, fixed and established as the minimum value of the property (real property and improvements thereon) situated within the boundaries of said proposed District not counting the value of any Improvements, and that said actual value is determined to be in compliance with, and therefore sufficient to sustain the security for payment of the proposed Improvements, the value of limitations described in Section 50-1711, Idaho Code;
- (e) that the special benefits resulting from the proposed Improvements extend beyond the boundaries of the property directly adjacent to and abutting said Improvements requiring the creation of a “modified local improvement district” as provided in Section 50-1705, Idaho Code; and

(f) that the method or manner of assessing each owner of real property in the proposed District is on a uniform square foot cost basis under the formula of subparagraph (g) below.

(g) that all property within such District shall be assessed for a portion of the cost and expenses of such Improvements in accordance with the uniform square foot method with the total of all said costs of the Project to be divided by the total number of square feet of real property in the District and then multiplied by the number of square feet held by each owner within the District. Currently there is only the Owner within the District and all payments on assessments, if any, would be paid by said Owner.

THE COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DOES HEREBY ORDAIN as follows:

Section 1. There is hereby established and created Local Improvement District No. 2012-1 for the City of Twin Falls, Idaho as a “modified district” in accordance with Section 50-1705, Idaho Code, for the purpose of acquiring, constructing and installing the following described public improvements (the “Improvements”) in the City, within and adjacent to the boundaries of the proposed District, all of which are more specifically described below:

(a) **BOUNDARIES:** See the description attached hereto as Exhibit “A” and made a part hereof.

(b) **IMPROVEMENTS:** The acquisition, construction and installation of various sewer system, pre-treatment system, water system, related utility extensions, road and other facilities and related improvements.

(c) **ESTIMATED COST:** The total estimated cost of said Improvements is \$32,509,000.00, including all estimates of acquisition, construction, equipment, installation, engineering, consulting, inspection, legal, collection of assessments, interim loan interest, clerical, advertising, printing and financing costs, reserves, publication of notice and related items and a reasonable contingency deemed necessary by the Council, of which the sum of \$0.00 will be paid by state and/or federal grants, and the balance of all \$32,509,000.00 shall be paid by assessments levied upon the property within the District to be benefited by the Improvements in accordance with the uniform square foot method of assessment.

(d) **VALUE OF PROPERTY:** The Council finds and declares that the value of the property within the District is not less than \$75,000,000.00.

Section 2. The total costs and expenses of the Improvements of said District hereby ordered and authorized for the acquisition, construction and installation of the Improvements and related expenses, and contingencies deemed and considered necessary by the Council, are hereby estimated to be the sum of \$32,509,000 of which the sum of \$-0- is estimated to be paid from state, federal, City or other sources and the remaining amount, estimated at \$32,509,000, which, together with the interest thereon at the rate provided in the bonds to be issued, shall be paid by

each person or entity who is an owner of real property within the boundaries of said District by levying upon and assessing against each owner of such real property within the District on the uniform square foot cost basis and formula as outlined in paragraph (a) below in a shared amount of the aforesaid amount of said costs and expenses, incurred for acquiring, constructing and installing the aforesaid Improvements, with interest on the unpaid principal balance at the rate to be established upon the sale and issuance of bonds as aforesaid, such method of assessment being deemed to be the benefit that each such owner of real property will be assessed based on the cost of said Improvements, provided that the total cost (contract price, engineering, clerical, advertising, printing, inspection, collecting assessments, interim loan interest, legal services, reserves and contingencies) of acquiring, constructing, equipping and installing the Improvements shall be assessed and charged directly to the property based on the uniform cost method. The uniform cost method formula shall be:

- (a) Assessment shall be by a uniform square foot cost method with the total of all said costs of the Project to be divided by the total number of square feet of real property in the District and then multiplied by the number of square feet held by each owner within the District. Currently there is only the Owner within the District and all payments on assessments, if any, would be paid by said Owner.

Section 3. The Council hereby appoints the Twin Falls City Engineer as the Engineer for said District, and further declares that said Engineer is responsible for:

- (a) preparing or approving the necessary plans and specifications for the acquisition, construction and installation of the Improvements and to call for bids and, upon receipt of bids, thereby award one or more contracts to the lowest responsible bidder for the acquisition or construction of said public improvements in the manner and form to the extent required by the Idaho Code; and
- (b) after all Improvements have been bid to the extent required by Idaho Code as provided in subparagraph (a) above, prepare and submit a report to the Council (i) showing in detail the total costs and expenses of the Improvements and the dollar amounts payable from assessments and from any other sources, and (ii) containing a form of an assessment roll which shall contain, among other things, the number of each assessment, the name of the owner, if known, a description of each parcel of real property assessed, the amount chargeable to each parcel of real property within the boundaries of said District or its owner according to the method of assessment herein provided, and the total amount of all assessments with the provision that the assessment is to be conditional, anticipating that the costs of the Improvements shall be first paid by the contribution of the proceeds of tax increment financing by the Urban Renewal Agency of the City of Twin Falls, Idaho, which will issue bonds (the "URA Bonds") to pay the full cost of the Improvements to be repaid by periodic payments from the proceeds of the tax increment. If the tax increment is insufficient, in whole or in part to make such payments, the District assessment installment payment will be in the amount necessary, to maintain the periodic payments current;

and the Council upon receipt of the Engineer's report, shall (i) cause the Assessment Roll to be filed in the office of the City Clerk for public inspection, (ii) fix a time and place when and where the Council will meet in open session to consider the report and the Assessment Roll and hear all objections to the Assessment Roll, and (iii) direct the City Clerk to give notice of the hearing on said Assessment Roll in the time and manner required by Section 50-1713, Idaho Code.

