

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>			



AGENDA
 Meeting of the Twin Falls City Council
January 14, 2013
 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:

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of a request to approve the accounts payable for January 8 – 14, 2013. 2. Consideration of a request to approve the January 7, 2013, Minutes. 3. Consideration of a request to approve Findings of Fact, Conclusions of Law, and Decision: a) Final Plat for Eastland Heights Amended Subdivision. b) Conveyance Plat for John Reeder Conveyance Plat.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Mitch Humble
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration and adoption of Ordinance 3046, an Ordinance of the City Council for the dissolution of the Citizen Finance and Planning Commission. 2. Consideration of a request to appoint Margaret Peck to serve as a Library Trustee for a full-term of office from January 2013 through December 2017. 3. SECOND READING: Consideration of a request to adopt Ordinance 3044, for a Zoning Title Amendment which would amend Twin Falls City Code 10-7-14 by allowing limited outside display of merchandise for sale subject to conditions. 4. Consideration of a request to approve to modify the traffic pattern on 4th Avenue North, from Shoshone Street to Fairfield Street North, to one-way in the northwesterly direction. 5. Discussion and possible action on staff's research on anti-discrimination policies. 6. Consideration and adoption of Ordinance Number 3045, an Ordinance of the City Council providing for the sale and issuance of bonds for the modified local improvement district (LID) number 2012-1 as requested by petition by Chobani. 7. Public input and/or items from the City Manager and City Council.	Action Action Action Action Discussion/ Possible Action Action	Lorie Race Susan Ash Mitch Humble Jacqueline Fields Mike Williams Travis Rothweiler
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 – None.		
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.



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:)	
)	
<u>Final Plat Application,</u>	)	FINDINGS OF FACT,
)	
<u>Eastland Heights Amended Subdivision</u>	)	CONCLUSIONS OF LAW,
c/o EHM Engineers, Inc.)	
Applicant(s).)	
	)	AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on June 4, 2012 for consideration of the final plat of the Eastland Heights Amended Subdivision, approximately 1.34 (+/-) acres located at 870 Eastland Drive, and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the final plat of the Eastland Heights Amended Subdivision, approximately 1.34 (+/-) acres located at 870 Eastland Drive.
2. The property in question is zoned R-6 PRO pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Office/Professional in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, 9th Avenue East/Lighthouse Christian; to the south, Professional Office; to the east, Residential; to the west, Eastland Drive/Residential.
4. The City Engineering Office has reviewed the final plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The

developer will pay all costs of public improvements, including but not limited to streets, curb gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

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

CONCLUSIONS OF LAW

1. The final plat of the Eastland Heights Amended Subdivision, approximately 1.34 (+/-) acres located at 870 Eastland Drive is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

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

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

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

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

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

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

DECISION

The request for approval of the final plat of the Eastland Heights Amended Subdivision, approximately 1.34 (+/-) acres located at 870 Eastland Drive is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

1. Subject to final technical review and amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Codes requirements and standards.
2. Subject to a recorded Cross-Use/Access agreement being provided prior to recordation of the final plat.
3. Subject to a Deferral Agreement for the development of curb, gutter, sidewalk and road improvements being executed before recordation of the final plat



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:)	
)	
<u>Conveyance Plat</u> Application,	)	FINDINGS OF FACT,
)	
<u>John Reeder Conveyance Plat</u>	)	CONCLUSIONS OF LAW,
Applicant(s).)	
	)	AND DECISION

This matter having come before the Twin Falls City Council Twin Falls, Idaho on October 22, 2012 for hearing of approval of the Conveyance Plat for the John Reeder Conveyance Plat, 4.97 (+/-) acres consisting of two lots located at 1259 & 1275 Madrona Street North, and with the City Council having heard testimony from interested parties, and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has request approval of the conveyance plat for the John Reeder Subdivision, 4.97 (+/-) acres consisting of two lots located at 1259 & 1275 Madrona Street North
2. The property is designated as Medium Density Residential by the Comprehensive Plan, and is zoned R-2. The proposed lot sizes and development are in conformance with the R-2 zone.
3. The existing neighboring land uses in the immediate area of this property are: to the north, Residential; to the south, Residential; to the east, Madrona Street North/Residential; to the west, Galena Drive/Residential.
4. The City Engineering Office has reviewed the conveyance plat and has approved the proposed dedications. The proposed subdivision includes dedication of additional right-of-way and public easements in compliance with the Master Street Plan.
5. Specifically, the following conditions exist: The proposed subdivision does not exceed two (2) lots; no part of the land will be used for land development; the purpose of the plat is to record the remainder

of a tract created by the final platting of a portion of the property provided that the remainder is not intended for immediate development; The purpose of the plat is to record the subdivision of property into parcels not intended for immediate development, but providing for the dedication of all public right of way and easements, with all abutting streets and utilities to be installed and accepted by the City at the time of building permitting or development stage, whichever comes first; and if either parcel develops or is built on, the street and utility improvements will be required on both parcels; all as required by Twin Falls City Code §10-12-2.5(B).

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

CONCLUSIONS OF LAW

1. The conveyance plat of the John Reeder Conveyance Plat 4.97 (+/-) acres consisting of two lots located at 1259 & 1275 Madrona Street North is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Council Code §10-1-4.
2. The approval of the conveyance plat does not constitute approval for development of the property and is not intended for immediate development as provided in Twin Falls City Code §10-12-2.5.

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

DECISION

The request for approval of the conveyance plat John Reeder Conveyance Plat, 4.97 (+/-) acres consisting of two lots located at 1259 & 1275 Madrona Street North is hereby granted, subject to the conditions which are attached as "Exhibit No. A" and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"Exhibit No. A"

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to easements as approved by the Engineering Department, being recorded as shown on the plat



January 14, 2013 City Council Meeting

To: Honorable Mayor and City Council

From: Lorie Race, CFO

Request:

This is a request to consider the dissolution of the Citizen's Finance and Planning Commission.

Time Estimate:

The time estimate for this presentation is approximately 5-7 minutes, plus additional time for Council questions.

Background:

The Citizen's Finance and Planning Commission was formed by ordinance in July of 2010. Five citizens were appointed, and the Commission has been meeting on a monthly basis since that time. They have regularly reviewed the City's financial dashboards and participated in various projects. During the latter part of 2012, the Commission began to question whether their original goals, as outlined in the original ordinance, had been met, and whether or not they should continue meeting or disband.

After discussion regarding their original goals and mission, the current chairman, Darrell Buffaloe made the recommendation the Commission disband. The motion was made and approved by the members.

Approval Process:

The Council needs to vote and approve by ordinance the dissolution of the Citizen's Finance and Planning Commission.

Budget Impact:

None

Regulatory Impact:

None

Conclusion:

Staff recommends City Council honor the wishes of the Commission, and approve the dissolution of the Citizen's Finance and Planning Commission.

Attachments:

1. Ordinance 2987 & 3020 (Creation of the Citizen Finance and Planning Commission and amendment)
2. Proposed ordinance to repeal Ordinance 3046

ORDINANCE NO. 2987

COPY

Home 0-2987
COPY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE TWIN FALLS CITY CODE BY THE ENACTMENT OF A NEW CHAPTER 2, TITLE 2, CREATING A CITIZEN FINANCE AND PLANNING COMMISSION.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

That the Twin Falls City Code is amended by the addition of a New Chapter 2, of Title 2, of the Twin Falls City Code, creating a Citizen Finance and Planning Commission:

“Chapter 2

CITIZEN FINANCE AND PLANNING COMMISSION

2-2-1: ESTABLISHMENT AND TITLE:

There is hereby created the Citizen Finance and Planning Commission.

2-2-2: MISSION:

The City of Twin Falls Citizen Finance and Planning Committee will advise the City Council in the areas of municipal finance, budgeting, and long-term planning; serve as an advocate group for the citizens and the city, and assess City service delivery methods and techniques and recommend best-practice alternatives.

2-3-3: MEMBERSHIP:

- A. The Commission shall be composed of five (5) voting members. All members shall be appointed by the Mayor and confirmed by the City Council. The community members selected will possess financial knowledge and/or business experience, and a commitment to the greater good of the City. By serving on this committee, citizen members will develop and acquire a greater understanding of their local government. The City Manager and Chief Financial Officer, or their designees, and two (2) members of the City Council, shall serve in an ex-officio capacity.
- B. Tenure of office for the voting members of said commission shall be as follows:
 - 1. The term of each member shall be three (3) years.
 - 2. The ex officio members shall hold membership corresponding to their tenures of office in the city administration.

- C. Vacancies of membership of said commission shall be filled by appointment by the mayor and confirmed by the city council.
- D. Any member of said commission may be removed by a majority vote of the City Council.
- E. Members of said commission shall be selected without regard to political affiliation and shall serve without compensation.
- F. Said commission shall elect a chairman and such other officers as it may deem necessary and shall adopt rules for the transaction of business and make written records of all meetings, resolutions, determinations and recommendations which records shall be kept as a permanent public record. A majority of the appointed members of said commission shall constitute a quorum to conduct business.

2-2-4: PURPOSE AND GOALS:

The Twin Falls City Council's role is to establish general fiscal priorities and policies for the City. With assistance from staff, the City Council will develop long-term, strategic and financial plans, and establish specific goals and organizational priorities.

The City of Twin Falls Citizen Finance and Planning Committee will assist the City Council in the development and creation of the policies and planning documents. The members of the Committee will vet projects and issues through meaningful, philosophical and strategic discussions

In fulfillment of its mission, the Citizen Finance and Planning Committee will:

- A. Create openness and transparency in Twin Falls City government operations.
- B. Promote efficiency and economy in the expenditure of public funds.
- C. Perform analysis and review of existing City services and programs as directed by the City Council and, when warranted, present best practice alternatives for consideration.
- D. Develop recommendations related to City infrastructure, capital funding and expenditures, and public investments, for areas not under the purview of an established City committee unless specifically assigned by the City Council.
- E. Complete tasks projects assigned to them by the Council.
- F. Contract development and real property acquisitions

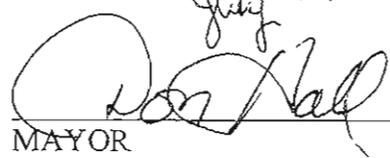
G. Review financial reports and the revenue and expenditure projections.

PASSED BY THE CITY COUNCIL,

SIGNED BY THE MAYOR

July 19, 2010.

July 21, 2010.


MAYOR

ATTEST:


DEPUTY CITY CLERK

PUBLISH: Thursday, July 29, 2010

ORDINANCE NO. 3020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE TWIN FALLS CITY CODE §2-2-3; REPEALING §2-2-4; AND ENACTING A NEW SECTION 2-2-4.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

Section 1: That Twin Falls City Code §2-2-3 is amended as follows:

“2-2-3: MEMBERSHIP:

- A. The Commission shall be composed of five (5) voting members. All members shall be appointed by the Mayor and confirmed by the City Council. The community members selected will possess financial knowledge and/or business experience, and a commitment to the greater good of the City. By serving on this commission, citizen members will develop and acquire a greater understanding of their local government. The City Manager and Chief Financial Officer, or their designees, ~~and two (2) members of the City Council~~, shall serve in an ex-officio capacity.
- B. Tenure of office for the voting members of said commission shall be as follows:
 - 1. The term of each member shall be three (3) years, expiring on November 30 of the final year of his/her term.
 - 2. The ex officio members shall hold membership corresponding to their tenures of office in the city administration.
- C. Vacancies of membership of said commission shall be filled by appointment by the mayor and confirmed by the city council.
- D. Any member of said commission may be removed by a majority vote of the City Council.
- E. Members of said commission shall be selected without regard to political affiliation and shall serve without compensation.
- F. Said commission shall elect a chairman and such other officers as it may deem necessary and shall adopt rules for the transaction of business and make written records of all meetings, resolutions, determinations and recommendations which records shall be kept as a permanent public record. A majority of the appointed members of said commission shall constitute a quorum to conduct business.