Section 4. At the time and place appointed for a hearing of objections to said Assessment Roll, or a reasonable time thereafter, the Council shall consider the Engineer's report and the Assessment Roll and hear and determine all objections which have been filed by any party interested (i) to the regularity of the proceedings in making such assessment, (ii) to the correctness of such assessment, and (iii) to the amount levied on any particular parcel of real property or its owner including the benefits accruing thereon, the proportionate share of the total cost of the Improvements to be borne thereby, and the inclusion of any parcel of real property within the boundaries of the said District; and after said hearing the Council shall pass an ordinance confirming said Assessment Roll submitted to it by the Engineer, or as revised and corrected by the Council as a result of hearing objections to said Assessment Roll, in relationship to the benefits accruing thereon as a result of the Improvements ordered to be made.

Section 5. It is expected that local improvement bonds (the "LID Bonds") will be issued to finance the Improvements, payable from installments of assessments, subject to a credit for payments of the URA Bonds described in Section 3(b) above, and that the Owner will elect to pay its assessment by installment in the event such payment of assessment becomes due. The LID Bonds will be authorized by separate ordinance adopted after the assessments have been levied.

Section 6. All proceedings heretofore had in connection with the creation of the aforesaid District, the hearings held thereon and the giving of notice of said hearings are hereby, in all respects, ratified, approved and confirmed, and this Ordinance is the final determination of the regularity, validity and correctness of such prior proceedings.

Section 7. The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 8. The provisions of this Ordinance are hereby declared separable, and if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 9. This Ordinance shall be in full force and effect from and after its passage, approval and publication hereof.

PASSED by the Council of the City of Twin Falls, Idaho, this 5th day of November, 2012.

APPROVED by the Mayor of the City of Twin Falls, Idaho, this 5th day of November, 2012.

APPROVED:

By: _____
MAYOR

ATTEST:

By: _____
DEPUTY CITY CLERK

EXHIBIT A

Description of Boundaries of District

The District's boundaries shall be as specifically described in Schedule A-1 hereto. The map set forth in Schedule A-2 hereto is an area map showing generally the location of the District.

SCHEDULE A-1
Boundary Description

A parcel of land located in a portion of the N2, Section 24, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the Northeast corner of Section 24. Said point lies South 89° 48' 09" East 2699.49 feet from the North quarter corner of Section 24. Thence North 89° 48' 09" West 2234.39 feet; Thence South 00° 00' 00" East 478.51 feet to the REAL POINT OF BEGINNING.

Thence South 00° 00' 00" East 139.25 feet;

Thence North 90° 00' 00" East 38.62 feet;

Thence South 00° 00' 00" West 486.08 feet;

Thence North 90° 00' 00" East 18.00 feet;

Thence South 00° 00' 00" East 38.00 feet;

Thence South 90° 00' 00" West 18.00 feet;

Thence South 00° 00' 00" West 674.50 feet;

Thence South 90° 00' 00" West 221.48 feet;

Thence South 00° 00' 00" East 39.67 feet;

Thence South 90° 00' 00" West 61.44 feet;

Thence North 00° 00' 00" East 39.67 feet;

Thence North 90° 00' 00" West 530.67 feet;

Thence North 00° 00' 00" West 390.75 feet;

Thence South 90° 00' 00" West 21.42 feet;

Thence North 00° 00' 00" East 39.67 feet;

Thence North 90° 00' 00" East 21.42 feet;

Thence North 00° 00' 00" West 267.83 feet;

Thence South 90° 00' 00" West 121.50 feet;

Thence North 00° 00' 00" East 132.50 feet;

Thence North 90° 00' 00" East 359.18 feet;

Thence North 00° 00' 00" East 194.61 feet;

Thence North 90° 00' 00" East 269.07 feet;

Thence North 00° 00' 00" East 173.22 feet;

Thence North 90° 00' 00" East 37.00 feet;

Thence North 00° 00' 00" East 42.31 feet;

Thence North 90° 00' 00" East 25.28 feet;

Thence North 00° 00' 00" East 96.94 feet;

Thence North 90° 00' 00" East 205.94 feet to the REAL POINT OF BEGINNING.

The above described parcel contains 20.45 Acres +/- (890,930 Sq. Ft.)

The foregoing property is benefited by a Non-Exclusive Ingress/Egress Easement dated _____, 2012 executed by Chobani Idaho Inc., formerly Agro-Farma Idaho, Inc. and recorded with the Twin Falls County Recorder on _____, 2012 as Instrument Number ____, covering parcel A, attached hereto.

The foregoing property is also benefited by a Non-Exclusive Parking Area Easement dated _____, 2012 executed by Chobani Idaho Inc., formerly Agro-Farma Idaho, Inc. and recorded with the Twin Falls County Recorder on _____, 2012 as Instrument Number ____, covering parcel B, attached hereto.