G. Meeting agendas shall be approved by the Mayor before posting. Meeting agendas shall not be amended without approval of the Mayor.

Section 2: That Twin Falls City Code §2-2-4 is repealed.

Section 3: That there is hereby enacted a new §2-2-4, as follows:

“2-2-4: PURPOSE AND GOALS:

The Twin Falls City Council’s role is to establish general fiscal priorities and policies for the City. With assistance from staff, the City Council will develop long-term, strategic and financial plans, and establish specific goals and organizational priorities.

The Citizen Finance and Planning Commission will assist the City Council in the development and creation of the policies and planning documents, as directed by the City Council.

In fulfillment of its mission, the Citizen Finance and Planning Commission will:

- A. Perform analysis and review of existing City services and programs, as directed by the City Council.
- B. Complete tasks projects assigned to them by the Council.”

PASSED BY THE CITY COUNCIL,

November 21, 2011.

SIGNED BY THE MAYOR,

November 21, 2011.



MAYOR

ATTEST:



DEPUTY CITY CLERK

PUBLISHED: Thursday, December 1, 2011

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REPEALING CHAPTER 2 OF TITLE 2 OF THE TWIN FALLS CITY CODE, PROVIDING FOR A CITIZEN FINANCE AND PLANNING COMMISSION.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

That Chapter 2 of Title 2 of the Twin Falls City Code, providing for a Citizen Finance and Planning Commission, is hereby repealed.

PASSED BY THE CITY COUNCIL, _____, 2012.

SIGNED BY THE MAYOR _____, 2012.

MAYOR

ATTEST:

DEPUTY CITY CLERK



January 8, 2013

Twin Falls City Council
P.O. Box 1907
Twin Falls, ID. 83303

Dear Mayor Lanting and City Council Members:

The current Board of Trustees of the Twin Falls Public Library request that Margaret Peck, who resides at 2574 Carriage Way, Twin Falls, be appointed by the City Council to serve as a Library Trustee for a full-term of office from January 2013 through December 2017.

Mrs. Peck expresses a strong interest in the Library, as stated in the attached letter, and is prepared to accept the full responsibilities of a working Library Trustee for her term of office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan L. Ash", is written over a light blue horizontal line.

Susan L. Ash, Director

Rec. 11-30-12

November 29, 2012

Twin Falls Public Library
201 4th Avenue East
Twin Falls, ID 83301
Attn: Susan Ash

Dear Ms. Ash:

I am interested in being considered for the open position on the Twin Falls Public Library Board for several reasons.

First, I have been a patron and supporter of our library for over 25 years. I have witnessed—even more in recent years—ways the library has provided a welcoming and nurturing place within our community, serving people of various ages, interests, abilities, and preferences. I personally have appreciated the responsiveness and helpfulness of the library staff and the variety of media available. Every time I've visited the library lately, I remember how much I like that now-not-quite-brand-new blue carpet and the reading room with a view. I would like to be part of helping TFPL continue serving current and future patrons.

Secondly, in addition to my own personal love affair with TFPL, I bring qualifications to support my eligibility for serving on the board of trustees. I have 30 years of experience in education with students of various ages—from elementary school through adulthood. I am currently an associate professor in the Academic Skills Department at the College of Southern Idaho, where I have taught Developmental Reading and English courses for almost twelve years.

Over a period of years, I have also earned several degrees in Education: A B.A. in Elementary Education from Idaho State University, an M.Ed. in School Administration from The College of Idaho, an M.P.S. (Masters of Pastoral Studies) from Loyola University in New Orleans, and—most recently—an Ed.D. in Adult Education from University of Idaho.

Lastly, I enjoy working as part of a functional group, especially one focused on serving people, as our Library does.

Thank you for your consideration. Please let me know if you'd like further documentation from me.

Sincerely,



Margaret M. Peck

2574 Carriage Way (within the city limits)

Twin Falls, ID 83301

(208) 420-4614



Date: Monday, January 14, 2013

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Director

ITEM IV-1

At the January 7, 2013, City Council Meeting, Ordinance 3044 was placed on second reading.

Request:

Request for a Zoning Title Amendment which would amend Twin Falls City Code 10-7-14 by allowing limited outside display of merchandise for sale subject to conditions. c/o City of Twin Falls. (app 2537)

Time Estimate:

The City is the applicant. It is estimated that staff's presentation will be ten (10) minutes.

Approval Process:

All procedures will follow the process as described in TF City Code 10-14-5, 10-14-7.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission where interested persons will have an opportunity to be heard. Following the public hearing, the Commission may forward the proposed amendment with their recommendation to the City Council. If the Commission makes a material change from what was presented during the public hearing; an additional hearing will be scheduled prior to the Commission forwarding its recommendation to the Council.

After the Council receives the recommendation from the Commission, a public hearing shall be scheduled for interested parties who wish to be heard. Following the public hearing, the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made part of this Title upon the preparation and passage of the ordinance

Budget Impact:

Approval of this request will have negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow an ordinance to be adopted thereby amending Title 10.

History:

The City Council approved Ordinance 2012 on July 6, 1981 which replaced the previous Title 10 of the Twin Falls City Code in its entirety.

Community Development staff are in the process of addressing some code changes requested by the City Council for the Commission to consider. This amendment was requested in order to address local business' wishes to have promotional sales events within their parking lots from time to time without violating City Code.

Analysis:

This is a request to amend Twin Falls City Code Title 10; Chapter 7; Section 14; Outside Storage and Display. The modification will not remove any portions of the code currently in place. What is being proposed is a provision to allow for a "temporary parking lot sales permit". This amendment, as proposed, will be a temporary permit for the display of merchandise for sale on the parking lot area adjacent to the business. Various provisions have been drafted into the proposed amendment regarding length of each promotional sale; length between each promotional sale, number of sales per calendar year and quarter based on lots or parcels, shared or individually owned, as well as specifications on areas where merchandise cannot be displayed.

Permits will be submitted to the Planning Department not less than two (2) weeks in advance of the proposed event and may be permitted subject to Administrative review based upon compliance with City Code Standards.

This is the first step of the Zoning Title Amendment process. A request for a Zoning Title Amendment is initially made to the Commission. The Planning and Zoning Commission holds a public hearing to evaluate the request and to determine the extent and nature of the amendment. Upon conclusion of the public hearing the Commission makes a recommendation to the City Council on whether or not to approve the request as presented, deny the request or approve the request with conditions and/or modifications. If the Commission recommends approval they shall assure the request is in compliance with the Comprehensive Plan.

The City Council shall then hold an additional public hearing where they may approve the request as recommended by the Commission, deny the request, or remand back to the Commission for further proceedings. If approved, an ordinance is prepared and at a public meeting is adopted by the City Council. Once the ordinance is published the City Code is officially amended.

On November 27, 2012 the Commission unanimously recommended approval of the amendment as presented.

Attachments:

1. Portion of November 27, 2012 P&Z minutes
2. Ordinance

ORDINANCE NO. 3044

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §10-7-14 BY PERMITTING PARKING LOT SALES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, THAT TWIN FALLS CITY CODE §10-7-14 IS AMENDED AS FOLLOWS:

“10-7-14: Outside Storage and Display

No outside storage or display of merchandise is allowed beyond the front sidewalk adjacent to the primary business building or outside of screened areas except in the M2 zoning district and except for the display of vehicles, motor homes, travel trailers, recreational vehicles, pickup shells and large implements where offered for sale or rent and except for the seasonal display of living plants and materials such as Christmas trees, pumpkins, bedding plants, etc. All refuse areas shall also be visibly screened from adjacent streets and properties.

(A) Notwithstanding the above outside display restriction, a retail business may apply for a “parking lot sale” permit for the temporary outside display of retail merchandise. Parking lot sale permits are subject to the following conditions:

1. Up to eight (8) temporary parking lot sale permits shall be allowed on a lot or parcel in a calendar year, with not more than two (2) per quarter.
2. A parking lot sale permit shall be issued for not more than five (5) consecutive days. Parking lot sale permits issued in different calendar year quarters shall have a minimum of seven (7) days between permits.
3. Retail merchandise may only be temporarily displayed on private real property and only on the same lot, parcel or shared parking as the primary business building to which the parking lot sale permit has been issued.
4. Retail merchandise shall not be temporarily displayed within required landscape areas or in any other area that creates a site obstruction or other traffic obstruction or hazard.
5. Retail businesses that share a lot, parcel or parking with other businesses may apply for a parking lot sale permit if a parking lot sale site plan has been prepared by the applicant and the site plan has been approved by an authorized representative of each business sharing the same lot, parcel, or parking. Approval signatures shall be provided to the Planning Department with the permit application along with name and contact information for the authorized representatives who provided the approval.

(B) Parking lot sale permit applications shall be submitted to the Planning Department not less than two (2) weeks prior to the planned parking lot sale. The Administrator may approve parking lot sale permit requests that comply with the standards contained herein.”

PASSED BY THE CITY COUNCIL,

January ____, 2013.

SIGNED BY THE MAYOR

January ____, 2013.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Date: Monday, January 14, 2013, City Council Meeting

To: Honorable Mayor and City Council

From: Jackie Fields, City Engineer

Request:

Consideration of a recommendation to modify the traffic pattern on 4th Avenue North, from Shoshone Street to Fairfield Street North, to one-way in the northwesterly direction.

Time:

Staff anticipates a presentation of 10 minutes with time for discussion. Staff anticipates that Alan Horner from First Federal Bank and Tim Vawser from EHM Engineers will be in attendance to answer questions.

Background:

The City received a request from First Federal Bank (First Fed) to consider modifying 4th Avenue North, from Shoshone Street to Gooding Street North, to one-way in the northwesterly direction. First Fed is planning an expansion at their existing downtown site. This expansion will occupy the area that is currently a parking lot on the northwest side of the existing building. The parking will be replaced with construction of parking under the building and an additional parking lot adjacent to Title Fact on the far northwest portion of the property. This expansion will enable approximately additional employees to work from this facility. First Fed has recently acquired a parking lot on 3rd Avenue North and Gooding to address parking for their staff. The bank anticipates the need for additional customer parking.

Staff reviewed the request and believes that the one way pattern will be better if it encompasses the commercial area between Fairfield and Shoshone Street. First Fed agreed to seek consensus from the adjacent property owners and succeeded. The traffic counts current indicate that the road is a low volume road.

The County has indicated that all but the Court will move to the "Old Hospital" facility in the near future and they are currently conducting improvements to that site so that the move can occur. This will alter the traffic patterns in the area, as will the expansion of the bank. The traffic counts indicate that the directional flow is skewed towards the southeasterly direction. Staff believes that this traffic pattern will change when the DMV and the County moves to the Addison site. Modifying the road to one way in the northwesterly direction is advantageous to the traffic patterns of the bank. Again, the adjacent property owners on the alignment found the proposal to be acceptable as their interests are common in the desire to have additional customer parking.

First Fed proposes to resurfacing the road and replace the buckling sidewalk (and curb and gutter) between Shoshone and Gooding, as well as re-landscaping, and constructing the physical appurtenance associated with modifying the road to one way.

The proposal was made to the Traffic Safety Commission on January 10, 2013, and the Traffic Safety Commission voted to provide a positive recommendation of the proposal to the City Council.

Approval Process:

Council acceptance of the Commission's recommendation will direct staff to continue to work with First Federal Bank on the design and to facilitate implementation of an acceptable design.

Budget Impact:

The cost to the City will be nominal maintenance in the form of pavement parking. Currently, this proposal will avert City expenditures in the form of resurfacing and improvement to portions of the affected intersections to construct ADA improvements.

Regulatory Impact:

None.

Conclusion:

Staff recommends that Council accept the Traffic Safety Commission's recommendation to modify the traffic pattern on 4th Ave N, from Shoshone St. to Fairfield St. N, to one-way in the northwesterly direction.

Attachments:

1. Letter of Request from EHM Engineers, dated November 15, 2012.
2. Aerial schematic of affected area and potential parking plan
3. EHM site plan, 11/2012
4. Traffic Count summary and details



COURTHOUSE
425 SHOSHO

Peak
3-5pm
weekdays
10-5 most of
weekdays
traffied
C GOODING

1371
1381

DRIVE
JUSTINITY

1348 4TH AV

STEADY
FLOW

238 BUHL S

512 MAIN A

403 MAIN A

319 MAIN A

132 FAIRFI

FILMORE ST
TAYLOR ST
POLK ST
TYLER ST
HARRISON ST
VAN BUREN ST
JACKSON ST
QUINCY ST
MONROE ST
MADISON ST

4TH AVENUE
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90TH AVENUE
91ST AVENUE
92ND AVENUE
93RD AVENUE
94TH AVENUE
95TH AVENUE
96TH AVENUE
97TH AVENUE
98TH AVENUE
99TH AVENUE
100TH AVENUE

Study Dates: Tue 10-23-12 thru Thur 11-01-12
 Location: On 4th Ave. N near Gooding
 Counter #: #5

Site: 4TH AVE. N.

Weekly Volume

Interval Begin	Mon 10/22/2012		Tue 10/23/2012		Wed 10/24/2012		Thu 10/25/2012		Fri 10/26/2012		Sat 10/27/2012		Sun 10/28/2012		Mon - Fri Average		Week Average	
	Southe	Northw	Southe	Northw	Southe	Northw	Southe	Northw	Southe	Northw	Southe	Northw	Southe	Northw	Southe	Northw	Southe	Northw
12:00 AM	-	-	-	-	2	0	1	1	0	1	5	3	8	2	1.5	0.7	3.2	1.4
1:00 AM	-	-	-	-	2	0	6	2	3	2	5	3	8	7	3.7	1.3	4.8	2.8
2:00 AM	-	-	-	-	5	1	0	0	0	0	3	3	9	1	1.7	0.3	3.4	1.0
3:00 AM	-	-	-	-	1	3	1	3	3	0	5	0	6	1	1.7	2.0	3.2	1.4
4:00 AM	-	-	-	-	1	3	1	2	0	2	2	3	3	4	0.7	2.3	1.4	2.8
5:00 AM	-	-	-	-	3	4	3	6	5	6	5	5	5	1	3.7	5.3	4.7	4.4
6:00 AM	-	-	-	-	5	4	12	5	8	8	9	1	5	2	6.3	5.7	7.8	4.0
7:00 AM	-	-	-	-	12	12	25	28	21	13	7	7	1	1	19.3	17.0	13.2	11.8
8:00 AM	-	-	-	-	33	27	71	69	48	42	18	6	14	3	30.7	46.0	36.8	29.4
9:00 AM	-	-	-	-	48	35	23	18	72	56	27	15	13	13	47.7	36.7	40.6	27.6
10:00 AM	-	-	-	-	73	59	14	18	83	56	32	7	29	18	56.7	44.3	46.2	31.8
11:00 AM	-	-	-	-	93	80	103	86	112	83	47	25	22	16	102.7	83.0	75.4	58.0
12:00 PM	-	-	-	-	119	81	117	76	137	75	35	31	44	16	124.3	77.3	80.4	59.8
1:00 PM	-	-	72	43	98	87	123	83	140	81	51	31	22	13	115.5	71.1	88.0	55.3
2:00 PM	-	-	79	76	76	65	131	87	100	84	53	18	26	29	96.5	78.0	77.5	59.8
3:00 PM	-	-	110	65	138	78	146	90	189	91	36	31	22	18	140.8	81.0	103.5	62.2
4:00 PM	-	-	100	80	135	68	152	87	134	81	47	24	30	15	135.3	78.5	103.0	58.8
5:00 PM	-	-	100	46	91	55	98	45	104	72	33	28	22	17	98.3	54.5	74.5	43.8
6:00 PM	-	-	47	23	49	40	58	27	48	54	30	40	26	21	30.5	36.0	43.0	34.2
7:00 PM	-	-	36	23	31	21	36	11	30	22	28	10	22	15	30.8	19.7	28.8	17.0
8:00 PM	-	-	25	17	21	8	27	13	39	10	20	15	17	9	28.0	12.0	34.8	12.0
9:00 PM	-	-	23	13	8	4	16	9	20	9	18	9	11	6	16.8	8.8	16.0	6.3
10:00 PM	-	-	3	0	3	4	18	7	12	9	9	8	1	5	7.0	5.0	6.3	5.5
11:00 PM	-	-	5	3	5	3	7	2	11	4	13	5	2	0	7.0	3.0	7.2	2.8
Total	-	-	606	389	1032	720	1171	774	1338	861	537	328	388	233	1148.7	771.1	903.3	591.8
Combined Split (%)	-	-	60.7	39.3	58.9	41.1	60.2	39.8	60.5	39.1	62.1	37.9	62.5	37.5	59.8	40.2	60.4	39.6
Peak Hours	-	-	-	-	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	9:45 AM	9:45 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
12:00 AM - 12:00 PM	-	-	-	-	93	80	103	86	112	83	47	25	40	22	102.7	83.0	75.4	58.0
Volume Factor	-	-	-	-	0.86	0.71	0.76	0.83	0.97	0.90	0.78	0.62	0.71	0.69	0.86	0.89	0.92	0.92
12:00 PM - 12:00 AM	-	-	3:15 PM	3:15 PM	3:15 PM	12:00 PM	4:15 PM	3:15 PM	3:00 PM	2:45 PM	1:15 PM	5:45 PM	12:00 PM	2:00 PM	3:15 PM	3:15 PM	3:15 PM	3:15 PM
Volume Factor	-	-	0.97	0.67	0.88	0.75	0.89	0.89	0.83	0.91	0.70	0.81	0.58	0.73	0.98	0.88	0.98	0.91

Study Dates: Tue 10-23-12 thru Thur 11-01-12
 Location: On 4th Ave. N near Gooding
 Counter #: #5

Site: 4TH AVE. N.

Weekly Volume

Interval Begin	Mon 10/29/2012		Tue 10/30/2012		Wed 10/31/2012		Thu 11/1/2012		Fri 11/2/2012		Sat 11/3/2012		Sun 11/4/2012		Mon - Fri Average		Week Average	
	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther
12:00 AM	5	0	4	1	1	1	6	1	-	-	-	-	-	-	4.0	0.8	4.0	0.8
1:00 AM	7	4	1	2	2	3	5	3	-	-	-	-	-	-	3.8	3.0	3.8	3.0
2:00 AM	1	0	1	0	1	0	0	2	-	-	-	-	-	-	0.8	0.5	0.8	0.5
3:00 AM	1	0	1	1	1	1	4	3	-	-	-	-	-	-	2.3	1.3	2.3	1.3
4:00 AM	2	2	0	2	1	2	2	3	-	-	-	-	-	-	1.3	2.3	1.3	2.3
5:00 AM	6	6	5	8	7	10	6	3	-	-	-	-	-	-	6.0	6.8	6.0	6.8
6:00 AM	11	8	17	4	8	6	11	8	-	-	-	-	-	-	11.8	6.8	11.8	6.8
7:00 AM	38	27	40	24	21	23	42	12	-	-	-	-	-	-	35.3	26.5	35.3	26.5
8:00 AM	121	72	21	8	71	64	79	34	-	-	-	-	-	-	33.0	44.8	73.0	44.8
9:00 AM	0	0	0	0	88	41	21	55	-	-	-	-	-	-	44.8	24.3	44.8	24.3
10:00 AM	0	0	0	0	107	51	84	63	-	-	-	-	-	-	47.8	28.5	47.8	28.5
11:00 AM	0	0	0	0	118	66	149	68	-	-	-	-	-	-	61.8	33.5	61.8	33.5
12:00 PM	72	24	106	61	144	67	130	87	-	-	-	-	-	-	124.3	59.8	114.3	59.8
1:00 PM	132	81	131	94	125	88	96	76	-	-	-	-	-	-	121.0	84.8	121.0	84.8
2:00 PM	138	111	138	86	121	77	-	-	-	-	-	-	-	-	132.3	84.7	132.3	84.7
3:00 PM	133	82	103	93	123	86	-	-	-	-	-	-	-	-	129.0	90.3	129.0	90.3
4:00 PM	135	93	107	61	126	76	-	-	-	-	-	-	-	-	122.7	76.7	122.7	76.7
5:00 PM	103	54	98	65	90	55	-	-	-	-	-	-	-	-	97.0	58.0	97.0	58.0
6:00 PM	36	36	57	38	59	28	-	-	-	-	-	-	-	-	50.7	34.0	50.7	34.0
7:00 PM	32	28	73	24	22	19	-	-	-	-	-	-	-	-	29.0	23.7	29.0	23.7
8:00 PM	20	13	20	14	36	22	-	-	-	-	-	-	-	-	25.3	15.7	25.3	15.7
9:00 PM	28	11	37	12	24	17	-	-	-	-	-	-	-	-	29.7	13.7	29.7	13.7
10:00 PM	12	11	14	8	10	7	-	-	-	-	-	-	-	-	12.0	8.7	12.0	8.7
11:00 PM	0	0	3	1	6	3	-	-	-	-	-	-	-	-	3.0	1.3	3.0	1.3
Totals	1031	671	938	588	1110	813	890	440	-	-	-	-	-	-	1148.2	729.9	1148.2	729.9
Combined Split (%)	1705		1527		2123		1130		-	-	-	-	-	-	1878.1		1878.1	
	60.6	39.4	61.5	38.5	61.7	38.3	61.1	38.9	-	-	-	-	-	-	61.1	38.9	61.1	38.9
Peak Hours																		
12:00 AM - 12:00 PM	8:00 AM	8:00 AM	7:15 AM	7:15 AM	9:45 AM	10:45 AM	11:00 AM	10:45 AM	-	-	-	-	-	-	7:45 AM	7:45 AM	7:45 AM	7:45 AM
Volume	121	72	54	32	122	66	129	69	-	-	-	-	-	-	76.5	48.0	76.5	48.0
Factor	0.78	0.82	0.59	0.53	0.82	0.83	0.79	0.91	-	-	-	-	-	-	0.82	0.83	0.82	0.83
12:00 PM - 12:00 AM	12:45 PM	1:00 PM	1:30 PM	12:45 PM	12:15 PM	1:15 PM	12:00 PM	12:45 PM	-	-	-	-	-	-	2:15 PM	1:15 PM	2:15 PM	1:15 PM
Volume	147	111	142	98	147	88	135	89	-	-	-	-	-	-	134.0	90.7	134.0	90.7
Factor	0.73	0.82	0.82	0.80	0.90	0.96	0.94	0.89	-	-	-	-	-	-	0.91	0.90	0.92	0.90

Study Dates: Tue 10-23-12 thru Thur 11-01-12
 Location: On 4th Ave. N. near Eden St.
 Counter 3: #7

Site: 4TH AVE. N.