Parcel A:

A parcel of land located in a portion of the N2, Section 24, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the North quarter corner of Section 24. Said point lies South 89° 48' 09" East 2699.49 feet from the Northeast corner of Section 24. Thence South 00° 08' 34" East 50.00 feet to a point on the Southerly right of way line of State Highway 30 and the REAL POINT OF BEGINNING.

Thence South 89° 49' 31" East 34.89 feet along said right of way line;

Thence South 00° 07' 03" East 109.83 feet;

Thence along a curve to the right

Δ - 42°01'03"

A - 128.34

R - 175.00

C- 125.48

LCB - South 20° 53' 29" West

Thence South 41° 54' 00" West 74.74 feet;

Thence along a curve to the left

Δ - 42°01'48"

A - 154.05

R - 210.00

C- 150.62

LCB - South 20° 53' 06" West

Thence South 00° 07' 48" East 46.79 feet;

Thence South 89° 56' 48" West 30.24 feet;

Thence North 00° 10' 18" East 59.54 feet;

Thence along a curve to the right

Δ - 41°38'04"

A - 152.60

R - 210.00

C- 149.26

LCB - North 20° 59' 21" East

Thence North 41° 48' 23" East 49.77 feet.

Parcel B:

A parcel of land located in a portion of the N2, Section 24, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the Northeast corner of Section 24. Said point lies South 89° 48' 09" East 2699.49 feet from the North quarter corner of Section 24. Thence North 89° 48' 09" West 2674.60 feet; Thence South 00° 00' 00" East 520.09 feet to the REAL POINT OF BEGINNING.

Thence South 00° 23' 05" East 63.99 feet;

Thence South 89° 57' 48" East 100.48 feet;

Thence South 00° 09' 14" West 148.36 feet;

Thence North 90° 00' 00" East 71.47 feet;

Thence South 00° 00' 00" East 60.00 feet;

Thence South 90° 00' 00" West 578.62 feet;

Thence North 00° 01' 58" West 272.03 feet;

Thence North 89° 56' 48" East 406.79 feet to the REAL POINT OF BEGINNING.

The above described parcel contains 3.12 Acres +/- (135,994 Sq. Ft.)

SCHEDULE A-2
General Area Map

(attached)

RESOLUTION NO. 1895

BY THE CITY COUNCIL:

A RESOLUTION DECLARING THE INTENTION OF THE TWIN FALLS CITY COUNCIL TO CREATE LOCAL IMPROVEMENT DISTRICT NO. 2012-1 FOR THE CITY OF TWIN FALLS, IDAHO, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND INSTALLING CERTAIN SEWER SYSTEM, PRE-TREATMENT SYSTEM, WATER SYSTEM, RELATED UTILITY EXTENSIONS, AND ROAD IMPROVEMENTS AND OTHER RELATED FACILITIES AND IMPROVEMENTS; PROVIDING THE KIND AND CHARACTER OF THE PROPOSED IMPROVEMENTS; DESCRIBING THE BOUNDARIES OF, AND THE PROPERTY TO BE BENEFITED BY, THE PROPOSED DISTRICT; PROVIDING THAT THE TOTAL ESTIMATED COSTS AND EXPENSES OF SAID IMPROVEMENTS ARE TO BE ASSESSED AGAINST THE LANDS TO BE BENEFITED BY SAID IMPROVEMENTS; PROVIDING THE METHOD BY WHICH THE COSTS AND EXPENSES OF THE IMPROVEMENTS ASSESSABLE ARE TO BE PAID; FIXING A TIME IN WHICH PROTESTS AGAINST SAID IMPROVEMENTS, OR THE CREATION OF SAID PROPOSED DISTRICT, MAY BE FILED IN THE OFFICE OF THE CITY CLERK; FIXING A TIME WHEN SUCH PROTESTS SHALL BE HEARD AND CONSIDERED BY THE COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "Council") of the City of Twin Falls, Idaho (the "City") has received a petition (the "Petition") of Chobani Idaho, Inc. (the "Owner") of certain property in the City requesting the formation of a local improvement district, and the Council has determined and hereby specifically finds that the creation of a Local Improvement District No. 2012-1 (the "District") to acquire, construct and install certain sewer system, pre-treatment system, water system, related utility extensions, road and other facilities and related improvements (the "Project") is necessary and beneficial to the property owners within the boundaries of the proposed District, that the City should accept the Petition and initiate the creation of said District, and that there appeared to be reasonable probability based upon the value of the property included within the boundaries of the proposed District that the total costs and expenses for acquiring, constructing and installing the proposed Project would be paid; and,

WHEREAS, the City has determined that it is in the best interests of the City and the owners of property within said proposed District that the District be a "modified district" pursuant to Section 50-1705, Idaho Code, that such District shall include all the property especially benefited by the Project, and that all property within such District shall be assessed for the costs and expenses of such Project in accordance with the uniform square foot method and the special benefits to such property; and,

WHEREAS, the total costs and expenses of the proposed Project, together with costs and expenses incurred for equipment, engineering, clerical, printing, advertising, inspection, collecting

assessments and interest thereon, reserves, interest and other financing costs, legal services for preparing proceedings and advising in regard thereto, and contingencies deemed necessary by the Council are to be levied against and assessed upon the parcels and tracts of property within the proposed District on the basis that the total costs and expenses of said Project shall be divided and assessed according to the uniform square foot method (dividing the total amount of said costs and expenses and assessing each owner based on the number of square feet of property owned) and such assessment will thereby be based on the benefits derived to such property.