Weekly Volume

Interval Begin	Mon 10/22/2012		Tue 10/23/2012		Wed 10/24/2012		Thu 10/25/2012		Fri 10/26/2012		Sat 10/27/2012		Sun 10/28/2012		Mon - Fri Average		Week Average	
	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther	Souther	Norther
12:00 AM	-	-	-	-	3	0	1	2	1	1	6	1	9	1	1.7	1.0	4.0	1.0
1:00 AM	-	-	-	-	1	2	4	2	4	3	5	4	10	6	3.0	2.3	4.8	3.4
2:00 AM	-	-	-	-	2	1	3	0	2	0	1	2	5	0	2.0	0.3	2.4	0.6
3:00 AM	-	-	-	-	7	2	1	1	3	0	3	0	2	1	2.0	1.0	2.4	0.8
4:00 AM	-	-	-	-	4	1	0	1	0	1	2	2	3	0	1.3	1.0	1.8	1.0
5:00 AM	-	-	-	-	7	1	3	4	4	6	6	3	4	0	4.7	3.7	4.8	2.8
6:00 AM	-	-	-	-	8	2	16	2	15	4	7	7	3	1	13.0	2.7	9.8	2.2
7:00 AM	-	-	-	-	32	3	56	9	37	9	8	4	2	3	35.0	7.0	35.0	5.4
8:00 AM	-	-	-	-	79	23	97	27	87	33	16	2	17	2	87.7	27.7	89.2	17.4
9:00 AM	-	-	-	-	54	21	66	26	60	28	20	8	25	8	60.0	25.0	45.0	18.2
10:00 AM	-	-	-	-	50	27	43	41	49	29	25	5	28	11	47.3	32.3	39.0	22.6
11:00 AM	-	-	-	-	62	43	60	47	72	30	31	15	9	13	64.7	40.0	46.8	29.6
12:00 PM	-	-	-	-	67	60	73	52	35	53	25	23	33	23	78.3	55.0	88.4	43.2
1:00 PM	-	-	19	8	33	29	64	43	83	38	35	25	14	15	83.1	33.4	49.1	26.5
2:00 PM	-	-	10	3	54	40	86	41	42	42	32	21	18	23	48.0	31.1	40.3	26.3
3:00 PM	-	-	0	0	64	38	75	48	86	38	33	25	14	13	56.3	31.0	45.3	27.0
4:00 PM	-	-	0	0	74	42	79	64	76	45	28	22	29	16	57.3	37.8	47.7	31.5
5:00 PM	-	-	0	0	47	48	30	32	57	53	20	31	24	14	33.5	33.5	29.7	29.8
6:00 PM	-	-	32	8	33	25	31	25	45	39	23	30	26	15	35.3	24.3	31.5	23.7
7:00 PM	-	-	28	18	20	22	20	16	25	26	21	12	16	8	23.3	20.0	21.7	16.7
8:00 PM	-	-	25	13	17	14	20	12	23	22	13	13	18	8	20.8	15.3	19.0	13.7
9:00 PM	-	-	9	11	7	4	14	11	21	9	14	9	10	5	12.8	8.8	17.0	8.2
10:00 PM	-	-	2	1	3	4	10	4	11	8	8	5	3	6	6.5	4.5	6.2	4.8
11:00 PM	-	-	4	0	5	4	5	3	8	6	10	4	2	2	5.5	3.3	5.7	3.2
Totals	-	-	129	60	770	457	856	512	924	524	380	268	324	194	782.8	442.2	621.8	362.8
Combined Split (%)	-	-	68.3	31.7	62.8	37.2	62.6	37.4	63.8	36.2	59.3	40.7	62.5	37.5	63.9	36.1	63.2	36.8
Dist. Hours	-	-	-	-	7:45 AM	11:00 AM	7:45 AM	11:00 AM	7:45 AM	8:15 AM	10:45 AM	11:00 AM	9:45 AM	9:30 AM	7:45 AM	11:00 AM	7:45 AM	11:00 AM
12:00 AM - 12:00 PM	-	-	-	-	85	43	102	47	105	37	35	19	34	14	67.3	40.0	62.8	29.6
Volume Factor	-	-	-	-	0.85	0.90	0.82	0.84	0.80	0.64	0.73	0.54	0.65	0.70	0.83	0.86	0.87	0.80
12:00 PM - 12:00 AM	-	-	6:30 PM	7:15 PM	3:30 PM	12:00 PM	2:00 PM	4:00 PM	12:30 PM	4:15 PM	12:30 PM	5:30 PM	12:00 PM	1:30 PM	12:15 PM	12:00 PM	12:15 PM	12:00 PM
Volume Factor	-	-	0.74	0.75	0.81	0.75	0.90	0.89	0.84	0.70	0.75	0.73	0.92	0.72	0.80	0.83	0.82	0.88

Study Dates: Tue 10-23-12 thru Thur 11-01-12
 Location: On 4th Ave. N. near Eden St.
 Counter 3: #7

Site: 4TH AVE. N.

Weekly Volume

Interval Begin	Mon 10/29/2012		Tue 10/30/2012		Wed 10/31/2012		Thu 11/1/2012		Fri 11/2/2012		Sat 11/3/2012		Sun 11/4/2012		Mon - Fri Average		Week Average	
	Southbound	Northbound	Southbound	Northbound	Southbound	Northbound	Southbound	Northbound	Southbound	Northbound	Southbound	Northbound	Countdown	Northbound	Southbound	Northbound	Southbound	Northbound
12:00 AM	4	1	1	1	4	0	5	3	-	-	-	-	-	-	3.5	1.3	3.5	1.3
1:00 AM	1	1	0	0	2	7	7	5	-	-	-	-	-	-	2.5	3.3	2.5	3.3
2:00 AM	1	1	2	0	3	0	1	2	-	-	-	-	-	-	1.8	0.8	1.8	0.8
3:00 AM	2	0	2	1	2	1	2	3	-	-	-	-	-	-	1.5	1.3	1.5	1.3
4:00 AM	4	0	0	0	0	0	1	1	-	-	-	-	-	-	1.3	0.3	1.3	0.3
5:00 AM	5	2	5	2	4	3	0	0	-	-	-	-	-	-	3.5	1.8	3.5	1.8
6:00 AM	8	5	13	6	9	4	0	0	-	-	-	-	-	-	7.5	3.8	7.5	3.8
7:00 AM	34	12	54	8	44	14	0	0	-	-	-	-	-	-	33.0	8.5	33.0	8.5
8:00 AM	94	28	80	20	84	32	0	0	-	-	-	-	-	-	64.5	20.0	64.5	20.0
9:00 AM	43	11	42	28	45	15	0	0	-	-	-	-	-	-	32.5	18.8	32.5	18.8
10:00 AM	51	33	48	38	54	23	0	0	-	-	-	-	-	-	38.3	23.5	38.3	23.5
11:00 AM	69	43	68	37	69	22	0	0	-	-	-	-	-	-	61.5	25.5	61.5	25.5
12:00 PM	82	57	62	50	72	58	8	0	-	-	-	-	-	-	54.0	41.1	54.0	41.1
1:00 PM	76	45	73	42	76	42	69	21	-	-	-	-	-	-	74.0	37.5	74.0	37.5
2:00 PM	59	44	58	31	61	39	1	2	-	-	-	-	-	-	55.4	35.7	55.4	35.7
3:00 PM	47	29	68	43	76	45	-	-	-	-	-	-	-	-	63.7	39.0	63.7	39.0
4:00 PM	63	51	66	32	58	48	-	-	-	-	-	-	-	-	62.3	43.7	62.3	43.7
5:00 PM	55	57	47	44	39	45	-	-	-	-	-	-	-	-	47.0	48.7	47.0	48.7
6:00 PM	25	25	38	29	39	36	-	-	-	-	-	-	-	-	31.3	30.0	31.3	30.0
7:00 PM	28	15	28	14	22	14	-	-	-	-	-	-	-	-	26.0	14.3	26.0	14.3
8:00 PM	11	8	16	13	32	18	-	-	-	-	-	-	-	-	19.7	13.0	19.7	13.0
9:00 PM	16	14	22	15	23	18	-	-	-	-	-	-	-	-	20.3	16.0	20.3	16.0
10:00 PM	5	7	12	9	14	11	-	-	-	-	-	-	-	-	10.3	9.0	10.3	9.0
11:00 PM	0	0	2	2	7	2	-	-	-	-	-	-	-	-	3.0	1.3	3.0	1.3
Totals	782	504	808	466	838	498	85	37	-	-	-	-	-	-	718.3	437.9	718.3	437.9
Combined Split (%)	1291		1274		1337		122		-	-	-	-	-	-	1148.2		1148.2	
	66.6	39.4	63.4	36.6	62.8	37.2	69.7	30.3	-	-	-	-	-	-	61.9	38.1	61.9	38.1
Peak Hours																		
12:00 AM - 12:00 PM	8:00 AM	10:45 AM	7:45 AM	10:30 AM	7:45 AM	8:00 AM	12:15 AM	12:30 AM	-	-	-	-	-	-	7:45 AM	10:45 AM	7:45 AM	10:45 AM
Volume	94	45	92	44	83	32	7	6	-	-	-	-	-	-	65.5	26.8	65.5	26.8
Factor	0.78	0.70	0.77	0.65	0.89	0.73	0.58	0.50	-	-	-	-	-	-	0.87	0.81	0.87	0.81
12:00 PM - 12:00 AM	12:30 PM	4:15 PM	12:15 PM	11:00 PM	12:30 PM	12:15 PM	1:00 PM	1:00 PM	-	-	-	-	-	-	1:00 PM	4:15 PM	1:00 PM	4:15 PM
Volume	90	67	77	50	83	59	69	21	-	-	-	-	-	-	74.0	54.7	74.0	54.7
Factor	0.94	0.56	0.88	0.74	0.80	0.84	0.66	0.66	-	-	-	-	-	-	0.88	0.61	0.88	0.61

Study Dates: Tue 10-23-12 thru Thur 11-1-12
 Location: On 4th Ave. N. near Dierkes St.
 Counter #: #8

Site: 4TH AVE. N.

Weekly Volume

Interval Begin	Mon 10/22/2012		Tue 10/23/2012		Wed 10/24/2012		Thu 10/25/2012		Fri 10/26/2012		Sat 10/27/2012		Sun 10/28/2012		Mon - Fri Average		Week Average	
	Northw	Southw	Northw	Southw	Northw	Southw	Northw	Southw	Northw	Southw	Northw	Southw	Northw	Southw	Northw	Southw	Northw	Southw
12:00 AM	-	-	-	-	1	5	2	3	1	2	0	3	1	7	1.3	3.3	1.0	4.0
1:00 AM	-	-	-	-	1	0	3	2	1	3	3	3	1	11	1.7	1.7	2.2	3.8
2:00 AM	-	-	-	-	0	3	0	2	1	3	2	3	0	4	0.3	2.7	0.6	3.0
3:00 AM	-	-	-	-	2	1	0	1	1	2	0	4	1	2	1.0	1.7	1.7	2.2
4:00 AM	-	-	-	-	1	3	2	0	1	1	3	2	1	3	1.3	1.3	1.6	1.8
5:00 AM	-	-	-	-	4	8	4	4	9	5	5	8	0	4	5.7	5.7	6.4	5.0
6:00 AM	-	-	-	-	4	9	3	14	3	13	1	9	4	4	3.3	12.0	3.0	9.8
7:00 AM	-	-	-	-	7	51	8	48	9	48	5	6	4	2	8.0	49.3	6.8	31.2
8:00 AM	-	-	-	-	22	75	25	89	27	80	4	13	4	18	24.7	81.3	16.4	55.8
9:00 AM	-	-	-	-	16	53	28	59	20	58	8	23	8	22	18.7	56.0	14.4	42.6
10:00 AM	-	-	-	-	29	47	27	41	21	45	4	24	10	29	25.7	44.3	18.2	37.2
11:00 AM	-	-	-	-	26	50	31	46	30	45	15	31	16	14	29.0	54.3	23.6	41.6
12:00 PM	-	-	-	-	49	57	40	62	41	77	18	26	17	32	43.3	65.3	33.0	50.8
1:00 PM	-	-	0	3	23	49	31	58	33	71	20	32	12	17	26.8	55.1	22.7	43.4
2:00 PM	-	-	35	51	30	50	33	73	38	33	21	20	23	14	34.0	51.8	30.0	41.7
3:00 PM	-	-	40	78	33	66	41	71	33	83	24	36	7	21	36.8	74.5	29.7	59.3
4:00 PM	-	-	37	48	30	63	54	68	34	59	23	31	10	24	38.8	59.5	31.0	48.8
5:00 PM	-	-	47	52	46	57	36	47	32	66	23	28	24	28	40.3	33.3	32.7	45.8
6:00 PM	-	-	33	50	27	31	25	35	21	32	26	25	11	27	26.5	37.0	23.8	33.3
7:00 PM	-	-	17	29	15	20	12	18	15	21	11	21	6	17	14.8	22.0	12.7	21.0
8:00 PM	-	-	14	20	9	21	10	22	15	16	17	13	13	18	12.0	19.8	13.0	18.3
9:00 PM	-	-	11	15	5	10	13	14	6	18	12	13	6	10	8.8	14.3	8.8	13.5
10:00 PM	-	-	1	8	3	5	3	10	7	10	9	8	6	2	3.5	8.3	4.8	7.2
11:00 PM	-	-	1	7	2	4	2	4	5	5	4	8	2	1	3.0	5.5	3.0	5.3
Totals	-	-	238	359	365	740	425	784	404	815	254	386	181	328	409.0	782.1	338.4	625.4
Combined Spd (%)	-	-	39.9	60.1	34.2	65.8	34.9	65.1	33.1	66.9	39.7	60.9	35.6	64.4	34.3	65.7	35.1	64.9
Dist. Hour	-	-	-	-	10:00 AM	11:45 AM	11:00 AM	1:45 AM	8:15 AM	1:45 AM	11:00 AM	12:45 AM	10:15 AM	9:30 AM	11:00 AM	1:45 AM	11:00 AM	1:45 AM
12:00 PM Volume Factor	-	-	-	-	29	84	31	94	33	94	15	35	16	34	29.0	90.7	23.6	58.2
	-	-	-	-	0.66	0.68	0.78	0.81	0.83	0.81	0.63	0.80	0.67	0.71	0.84	0.85	0.90	0.91
12:00 PM 12:00 AM Volume Factor	-	-	50	81	53	78	54	77	43	83	28	38	27	32	45.5	78.2	36.7	62.8
	-	-	0.69	0.69	0.66	0.67	0.84	0.77	0.77	0.83	0.65	0.86	0.68	0.60	0.72	0.72	0.76	0.75

Study Dates: Tue 10-23-12 thru Thur 11-1-12
 Location: On 4th Ave. N. near Dierkes St.
 Counter #: #8

Site: 4TH AVE. N.

Weekly Volume

Interval Begin	Mon 10/29/2012		Tue 10/30/2012		Wed 10/31/2012		Thu 11/1/2012		Fri 11/2/2012		Sat 11/3/2012		Sun 11/4/2012		Mon - Fri Average		Week Average		
	Northwa	Southwa	Northwa	Southwa	Northwa	Southwa	Northwa	Southwa	Northwa	Southwa	Northwa	Southwa	Northwa	Southwa	Northwa	Southwa	Northwa	Southwa	
12:00 AM	2	3	0	1	0	0	0	0	-	-	-	-	-	-	0.3	1.0	0.3	1.0	
1:00 AM	2	0	0	1	0	0	0	0	-	-	-	-	-	-	0.5	0.3	0.5	0.3	
2:00 AM	0	1	0	2	0	0	0	0	-	-	-	-	-	-	0.0	0.8	0.0	0.8	
3:00 AM	0	2	1	2	0	0	0	0	-	-	-	-	-	-	0.3	1.0	0.3	1.0	
4:00 AM	0	3	0	0	0	0	0	0	-	-	-	-	-	-	0.0	0.8	0.0	0.8	
5:00 AM	3	6	3	6	0	0	0	0	-	-	-	-	-	-	1.5	3.0	1.5	3.0	
6:00 AM	4	7	7	13	0	0	0	0	-	-	-	-	-	-	2.8	5.0	2.8	5.0	
7:00 AM	10	31	8	47	5	15	0	0	-	-	-	-	-	-	5.8	23.3	5.8	23.3	
8:00 AM	27	84	25	79	29	83	0	0	-	-	-	-	-	-	20.3	61.5	20.3	61.5	
9:00 AM	18	37	22	43	11	46	0	0	-	-	-	-	-	-	12.8	31.5	12.8	31.5	
10:00 AM	25	43	41	36	17	47	0	0	-	-	-	-	-	-	20.8	31.5	20.8	31.5	
11:00 AM	35	53	30	55	13	56	0	0	-	-	-	-	-	-	19.5	41.0	19.5	41.0	
12:00 PM	36	76	36	66	43	60	0	0	-	-	-	-	-	-	28.8	50.5	28.8	50.5	
1:00 PM	41	71	41	69	28	58	0	0	-	-	-	-	-	-	27.5	49.8	27.5	49.8	
2:00 PM	37	63	37	55	31	56	0	0	-	-	-	-	-	-	26.5	43.5	26.5	43.5	
3:00 PM	33	72	40	69	34	83	0	0	-	-	-	-	-	-	26.8	58.0	26.8	58.0	
4:00 PM	40	55	28	62	31	47	0	0	-	-	-	-	-	-	26.5	50.5	26.5	50.5	
5:00 PM	40	54	26	33	0	0	-	-	-	-	-	-	-	-	22.0	29.0	22.0	29.0	
6:00 PM	36	28	0	0	0	0	-	-	-	-	-	-	-	-	12.0	9.3	12.0	9.3	
7:00 PM	16	30	0	0	0	0	-	-	-	-	-	-	-	-	5.3	10.0	5.3	10.0	
8:00 PM	5	10	0	0	0	0	-	-	-	-	-	-	-	-	1.7	3.3	1.7	3.3	
9:00 PM	12	20	0	0	0	0	-	-	-	-	-	-	-	-	4.0	6.7	4.0	6.7	
10:00 PM	4	3	0	0	0	0	-	-	-	-	-	-	-	-	1.3	1.0	1.3	1.0	
11:00 PM	0	2	0	0	0	0	-	-	-	-	-	-	-	-	0.0	0.7	0.0	0.7	
Totals	425	754	345	639	243	552	0	0	-	-	-	-	-	-	270.5	510.7	270.5	510.7	
Combined Spk (%)	11.79		9.94		7.95		0		-		-		-		781.3		781.3		
	36.0	64.0	35.1	64.9	30.5	69.4	-	-	-	-	-	-	-	-	34.6	65.4	34.6	65.4	
Peak Hours																			
12:00 AM - 12:00 PM	11:00 AM	8:00 AM	9:45 AM	7:30 AM	8:00 AM	8:00 AM	12:00 AM	12:00 AM	-	-	-	-	-	-	9:45 AM	8:00 AM	9:45 AM	8:00 AM	
Volume	35	84	42	88	29	83	0	0	-	-	-	-	-	-	21.5	61.5	21.5	61.5	
Factor	0.80	0.94	0.75	0.69	0.56	0.86	-	-	-	-	-	-	-	-	0.86	0.80	0.86	0.80	
12:00 PM - 12:00 AM	4:15 PM	11:15 PM	1:15 PM	12:30 PM	11:00 PM	3:00 PM	12:00 AM	12:00 AM	-	-	-	-	-	-	4:15 PM	3:45 PM	4:15 PM	3:45 PM	
Volume	50	53	47	75	43	83	0	0	-	-	-	-	-	-	35.0	59.1	35.0	59.1	
Factor	0.74	0.94	0.78	0.89	0.67	0.84	-	-	-	-	-	-	-	-	0.82	0.79	0.82	0.79	



Shoshone Street

Gooding Street N

Fairfield Street N

4th Ave N

RONALD & PHYLLIS TAYLOR
3 325 GOODING ST. N.
1440 9TH AVE. E.

VERLYN BROEK
215 4TH AVE. N.

TWIN FALLS COUNTY
231 4TH AVE. N.
P.O. BOX 88

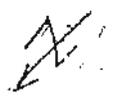
TIMOTHY THOMPSON DMD
241 4TH AVE. N.

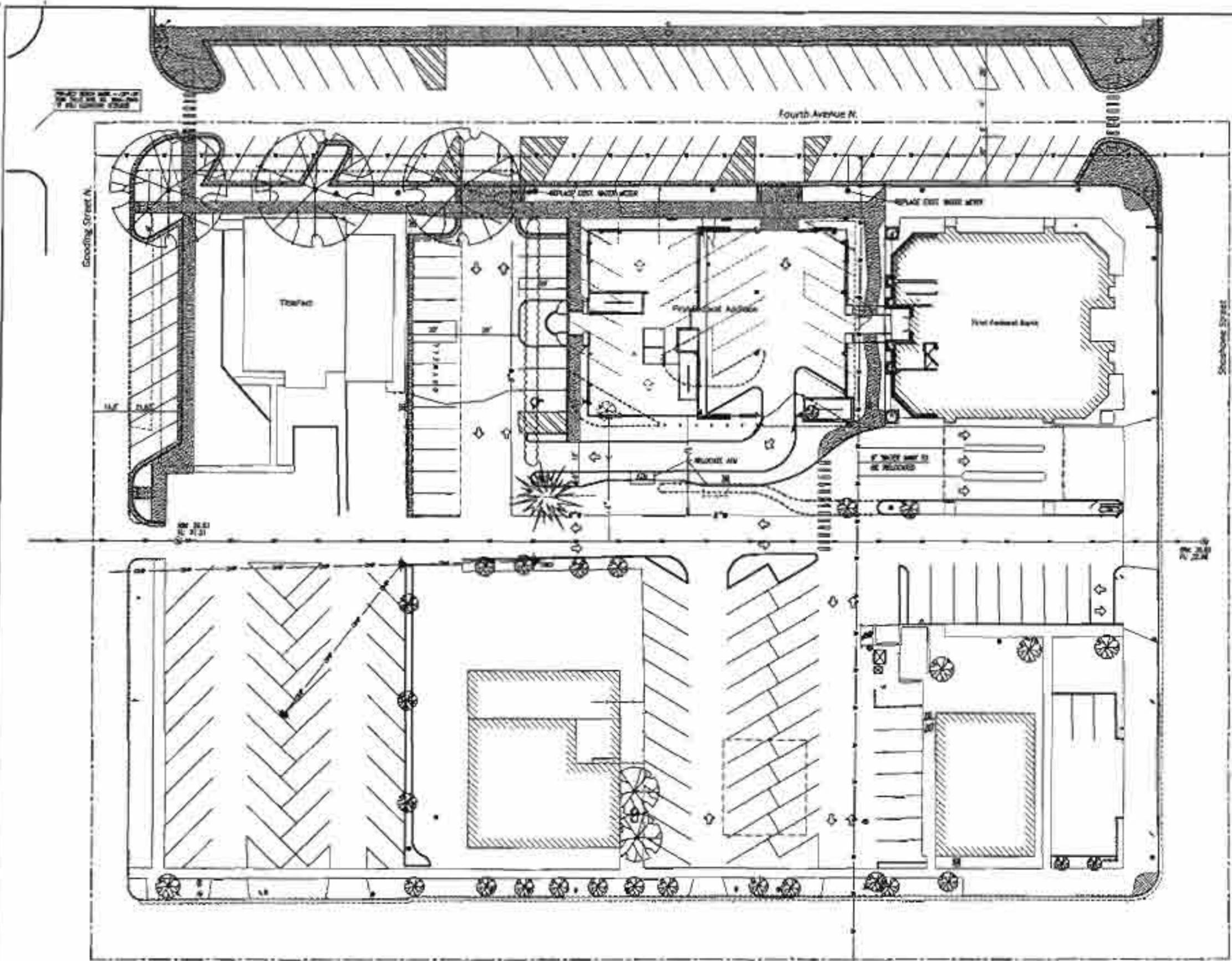
VALLEY INVESTORS, LLC
261 4TH AVE. N.