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

SECTION 1. That it is the intention of the Council to create the District, pursuant to the Petition, by this Resolution, as a modified district pursuant to Section 50-1705, Idaho Code, for the purpose of acquiring, constructing and installing the following described public improvements in the City, within and adjacent to the boundaries of the proposed District, all of which are more specifically described below:

- (a) **BOUNDARIES:** See the description attached hereto as Exhibit A and made a part hereof.
- (b) **PROJECT:** The acquisition, installation and construction of sewer system, pre-treatment system, water system, related utility extensions, and road improvements and other related facilities and improvements to benefit the property within the District.
- (c) **ESTIMATED COST:** The total estimated cost of the said Project is \$32,509,000, including all costs of acquisition, construction, engineering, consulting, inspection, legal, collection of assessments, clerical, interest and other financing costs, reserves and related costs of which the sum of \$-0- will be paid from federal and/or state grants or other funds, and the remaining \$32,509,000 shall be paid from assessments levied upon property located within the District and to be benefited by the Project in accordance with the uniform square foot method of assessment which is based on the benefits derived.
- (d) **VALUE OF PROPERTY:** The Council finds and declares that the value of the property within the said District is not less than \$75,000,000 for costs of real property and improvements thereon based on information received from the Owner, Chobani Idaho, Inc.

SECTION 2. That the plan of acquisition, installation and construction of the Project is subject to change and modification by the Council, and the Council hereby reserves such right to so change and modify, based upon the feasibility of acquisition, installation and construction and the present and future requirements and needs for the Project, coupled with the expectation that in all probability all costs and expenses of the acquisition, installation and construction of the proposed Project will be paid.

SECTION 3. That the costs and expenses of the Project herein provided shall be levied and assessed in the manner provided by Chapter 17, Title 50, Idaho Code, and that the total costs and

expenses of all the Project in the proposed District, including the contract price of said Project together with costs and expenses incurred for equipment, engineering, clerical services, advertising, printing, inspection, collecting assessments and interest thereon, financing costs, reserves, legal services for preparing the proceedings and advising in regard thereto, and contingencies deemed necessary by the Council, are estimated to be \$32,509,000, although such amount may increase or decrease after final contracts are entered into and final bills are received. That of the estimated costs and expenses of said Project herein proposed to be made, \$32,509,000 or approximately 100% of the total cost, together with interest at the rate to be fixed and determined by the Council (upon the sale and issuance of bonds) shall be paid by each person or entity who is an owner of property within the boundaries of said proposed District, by levying upon and assessing against each owner of such real property within the District on the uniform square foot method based on benefits derived from the Project. Said formula is for the total of all said costs of the Project to be divided by the total number of square feet of real property in the District and then multiplied by the number of square feet held by each owner within the District. Currently there is only the Owner within the District and all payments on assessments, if any would be paid by said Owner. It is expected that local improvement bonds ("LID Bonds") will be issued by the City for the District to finance the Project and that simultaneously therewith, bonds of the Urban Renewal Agency of the City of Twin Falls, Idaho (the "URA Bonds") will be issued for the Project. It is further expected that as long as payments are made on the URA Bonds, such payments will be a credit against said assessments and payments of the LID Bonds.

SECTION 4. That the general character of the acquisition, construction and installation of the Project includes those specified in Section 1 hereof, and all of the above-described Project shall be acquired, constructed and installed under the direction and supervision and to the satisfaction of the Engineer of the City and in accordance with the plans and specifications provided or approved by said Engineer for the foregoing Project.

SECTION 5. That the Council intends to issue the LID Bonds in payment of the costs and expenses of the aforesaid Project to be assessed upon each parcel of real property within said District in the manner provided by and as described in Chapter 17, Title 50, Idaho Code, as amended.

SECTION 6. That the City Clerk is hereby instructed to mail to each owner of the property within the District and to have published an official Notice of Hearing of the Intention to create the District in substantially the following form in the Times-News, the official newspaper for the City, for three (3) consecutive publications, the first of such publications to be not less than ten (10) days prior to the date of holding the hearing upon said Notice of Intention to create said District:

[FORM OF NOTICE OF INTENTION AND HEARING]

NOTICE IS HEREBY GIVEN that the City Council ("Council") of the City of Twin Falls, Idaho, respectively adopted and approved its Resolution on the 22nd day of October, 2012, which, among other things, established and provided for the following:

Notice of Hearing: At a hearing to be held by the Council on the 5th day of November, 2012, at 6:00 o'clock p.m., or as soon thereafter as all objections and protests may be heard, at the City Hall, Council Chambers, 321 Second Avenue East, in the City of Twin Falls, Idaho, the Council shall hold a hearing to consider all protests and objections filed in writing for the creation of Local Improvement District No. 2012-1 (the "District") for the acquisition, installation and construction of sewer system, pre-treatment system, water system, related utility extensions, and road improvements and other related facilities and improvements. The Council reserves the right to adjourn the hearing from time to time to a fixed future time and place until all protests and objections have been heard. Owners of property to be assessed and situated within the boundaries of the proposed District hereinafter described have up to and including the hour of 5:00 o'clock p.m. on the day of said hearing, to file with the Twin Falls City Clerk, City Hall, 321 Second Avenue East, Twin Falls, Idaho, written protests and objections to the creation of the said District, or to the acquisition of said property or making of the improvements proposed to be constructed and installed within the said District, or making any other protests and objections in relationship to the Council's intent to create said District.