JUSTAMERE INN, LLC
401 GOODING ST. N.
P.O. BOX 1293

FIRST FEDERAL SAVINGS
228 4TH AVE. N.

TWIN FALLS COUNTY
260 4TH AVE. N.
P.O. BOX 126





Legend

	CONCRETE	ASPHALT
PROPERTY LINE	---	---
DRIVE CURBLINE	---	---
STREET CURB AND GUTTER	---	---
ALLEY CURB	---	---
WALK WAY	---	---
PAV. LOT	---	---
SEWER LINE	---	---
WATER MAIN	---	---
SEWER FORCE MAIN	---	---
WATER GAS LINE	---	---
SLURRY	---	---
GENERAL CONCRETE	---	---
CONCRETE BRICK	---	---
SEWER MANHOLE	○	○
WATER MANHOLE	○	○
WALK DRIVE	---	---
DRIVE DRIVE	---	---
DRIVE	---	---
LOW FILL	---	---
STEEL JOIST FILL	---	---
FORM FILL SPILL	---	---
RAILROAD TRACKS	---	---



EFM Engineers Inc.
 ENGINEERS/SURVEYORS/PLANNERS
 825 North College Road, Ste. 100
 Twin Falls, Idaho 83301
 (208) 734-4888

SITE PLAN FOR
FIRST FEDERAL SAVINGS BANK - MAIN BRANCH
 TWIN FALLS, IDAHO

APPROVED BY
 [Signature]

DATE: 11/15/12
 SHEET: 2012
 DRAWN: [Name]
 200-11

Twin Falls City Council
Twin Falls, Idaho

Dear Council Members,

Please accept this letter as a request to modify traffic patterns and parking on 4th Avenue North as shown on the attached plan. The one way traffic originating from Shoshone Street and angle parking resulting in significantly increased parking is essential for the planned First Federal Savings Bank downtown expansion project.

The resulting street will function much like a parking plaza providing convenient parking for the First Federal Banking center and the Twin Falls County Courthouse. This one way traffic will increase safety for pedestrians crossing the street to access either the banking facility or the county courthouse.

The Twin Falls County Commissioners have reviewed this proposal and preliminary approved the concept as an effective access to the courthouse from Shoshone Street and an enhancement to the parking in the area.

TitleFact Inc., the only other property owner within this block has reviewed the plans, supports the concept and have agreed to participate in improving the street curb, gutter, and sidewalk on their respective property. TitleFact will also gain significantly with new improved and increased parking.

Construction of the new banking facility is planned for early spring, 2013. The construction activity will make the existing customer parking unusable during the construction period. Therefore it is essential that this revised traffic and parking plan be implemented prior to beginning construction.

Thank you for your consideration of this request. We are prepared to provide you with any additional information you may require and look forward to your approval of this request.

Respectfully Yours,

Gerald Martens
Cc: Jackie Fields



Date: Monday, January 14, 2013
To: Honorable Mayor and City Council
From: Mike Williams, Assistant to the City Manager

Request:

Discussion and possible action on staff's research on anti-discrimination policies.

Time Estimate:

The presentation will take approximately 15 minutes in addition to time needed for answering questions.

Background:

At the December 10, 2012, City Council meeting, staff was asked to conduct research as to why some Idaho Cities are adding "sexual orientation" to their anti-discrimination policies. Below is a summary of the research.

During the 2012 Legislative Session, the Senate State Affairs Committee received a bill that would amend the Idaho Human Rights Act to ban discrimination in matters of employment, housing, education, and public accommodations on the basis of sexual orientation and gender identity. The Committee voted not to print the bill.

According to the Association of Idaho Cities, the legislature's decision to not add sexual orientation and gender identity into the State's non-discrimination policy has been a key motivation of some cities currently exploring and passing their own ordinance and resolution language. The other driver appears to be reported incidents and complaints of harassment based on sexual orientation occurring in some communities.

City of Boise

In 2007, the City of Boise added language to their employee resolution to not discriminate on the basis of sexual orientation and gender identity, and to promote equality and a safe workplace. Additionally, at the time they were losing a lot of employees to the private sector and they felt that broadening their anti-discrimination clause would help attract and retain employees.

On December 4, 2012 the City of Boise approved an Anti-Discrimination Ordinance prohibiting discrimination within the City of Boise on the basis of sexual orientation and gender identity in matters of employment, housing and places of public accommodation.

According to Boise Councilwoman Maryanne Jordan, she and Councilwoman Lauren McLean were motivated to push for the ordinance after hearing that some people, who were targets of hate crimes, were reluctant to contact police because they feared being terminated by their employer if they had to explain to their employers why they had to miss work for court appearances. Additionally, they felt the passage would promote the City as a place where everyone is treated equally.

City of Pocatello

November 19, 2009 – The Pocatello City Council voted to include sexual orientation and gender identity in the City's personnel policy.

In September of 2012, the City Council rejected a resolution condemning discrimination on the basis of sexual orientation and gender identity. Instead, the City Council is currently drafting a city wide policy, saying it makes more sense than a resolution because it carries more clout.

The head of the City's Human Relations Advisory Committee, Susan Matsuura says there have been a few instances where people have told her they've been fired or evicted because of their sexual orientation, and others

who say they take precautions. This ordinance is seen as a way to protect gay or lesbian citizens in matters of housing and employment.

City of Sandpoint

In December of 2011, Sandpoint became the first Idaho city to pass an anti-discrimination ordinance prohibiting discrimination in housing, employment, commercial property and the use of public accommodations on the basis of gender identity or sexual orientation.

A former councilmember, John Reuter, introduced the issue for council discussion after having conversations with some residents about reported instances of discrimination and harassment based on sexual identity.

A copy of the City of Sandpoint's Non Discrimination Policy may be found by following the link below:

City of Ketchum

The City of Ketchum has proposed an ordinance that would make it illegal to discriminate against a person because of his or her sexual orientation. The Ketchum City Council will vote on ordinance on January 22, 2012.

Other Idaho Cities who are currently considering additions to their anti-discrimination ordinances include the City of Idaho Falls and the City of Moscow. Before taking action they are looking at the ordinances passed by the City of Boise and Sandpoint. The City of Driggs considered a similar ordinance in October of 2012, but did not pass it.

City of Twin Falls

The City of Twin Falls currently includes anti discrimination language in its employee resolution that is recognized by the U.S. Equal Employment Commission (EEOC). An overview of the EEOC may be found at the following website: <http://www.eeoc.gov/eeoc/index.cfm>.

"The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Most employers with at least 15 employees are covered by EEOC laws (20 employees in age discrimination cases). Most labor unions and employment agencies are also covered. The laws apply to all types of work situations, including hiring, firing, promotions, harassment, training, wages, and benefits."

That City's philosophy is that we don't discriminate. We base our employment decisions based upon qualifications and performance.

Approval Process:

There is no approval process associated with this presentation.

Budget Impact:

There is no budget impact as a result of the presentation.

Regulatory Impact:

There is no regulatory impact associated with this request.

Attachments:

1. City of Boise, Idaho's Ordinance
2. City of Sand Point, Idaho's Ordinance

CITY OF BOISE

To: Mayor and Council
FROM: R. Stephen Rutherford
ORDINANCE NUMBER: O-36-12
DATE: November 7, 2012
SUBJECT: Anti-Discrimination Ordinance

ACTION REQUIRED: Approval

RECOMMENDATION: Approval

FISCAL IMPACT/BUDGET IMPLICATIONS: The resources required to enforce this ordinance will largely depend upon how many complaints are made to the Boise Police Department. The complaints will be received and investigated by the Boise Police Department and the administrative process as well as possible prosecution by the Boise City Attorney's Office. It is anticipated that current staffing will be sufficient to properly administer and enforce the ordinance.

BACKGROUND: This ordinance is being proposed by Council President Maryanne Jordan and Council Member Lauren McLean to ensure equal protection for everyone who works and/or lives in the City of Boise. The attached Anti-Discrimination Ordinance prohibits discrimination on the basis of sexual orientation and gender identity/expression in matters of employment, housing and places of public accommodation. The Ordinance has a very important mediation component which may serve to keep a criminal charge from being filed. Should a complaint be filed in court, a violation of the ordinance is a misdemeanor punishable by a fine of up to \$1,000 and/or up to six months in jail. A violation may be reduced to a civil infraction punishable by a \$100 fine plus court costs by a prosecutor if the defendant takes remedial measures, trains employees or otherwise conforms his/her conduct to the satisfaction of the prosecutor.

ATTACHMENTS: Ordinance O-36-12 and Summary

ORDINANCE NO. _____

BY THE COUNCIL:

CLEGG, EBERLE, JORDAN, MCLEAN,
QUINTANA AND THOMSON

AN ORDINANCE ADDING A NEW SECTION TO BOISE CITY CODE TITLE 6, CHAPTER 2, TO PROHIBIT DISCRIMINATORY ACTS IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION AND GENDER IDENTITY/EXPRESSION; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the policy and intent of the City of Boise that no person be denied equal protection of the laws; nor shall any person be discriminated against because of his or her sexual orientation or gender identity/expression; and

WHEREAS, state and federal laws prohibit discrimination in the areas of employment, public accommodation, and housing on the basis of race, color, age, sex, national origin, and/or disability, but there are no such protections against discrimination on the basis of sexual orientation or gender identity/expression; and

WHEREAS, nothing contained herein should be construed as supporting or advocating any particular doctrine, position, point of view, or religious view. To the contrary, it is the intention of this ordinance that all persons are treated fairly and equally in the City of Boise.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. The City Code of the City of Boise shall be amended by the addition of a new Chapter 2 to Title 6, entitled Discrimination Prohibited, and to provide as follows:

Chapter 2, Section 1

DISCRIMINATION PROHIBITED

Section 6-02-01 PURPOSE AND DECLARATION OF POLICY

A. In order to ensure that all persons, regardless of sexual orientation and/or gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property, and the use of public accommodations, the City of Boise has determined that discrimination on the basis of sexual orientation and gender identity/expression must be addressed, and appropriate legislation be enacted.

- B. It is hereby declared that every individual in the City of Boise has the right to work and earn wages through gainful employment, has the right to seek housing, and has the right to enjoy public accommodation and hospitality.
- C. It is hereby declared to be the public policy of the City of Boise to foster the employment of all individuals in accordance with their abilities. Every individual has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of a city by preventing all of the city's citizens from contributing to the cultural, spiritual, social, and commercial life of the community. The contributions of all the citizens of the City of Boise are essential to the City's growth, vitality, and prosperity.
- D. It is the intent of this Chapter that all persons be treated fairly and equally, and it is the express intent of this Chapter to guarantee fair and equal treatment under the law to all people in the City of Boise. The denial of fair and equal treatment under the law due to sexual orientation or gender identity/expression is detrimental to the health, safety, and welfare of the city's citizens, and damages a city's economic well-being.
- E. This Chapter shall be deemed an exercise of the police power of the City of Boise for the protection of the public welfare, prosperity, health and peace of the City of Boise, its residents and the community.
- F. The prohibitions against discriminatory acts as provided for in this ordinance are intended to supplement state and federal civil rights law prohibiting discrimination in the areas of employment, public accommodations, and housing. For complaints alleging discrimination on a basis proscribed under state or federal law (e.g. race, color, religious creed, ancestry, age, sex, national origin, and/or disability) the Complainant is advised of his or her right to file a report alleging a violation of Idaho Code section 18-7301 et. seq., and/or his or her right to file a complaint with the Idaho Commission on Human Rights and/or the Federal Equal Employment Opportunity Commission pursuant to Title VII of the Civil Rights Act of 1964 as amended, the Fair Housing Act of 1968 as amended, or the Americans with Disabilities Act of 1990 as amended.

Section 6-02-02 DEFINITIONS

- A. "DENY" includes any act which, directly or indirectly, by any person or his agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment or representation. It also includes, but is not limited to, the requiring of a person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from persons the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of sexual orientation and/or gender identity/expression,

- B. “DISCRIMINATION” is any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person’s actual or perceived sexual orientation or gender identity or because of a person’s association with any such person. Discrimination shall not be interpreted to require or to grant or accord any preferential treatment to any person because of that person’s sexual orientation or gender identity/expression.
- C. “FULL ENJOYMENT OF” shall be construed to include, but not be limited to, the right to use, rent or purchase real property, any service, commodity or article of personal property offered or sold by any person or establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular sexual orientation and/or gender identity/expression to be treated as not welcome, accepted, desired or solicited.
- D. “GENDER EXPRESSION/IDENTITY” means a gender-related identity, appearance, expression or behavior of an individual regardless of a person's assigned sex at birth.
- E. “HOUSING ACCOMMODATION” is a building or portion of a building, whether constructed or to be constructed, that is or will be used as the home, domicile, residence, or sleeping quarters of its occupants.
- F. “PERSON” shall mean any natural person, firm, corporation, partnership or other organization, association or group of persons however arranged.
- G. “PLACE OF PUBLIC RESORT, ACCOMMODATION, ASSEMBLAGE OR AMUSEMENT” includes, but is not limited to any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, provided that where public use is permitted that use shall be covered by this section; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution.

- H. “SEXUAL ORIENTATION” is actual or perceived homosexuality, heterosexuality and/or bisexuality.

Section 6-02-03 PROHIBITED DISCRIMINATORY ACTS

The following acts are prohibited and shall constitute a misdemeanor:

- A. To deny to any other person because of sexual orientation and/or gender identity/expression the right to work: (a) by failing or refusing to hire, (b) by discharging, (c) by barring from employment, (d) by discriminating against such person in compensation or in other terms or conditions of employment, or (e) otherwise discriminating against an individual with respect to employment.
- B. To deny to or to discriminate against any person because of sexual orientation and/or gender identity/expression the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement.
- C. To deny to or discriminate against any other person because of sexual orientation and/or gender identity/expression in the sale, purchase, lease or rental of any housing accommodation, or to otherwise discriminate in the terms and conditions, maintenance, improvement or repair of any housing accommodation.

Section 6-02-04 EXCEPTIONS

- A. Notwithstanding any other provision herein, nothing in this Chapter is intended to alter or abridge other rights, protections, or privileges secured under state and/or federal law. This ordinance shall be construed and applied in a manner consistent with First Amendment jurisprudence regarding the freedom of speech and exercise of religion.
- B. This chapter does not apply to:
1. Religious corporations, associations, educational institutions, or societies.
 2. An expressive association whose employment of a person protected by this chapter would significantly burden the association’s rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000).
 3. The United States government, any of its departments or agencies, or any corporation wholly owned by it; or the state of Idaho or any of its departments, agencies, or political subdivisions, except the City of Boise.
- C. This ordinance shall not apply: (a) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the lessor or a member of his family resides in one (1) of the housing accommodations, or (b) to the rental of a room or rooms in a single family

residential housing accommodation by an individual if he or a member of his family resides therein.

Section 6-02-05 PENALTY

- A. A violation of this Chapter is a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1000) and imprisonment in the county jail not to exceed six (6) months or both.
- B. A prosecutor may reduce the violation to an infraction, payable by a \$100 fine, if the defendant engages in corrective actions, which may include, but are not limited to the following: sensitivity training for the defendant and/or the defendant's employees; the defendant's agreement to adopt and pursue a policy of nondiscrimination in its practices; and the defendant's agreement to not engage in discriminatory practices in the future. The charge shall be filed as a misdemeanor violation and may only be reduced upon motion of the prosecutor. There shall be no right to a trial by jury for an infraction citation or complaint.
- C. A complaint filed under the provisions of this Chapter must be filed within 180 days of the alleged discriminatory conduct.
- D. Any person who falsely reports a violation of this chapter may be charged with the crime of False Reporting, Boise City Code 6-01-13.

Section 6-02-06 UNLAWFUL INTIMIDATION, RETALIATION, AND INTERFERENCE

It shall be unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, for assisting, or participating in any manner in the investigation, or in mediation concerning this Chapter.

Section 6-02-07 PRIVATE RIGHT OF ACTION

There is no private right of action that is created by this Chapter or money damages available to any person based on this Chapter.

Section 6-02-08 SEVERABILITY

If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

Section 2. Nothing in this Ordinance shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, and permit issued, or any cause or causes of action existing under the General Ordinances of the City of Boise or the State of Idaho.

Section 3. That a summary of this Ordinance, attached hereto as Exhibit A, is approved as to both form and content.

Section 4. That this Ordinance shall be in full force and effect January 1, 2013.

PASSED by the Council of the City of Boise, Idaho, this ___ day of _____, 2012.

APPROVED by the Mayor of the City of Boise, Idaho this ___ day of _____, 2012.

APPROVED:

ATTEST:

David H. Bieter
MAYOR

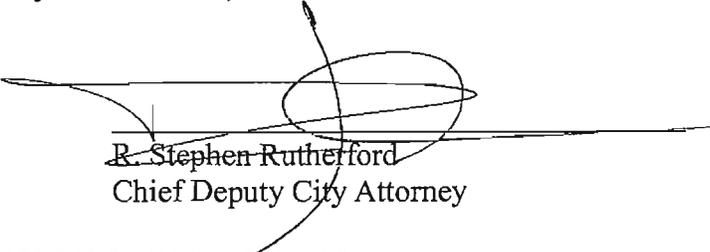
Debbie Broughton
EX-OFFICIO CITY CLERK

EXHIBIT "A"

**STATEMENT OF BOISE CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. _____**

The undersigned, R. Stephen Rutherford, in his capacity as Chief Deputy City Attorney of the City of Boise City, Idaho, hereby certifies that he is a legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. _____ of the City of Boise City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this 9 day of November, 2012.


R. Stephen Rutherford
Chief Deputy City Attorney

**SUMMARY OF ORDINANCE NO. _____
OF THE CITY OF BOISE CITY, IDAHO**

PUBLIC NOTICE IS HEREBY GIVEN that the City of Boise City, Idaho, adopted at its regular meeting of _____, _____, 2012, that Ordinance No. _____ entitled:

AN ORDINANCE ADDING A NEW SECTION TO BOISE CITY CODE TITLE 6, CHAPTER 2, TO PROHIBIT DISCRIMINATORY ACTS IN HOUSING, EMPLOYMENT AND PUBLIC ACCOMMODATIONS BASED UPON SEXUAL ORIENTATION AND GENDER IDENTITY/EXPRESSION; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance creates a new Section 2 to Title 6 of Boise City Code, entitled Discrimination Prohibited. The purpose of the ordinance is to ensure that all persons, regardless of sexual orientation and/or gender identity/expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing, commercial property, and the use of public accommodations. The ordinance sets forth definitions and lists prohibited discriminatory acts pertaining to: Employment, such as failing or refusing to hire, discharging, barring from employment, discriminating in compensation or in other terms or conditions of employment; Public Accommodation, enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement; and Housing, in terms of the sale, purchase, lease or rental of any housing accommodation within the City of Boise.

The ordinance sets forth exceptions to the ordinance regarding religious organizations; expressive associations whose employment of a person would significantly burden the association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000); other governmental entities; and rental of a housing containing accommodations for not more than two families living independently of each other, if the lessor or a member of his family resides in one of the housing accommodations, or to the rental of a room or rooms in a single family residential housing accommodation by an individual if he or a member of his family resides therein.

The ordinance sets forth misdemeanor penalties for violation of the ordinance and also provides that a prosecutor may reduce the violation to an infraction, payable by a \$100 fine, if the defendant engages in corrective actions. The ordinance makes it unlawful to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, for assisting, or participating in any manner in the investigation, or in mediation concerning the ordinance. The ordinance clarifies that there is no private right of action that is created by this ordinance and that if any provision or section of the ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of the ordinance, which shall remain in full force and effect and that the ordinance shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, and permit issued, or any cause or causes of action existing under the General Ordinances of the City of Boise or the State of Idaho.

The ordinance establishes an ordinance effective date and approves this ordinance summary. The effective date of the Ordinance is the date of its passage, approval and publication. A copy of the full text of the Ordinance is available at the City Clerk's office, 150 North Capitol Boulevard, in Boise, Idaho 83701. Examination may be requested in writing or in person during regular business hours of the City Clerk's office, from 8:00 a.m. until 5:00 p.m. pursuant to Section 50-901A(4), Idaho Code.

DATED this _____ day of _____, 2012.

City of Boise City, Idaho

ATTEST:

MAYOR
David H. Bieter

EX-OFFICIO CITY CLERK

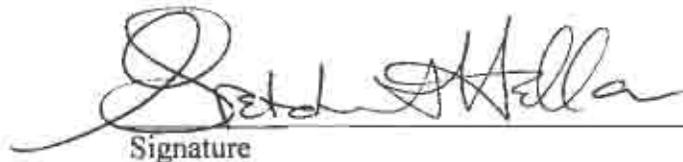
City of Sandpoint Non-Discrimination Policy Statement

The City of Sandpoint hereinafter referred to as the "Recipient" assures that no person shall on the grounds of race, color, national origin, sex, age, disability, or retaliation as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259), and subsequent related acts, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100.259 (S.557) March 22, 1988.)

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient's City Clerk Maree Peck is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.



Signature

GRETCHEN A. HELLAR

Gretchen A. Hellar, Mayor

7 12 2010

Date

Discrimination Complaint Procedure

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with City of Sandpoint. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the City of Sandpoint's Title VI Coordinator for review and action.

In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:

- a) The date of alleged act of discrimination; or
- b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the City of Sandpoint or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the City of Sandpoint, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the Sponsor's investigative procedures as outlined below.

Please Note This Exception to the Procedures Below: All complaints regarding accessibility for the disabled must be forwarded directly to the Idaho Transportation Department (ITD) for investigation.

Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as to ITD and/or the US Department of Transportation (USDOT).

The City of Sandpoint will advise ITD within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to ITD:

- a) Name, address, and phone number of the complainant.
- b) Name(s) and address(es) of alleged discriminating official(s).
- c) Basis of complaint (i.e., race, color, national origin or sex)
- d) Date of alleged discriminatory act(s).

- e) Date of complaint received by the City of Sandpoint.
- f) A statement of the complaint.
- g) Other agencies (state, local or Federal) where the complaint has been filed.
- h) An explanation of the actions the City of Sandpoint has taken or proposed to resolve the issue raised in the complaint.

Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the City of Sandpoint's authorized representative. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint, the City of Sandpoint's authorized representative will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ITD, or USDOT, if they are dissatisfied with the final decision rendered by the City of Sandpoint. The Title VI Coordinator will also provide ITD with a copy of this decision and summary of findings upon completion of the investigation.

Contacts for the different Title VI administrative jurisdictions are as follows:

LPA Title VI Coordinator
Maree Peck
City Clerk
City of Sandpoint,
1123 Lake Street
Sandpoint, ID 83864
208-263-3310
cityclerk@ci.sandpoint.id.us

Idaho Transportation Department
Equal Employment Opportunity Office – External Programs
Karen Sparkman, EEO Manager, Title VI & ADA Coordinator
PO Box 7149
Boise, ID 83707-1129
208-334-8852
Karen.sparkman@itd.idaho.gov

Federal Highway Administration
Idaho Division Office
Peter Hartman, Division Administrator
3050 Lakeharbor Lane, Suite 126
Boise, ID 83703
208-334-9180



Date: Monday, January 14, 2013
To: Honorable Mayor and City Council
From: Travis Rothweiler, City Manager

Request:

Consideration and adoption of Ordinance Number 3045, an Ordinance of the City Council providing for the sale and issuance of bonds for the modified local improvement district (LID) number 2012-1 as requested by petition by Chobani.