Modified District; Boundaries: The District will be a "Modified District" within the meaning of Idaho Code Section 50-1705. A description of the boundaries of the proposed District to be created and the property within said District to be assessed for a portion of the total costs and expenses of the aforesaid improvements are described as follows:

- (a) District Boundaries: The boundaries are as set forth on Exhibit A attached hereto.
- (b) Property to be Assessed: All property within the District subject to assessment under Title 50, Chapter 17, Idaho Code.

Description of Project: The acquisition, installation and construction of sewer system, pre-treatment system, water system, related utility extensions, road improvements and other related facilities and improvements to benefit the property within the District.

Estimated Costs: The probable costs and expenses of the above acquisition and construction of the Project together with costs and expenses incurred for equipment, engineering, clerical services, advertising, printing, inspection, collecting assessments and interest thereon, financing costs, reserves, legal services for preparing the proceedings and advising in regard thereto are estimated to be \$32,509,000, of which other grant or funding sources will pay approximately \$-0- and \$32,509,000 will be paid from assessments on property within the District.

Method of Assessment: The method of assessment as to each parcel within the District will be by the uniform square foot method based on benefits derived from the Project. Said formula is for the total of all said costs of the Project to be divided by the total number of square feet of real property in the District and then multiplied by the number of square feet held by each owner within the District. It is expected that local improvement bonds ("LID Bonds") will be issued by the District to finance the Project and that simultaneously therewith, bonds of the Urban Renewal Agency of the City of Twin Falls, Idaho (the "URA Bonds") will be issued for the Project. It is further

expected that as long as payments are made on the URA Bonds, such payments will be a credit against payments of installments on said assessments and payments of the LID Bonds.

Additional Information: Anyone desiring further information pertinent to said intent to create said District may examine, or receive a copy of, the Resolution on file in the office of the City Clerk, Twin Falls City Hall, 321 Second Avenue East, Twin Falls, Idaho.

DATED this 22nd day of October, 2012.

/s/ *Terrie Hance*
CITY CLERK

[attach an Exhibit A with legal descriptions and map from Exhibit A to this Resolution]

[END OF FORM OF NOTICE]

SECTION 7. That the City Clerk is hereby directed and instructed to mail a copy of the Notice provided in Section 6 hereof at least ten (10) days prior to the time fixed for the hearing of the intention of the Council to create said District to each owner of property determined as of the date of adoption of this Resolution of Intent to so create said District addressed to such person.

SECTION 8. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the City Council of the City, of Twin Falls, Idaho, this 22nd day of October, 2012.

APPROVED:

By: *[Signature]*
ACTING MAYOR OF THE CITY OF TWIN FALLS,

IDAHO
ATTEST:

By: *[Signature]*
CITY CLERK DEPUTY

(SEAL)

EXHIBIT "A"

Description of Boundaries of District

The District's boundaries shall be as specifically described in Schedule A-1 hereto. The map set forth in Schedule A-2 hereto is an area map showing generally the location of the District.

(The remainder of this page left blank intentionally.)

SCHEDULE A-1

Boundary Description

A parcel of land located in a portion of the N2, Section 24, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:
Commencing at the Northeast corner of Section 24. Said point lies South 89° 48' 09" East 2699.49 feet from the North quarter corner of Section 24. Thence North 89° 48' 09" West 2234.39 feet; Thence South 00° 00' 00" East 478.51 feet to the REAL POINT OF BEGINNING.

Thence South 00° 00' 00" East 139.25 feet;
Thence North 90° 00' 00" East 38.62 feet;
Thence South 00° 00' 00" West 486.08 feet;
Thence North 90° 00' 00" East 18.00 feet;
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Thence South 90° 00' 00" West 18.00 feet;
Thence South 00° 00' 00" West 674.50 feet;
Thence South 90° 00' 00" West 221.48 feet;
Thence South 00° 00' 00" East 39.67 feet;
Thence South 90° 00' 00" West 61.44 feet;
Thence North 00° 00' 00" East 39.67 feet;
Thence North 90° 00' 00" West 530.67 feet;
Thence North 00° 00' 00" West 390.75 feet;
Thence South 90° 00' 00" West 21.42 feet;
Thence North 00° 00' 00" East 39.67 feet;
Thence North 90° 00' 00" East 21.42 feet;
Thence North 00° 00' 00" West 267.83 feet;
Thence South 90° 00' 00" West 121.50 feet;
Thence North 00° 00' 00" East 132.50 feet;
Thence North 90° 00' 00" East 359.18 feet;
Thence North 00° 00' 00" East 194.61 feet;
Thence North 90° 00' 00" East 269.07 feet;
Thence North 00° 00' 00" East 173.22 feet;
Thence North 90° 00' 00" East 37.00 feet;
Thence North 00° 00' 00" East 42.31 feet;
Thence North 90° 00' 00" East 25.28 feet;
Thence North 00° 00' 00" East 96.94 feet;
Thence North 90° 00' 00" East 205.94 feet to the REAL POINT OF BEGINNING.
The above described parcel contains 20.45 Acres +/- (890,930 Sq. Ft.)

The foregoing property is to be benefited by a Non-Exclusive Ingress/Egress Easement covering parcel A, attached hereto.

The foregoing property is also to be benefited by a Non-Exclusive Parking Area Easement, covering parcel B, attached hereto.

Parcel A:

A parcel of land located in a portion of the N2, Section 24, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:
 Commencing at the North quarter corner of Section 24. Said point lies South 89° 48' 09" East 2699.49 feet from the Northeast corner of Section 24. Thence South 00° 08' 34" East 50.00 feet to a point on the Southerly right of way line of State Highway 30 and the REAL POINT OF BEGINNING.
 Thence South 89° 49' 31" East 34.89 feet along said right of way line;
 Thence South 00° 07' 03" East 109.83 feet;
 Thence along a curve to the right
 $\Delta - 42^{\circ}01'03''$
 A - 128.34
 R - 175.00
 C- 125.48
 LCB - South 20° 53' 29" West
 Thence South 41° 54' 00" West 74.74 feet;
 Thence along a curve to the left
 $\Delta - 42^{\circ}01'48''$
 A - 154.05
 R - 210.00
 C- 150.62
 LCB - South 20° 53' 06" West
 Thence South 00° 07' 48" East 46.79 feet;
 Thence South 89° 56' 48" West 30.24 feet;
 Thence North 00° 10' 18" East 59.54 feet;
 Thence along a curve to the right
 $\Delta - 41^{\circ}38'04''$
 A - 152.60
 R - 210.00
 C- 149.26
 LCB - North 20° 59' 21" East
 Thence North 41° 48' 23" East 49.77 feet.

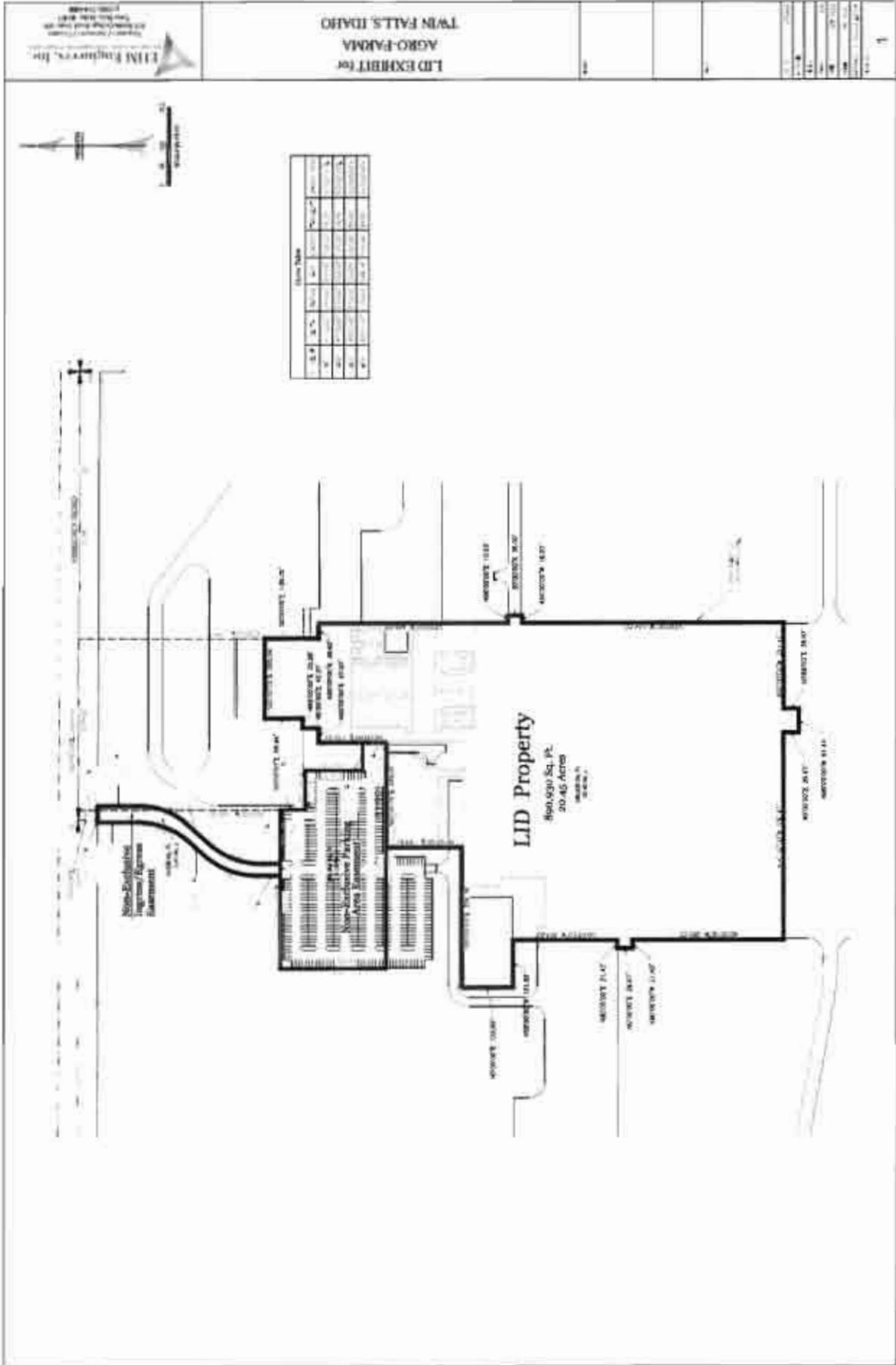
Parcel B:

A parcel of land located in a portion of the N2, Section 24, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:
 Commencing at the Northeast corner of Section 24. Said point lies South 89° 48' 09" East 2699.49 feet from the North quarter corner of Section 24. Thence North 89° 48' 09" West 2674.60 feet; Thence South 00° 00' 00" East 520.09 feet to the REAL POINT OF BEGINNING.
 Thence South 00° 23' 05" East 63.99 feet;
 Thence South 89° 57' 48" East 100.48 feet;
 Thence South 00° 09' 14" West 148.36 feet;
 Thence North 90° 00' 00" East 71.47 feet;
 Thence South 00° 00' 00" East 60.00 feet;
 Thence South 90° 00' 00" West 578.62 feet;
 Thence North 00° 01' 58" West 272.03 feet;
 Thence North 89° 56' 48" East 406.79 feet to the REAL POINT OF BEGINNING.
 The above described parcel contains 3.12 Acres +/- (135,994 Sq. Ft.)

SCHEDULE A-2

General Area Map

(Attached)



PETITION TO CREATE MODIFIED LOCAL IMPROVEMENT DISTRICT

The undersigned, being the sole owner of the property set forth and described on Exhibit "A" hereto (the "Property") and depicted on the map attached hereto as Exhibit "B", does hereby petition the City of Twin Falls, Idaho to take the necessary actions under Title 50, Chapter 17, Idaho Code, as amended (the "Law"), to create a Local Improvement District (the "District") as a "modified local improvement district" under Section 50-1705, Idaho Code, for the purpose of making certain improvements, with boundaries the same as the boundaries of the Property and under which all of said Property shall be assessed. The improvements shall include acquisition and construction of water lines and meters, sewer system treatment and pre-treatment improvements and related utility extensions and improvements, sewer lines, road improvements; and related equipment, engineering, legal and financing costs as well as other related improvements, bond transaction costs, reserves, interest and related items described in further detail on Exhibit "C" hereto (the "Project"), with an estimated value in the amount of at least \$32,509,000. The actions of the District shall include the financing of the Project through the assessments and related local improvement bonds (the "LID Bonds"). It is understood that there is expected to be a credit against payments due on the assessments and the LID Bonds for related payments made on bonds of the Urban Renewal Agency of the City of Twin Falls, Idaho to be issued for the Project.

Dated this 22nd day of October, 2012.

CHOBANI IDAHO, INC., formerly Agro-Farma Idaho, Inc. , an Idaho corporation

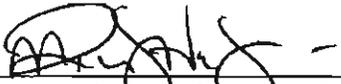


BY: James McConeghy
ITS: Chief Financial Officer

STATE OF New York)
) ss.
County of Chenango)

On this 22nd day of October, 2012, before me, the undersigned Notary Public, personally appeared James McConeghy to me known to be the Chief Financial Officer of Chobani Idaho, Inc., who executed the corporate name to the within instrument for the purposes therein contained, and acknowledged to me that he executed this instrument on behalf of said corporation.

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



NOTARY PUBLIC for New York
Residing at Chenango County, therein.
My Commission Expires: 2/2015

(SEAL)

MARCY J. HAGENBUCH
Notary Public, State of New York
Qualified In Chenango County
No. 01HA6161264
Commission Expires Feb. 20 2015

EXHIBIT "A"Legal Description of Property of Modified Local Improvement District

A parcel of land located in a portion of the N2, Section 24, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the Northeast corner of Section 24. Said point lies South 89° 48' 09" East 2699.49 feet from the North quarter corner of Section 24. Thence North 89° 48' 09" West 2234.39 feet; Thence South 00° 00' 00" East 478.51 feet to the REAL POINT OF BEGINNING.

Thence South 00° 00' 00" East 139.25 feet;

Thence North 90° 00' 00" East 38.62 feet;

Thence South 00° 00' 00" West 486.08 feet;

Thence North 90° 00' 00" East 18.00 feet;

Thence South 00° 00' 00" East 38.00 feet;

Thence South 90° 00' 00" West 18.00 feet;

Thence South 00° 00' 00" West 674.50 feet;

Thence South 90° 00' 00" West 221.48 feet;

Thence South 00° 00' 00" East 39.67 feet;

Thence South 90° 00' 00" West 61.44 feet;

Thence North 00° 00' 00" East 39.67 feet;

Thence North 90° 00' 00" West 530.67 feet;

Thence North 00° 00' 00" West 390.75 feet;

Thence South 90° 00' 00" West 21.42 feet;

Thence North 00° 00' 00" East 39.67 feet;

Thence North 90° 00' 00" East 21.42 feet;

Thence North 00° 00' 00" West 267.83 feet;

Thence South 90° 00' 00" West 121.50 feet;

Thence North 00° 00' 00" East 132.50 feet;

Thence North 90° 00' 00" East 359.18 feet;

Thence North 00° 00' 00" East 194.61 feet;

Thence North 90° 00' 00" East 269.07 feet;

Thence North 00° 00' 00" East 173.22 feet;

Thence North 90° 00' 00" East 37.00 feet;

Thence North 00° 00' 00" East 42.31 feet;

Thence North 90° 00' 00" East 25.28 feet;

Thence North 00° 00' 00" East 96.94 feet;

Thence North 90° 00' 00" East 205.94 feet to the REAL POINT OF BEGINNING.

The above described parcel contains 20.45 Acres +/- (890,930 Sq. Ft.)

The foregoing property is benefited by a Non-Exclusive Ingress/Egress Easement, covering parcel A, attached hereto.

The foregoing property is also benefited by a Non-Exclusive Parking Area Easement, covering parcel B, attached hereto.

Parcel A:

A parcel of land located in a portion of the N2, Section 24, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the North quarter corner of Section 24. Said point lies South 89° 48' 09" East 2699.49 feet from the Northeast corner of Section 24. Thence South 00° 08' 34" East 50.00 feet to a point on the Southerly right of way line of State Highway 30 and the REAL POINT OF BEGINNING.

Thence South 89° 49' 31" East 34.89 feet along said right of way line;

Thence South 00° 07' 03" East 109.83 feet;

Thence along a curve to the right

Δ - 42°01'03"

A - 128.34

R - 175.00

C- 125.48

LCB - South 20° 53' 29" West

Thence South 41° 54' 00" West 74.74 feet;

Thence along a curve to the left

Δ - 42°01'48"

A - 154.05

R - 210.00

C- 150.62

LCB - South 20° 53' 06" West

Thence South 00° 07' 48" East 46.79 feet;

Thence South 89° 56' 48" West 30.24 feet;

Thence North 00° 10' 18" East 59.54 feet;

Thence along a curve to the right

Δ - 41°38'04"

A - 152.60

R - 210.00

C- 149.26

LCB - North 20° 59' 21" East

Thence North 41° 48' 23" East 49.77 feet.

Parcel B:

A parcel of land located in a portion of the N2, Section 24, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the Northeast corner of Section 24. Said point lies South 89° 48' 09" East 2699.49 feet from the North quarter corner of Section 24. Thence North 89° 48' 09" West 2674.60 feet; Thence South 00° 00' 00" East 520.09 feet to the REAL POINT OF BEGINNING.

Thence South 00° 23' 05" East 63.99 feet;

Thence South 89° 57' 48" East 100.48 feet;

Thence South 00° 09' 14" West 148.36 feet;

Thence North 90° 00' 00" East 71.47 feet;

Thence South 00° 00' 00" East 60.00 feet;

Thence South 90° 00' 00" West 578.62 feet;

Thence North 00° 01' 58" West 272.03 feet;

Thence North 89° 56' 48" East 406.79 feet to the REAL POINT OF BEGINNING.

The above described parcel contains 3.12 Acres +/- (135,994 Sq. Ft.)

EXHIBIT "C"Description of the Project and Estimated Costs

Road Improvements:	\$1,400,000
Water facilities and related improvements:	\$4,800,719
Wastewater facilities and related improvements:	\$20,787,189
Improvements to provide related utility services:	\$768,435
Reserve funds:	\$2,837,250
Capitalized interest on the bonds:	\$944,861
Financing fees and costs of issuing the bonds:	\$750,000
LID Interim Warrant Accrued Interest:	\$220,546
Total Amount	\$32,509,000



Official Sponsor of the 2012 U.S. Olympic Team

October 22, 2012

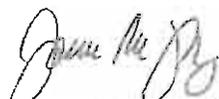
**VIA FACSIMILE: (208) 736-2296 and
E-MAIL: trothweiler@fid.org.**

Travis Rothweiler
City Manager
City of Twin Falls
321 Second Ave. E.
Twin Falls, ID 83301

Dear Mr. Rothweiler:

The letter is submitted at your request in support of the Petition to Create Modified Local Improvement District which Chobani Idaho, Inc. filed with the City of Twin Falls today ("Petition"). This shall confirm that the cost of the real property and improvements for the 20.45 acre Chobani plant site which is the "Property" as described in the Petition equals or exceeds SEVENTY-FIVE MILLION DOLLARS (\$75,000,000). Please contact me if you have any questions.

Sincerely,


James McConeghy
Chief Financial Officer

cc: L. Edward Miller
Richard Skinner

NATURALLY POWERING TEAM USA

147 State Highway 320 Norwich NY 13815 o 607-337-1246 f 607-337-1240

www.chobani.com