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 ask the City Council to consider the adoption of Ordinance 3045. This ordinance allows the City to create the modified local improvement district. This ordinance was drafted in accordance with Title 50, Chapter 17 of the Idaho Code by Rick Skinner, bond counsel for this project, and reviewed by City Attorney Fritz Wonderlich.

Since the announcement and execution of the development agreement, Chobani has been covering the upfront costs of the improvements by providing advances to the City of Twin Falls Urban Renewal 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.

At its meeting on October 22, 2012, the City Council received a petition from Chobani requesting the formation of a modified local improvement district. At that meeting, the City Council adopted Resolution No. 1895, which declared the intention of the City Council to create an LID for the purpose of acquiring, constructing and installing various public infrastructure improvements needed to support Chobani's expansion to Twin Falls. The Resolution was unanimously adopted by the City Council and established that a public hearing would be held on November 5, 2012. The resolution was unanimously adopted by the City Council.

At its meeting on November 5, 2012, the City Council provided an opportunity for the public to voice their thoughts on the creation of the LID and adopted Ordinance 3040. As described in the Ordinance and the attached legal description and map, only 20 +/- acres of Chobani's 190 +/- acres are included in the LID and include the area where the manufacturing facility has been built. The balance of their property is not included in the LID. Additionally, the 20 +/- acres is the only property that is impacted by this decision. Ordinance 3040 stated 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 public improvements include improvements to the water system, waste water system, roadway, and utility systems. These improvements will benefit more than the 20 +/- acres being considered for the LID, as requested by Chobani.

Of the total amount (\$32,509,000 as reference above), no portion will be paid from state, federal, county, city or other sources other than Chobani, specifically the levy of special assessments against Chobani. As Chobani pays its annual property tax assessment, a credit on payments of the LID bonds will be made. The LID was created to provide an additional layer of coverage for the investment bank and to assist in covering initial/upfront costs associated with the specific public improvements that have been made. The public improvements to the City's sewer system, pre-treatment system, water system, related utility extensions, road and other facilities.

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 of Twin Falls with the passage Ordinance 3045.

Regulatory Impact:

The City's ability to create a local improvement district is provided for in Title 50, Chapter 17. Through this process, the City has:

- Adopted Resolution 1895, a Resolution of the City Council expressing the intent of creating a modified local improvement district. (Idaho Code 50-1707)
- Adopted Resolution 3040, an Ordinance states the City is creating a modified local improvement district. (Idaho Code 50—1710)
- Adopted Resolution 1896, a Resolution of the City Council allowing the City to issue interim warrants for the purpose of meeting costs and expenses of making local improvement district improvements prior to the sale of bonds and prepayment and payment of assessments. (Idaho Code Section 50-1722)
- Ordinance 3041, an Ordinance of the City Council creating modified local improvement district 2012-1. (Idaho Code Section 50-1713). The City Council is required to hold public hearing on the assessment roll that was signed by City Engineer, mailed to Chobani, published with the Times News and filed in the office of the City Clerk. The purpose of the public hearing is to have the City Council consider objections to the assessment roll. The only property owner within the proposed local improvement district is Chobani.

Ordinance 3045 allows for the sale and issuance of bonds associated with LID number 2012-1. This is the last legislative step in this process.

Conclusion:

Staff recommends the adoption of Ordinance 3045.

Attachments:

1. Twin Falls City Council Ordinance 3045, including corresponding exhibits

ORDINANCE NO. 3045

AN ORDINANCE PROVIDING FOR THE SALE AND ISSUANCE OF BONDS FOR LOCAL IMPROVEMENT DISTRICT NO. 2012-1 OF THE CITY OF TWIN FALLS, IDAHO; PROVIDING FOR THE PAYMENT AND COLLECTION OF SPECIAL ASSESSMENTS LEVIED IN SAID LOCAL IMPROVEMENT DISTRICT; PROVIDING FOR THE HANDLING OF FUNDS RECEIVED FROM SPECIAL ASSESSMENTS AND THE CREATION AND ENFORCEMENT OF LIENS IN CONNECTION WITH THE SALE AND ISSUANCE OF BONDS; PROVIDING FOR THE CREATION OF A LOCAL IMPROVEMENT DISTRICT BOND FUND AND INTEREST FUND; PRESCRIBING DETAILS CONCERNING THE FOREGOING; PROVIDING FOR A REASSESSMENT OF ASSESSMENTS AND THE REISSUE OF BONDS; REPEALING CONFLICTING PROCEEDINGS; ORDERING PUBLICATION; PROVIDING IRREPEALABILITY; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Twin Falls, Idaho (the “City”), has taken the requisite legal action preliminary to and in the creation of Local Improvement District No. 2012-1 of the City of Twin Falls, Idaho, for the purpose of providing for the financing of certain improvements in said Local Improvement District No. 2012-1 (the “District”) as hereinafter designated, and has, in Ordinances Nos. 3040 and 3041, passed and approved respectively by the City Council on November 5, 2012, and December 3, 2012, created said District and levied valid special assessments on certain real property in said District to defray the cost and expenses of said improvements, all pursuant to Chapter 17, Title 50, Idaho Code, as amended; and

WHEREAS, the property to be assessed of said District, from which the funds are to be received from the levy of said assessments in order to make payments on the hereinafter mentioned Bond, is as described on Exhibit “A” attached hereto and by this reference made a part hereof; and the improvements made within the said boundaries of the District include the acquisition and construction of various sewer system, pre-treatment system, water system, related utility extensions, road and other facilities and related improvements and related improvements and costs (the “Project”); and

WHEREAS, the total estimated cost and expenses of said improvements in said District are in the amount of up to \$32,509,000, of which the sum of \$-0- is estimated to be paid from state, federal, county, city or other sources and the remaining amount, up to \$32,509,000, which shall be paid from the proceeds of Bonds (defined below) secured by the levy of special assessments in said District and payments on certain related Urban Renewal Agency of the City of Twin Falls, Idaho Revenue Allocation Bonds Series 2013A (the “Revenue Allocation Bonds”) which shall be deemed a credit on payments of the Bonds and therefore a credit against the related payment of installment payments on the District’s assessments, and from any interest earnings on Bond Funds; and

WHEREAS, under the provisions of Chapter 17, Title 50, Idaho Code, as amended, the City of Twin Falls, Idaho (the “City”), is authorized to pledge the unpaid portion of the aforementioned special assessments in said District for the payment of the Bonds hereinafter authorized, and to provide for the payment of said unpaid portion of the special assessments in installments; and

WHEREAS, the City, on behalf of the District, has negotiated for the sale of the Local Improvement Bonds, Series 2013, for Local Improvement District No. 2012-1 (herein the “Bond” or “Bonds”) with Zions First National Bank (the “Purchaser”) in the amount of up to \$32,509,000; and

WHEREAS, pursuant to said negotiation, the Purchaser has agreed to accept from the City on behalf of the District future prepayments on the Bonds on any date hereafter prior to maturity as set forth hereinafter and to re-amortize and re-calculate thereafter the remaining installments of principal and interest due from the City on the Bonds; and

WHEREAS, pursuant to said negotiation, the City, on behalf of the District, has determined it is in the best interests of the City and the District to award the sale of said Bonds to the Purchaser, at the price of par and accrued interest to date of delivery, if any, and at the initial interest rate not to exceed 5.50% per annum for the Bonds as shown in Exhibit “B,” attached hereto and by this reference made a part hereof, which interest rate is subject to adjustment as provided in Section 6.0 hereof and Exhibit “B” hereto, and it is deemed desirable now to authorize the issuance of said Bonds and to confirm the sale thereof.

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

Section 1.0 Assessments; Interest; City to Send to Property Owners Notice of Any Annual Installment Payment Due. Subject to the provision for crediting payments on the Revenue Allocation Bonds and the requirements for payment on thirty (30) days’ notice described below in this Section, the assessments within the District levied by Ordinance No. 3041 (the “Assessment Ordinance”), and which have not been paid, shall be payable in as nearly as may be possible twenty (20) further substantially equal amortized annual installments of principal and interest, which shall be due on or before the 25th day of March, in each of the years 2014 to 2033, inclusive, and shall bear interest on the unpaid amount thereof from the date of the Bond, at the annual rate of interest not to exceed 5.50%, subject to adjustment as provided in Section 6.0 hereof and Exhibit “B” hereto. The first of such amortized annual installments of principal and interest and costs of administration shall be payable commencing on March 25, 2014, and thereafter on the 25th day of March until principal is paid in full, the annual installments and the interest on said unpaid assessments being payable in lawful money of the United States of America, at the Office of the City Treasurer of said City, all as otherwise provided in Ordinance No. 3041 levying said assessments. Said amortized annual installments are estimated to at least equal the payments due on the Bonds.

Payments made on the Revenue Allocation Bonds shall be a credit against payments on the Bonds and, therefore, the installment payments of assessments will be conditional. The condition for payment of the Bonds and for collection of the installment payment of the assessments will be any shortfall in the collection of tax increment plus the payment by Chobani Idaho, Inc., formerly Agro-Farma Idaho, Inc. (the “Owner”) pursuant to the Development Agreement dated November 3, 2011 as amended (“Development Agreement”) between the City and Owner resulting in insufficient proceeds to meet the periodic payment obligations on the Revenue Allocation Bonds. Installment payments on the assessments will correspond in amount and interest rate to the payments on the Revenue Allocation Bonds. To the extent that a payment

is made on the Revenue Allocation Bonds, the same will constitute a credit against the payment of the Bonds and the corresponding installment payment of the assessment.

Upon notice from the holder of the Bonds, the Urban Renewal Agency of the City of Twin Falls Idaho (the "Agency") or Trustee of the Revenue Allocation Bonds as to the happening of the condition, the City Clerk will give the assessed property owners 30 days written notification that the corresponding installment payment of the assessment is due and payable on the next March 25, and shall be in an amount equal to the deficiency in payment of the Revenue Allocation Bonds from the tax increment, net of any payments received under the Development Agreement, prorated amongst the assessed property owners in the proportion each owner's assessment bears to the total. If the payment of the tax increment recovers and there are sufficient proceeds to meet the periodic payment obligation of the Revenue Allocation Bonds, the condition requiring the payment of the Bonds from the assessment payments will no longer be in force until such time, if any, another shortfall in tax increment payments occurs.

Subject to the foregoing three (3) paragraphs, all installment payments shall be due on March 25, in each of the years 2014 to 2033, inclusive, which is an annual date at least five days prior to the date a payment on the Bonds becomes due. The installment payments shall be paid to the City Treasurer at the Twin Falls City Hall. Installment payments will be delinquent twenty (20) days after due.

Subject to and as and when required as set forth above, the City Clerk shall send to each property owner in the District that is presumed to have elected to pay its assessment by installment an annual notice of any assessment installment payment that is due and the terms of payment set out in this Ordinance and in Ordinance No. 3041, and shall file an affidavit of such mailing in the office of the City Treasurer.

Section 2.0 Bond Fund and Interest Fund; Reserve Fund. There are also hereby created the Bond Fund for Local Improvement District No. 2012-1 (herein the "Bond Fund") and the Interest Fund for Local Improvement District No. 2012-1 (herein the "Interest Fund") as more fully described hereinafter. For the purposes of securing the issuance of the Bonds, all installment payments of assessments levied under the District, including all principal of and interest on such assessments and any penalties accrued shall be collected by the Treasurer of the City and deposited in the Bond Fund or Interest Fund as hereinafter provided. All monies in the Bond Fund and Interest Fund are hereby irrevocably pledged for the payment of the Bonds. In addition, a Reserve Fund is established which shall be deemed funded through the reserve fund for the Revenue Allocation Bonds, to be held and administered by the Trustee for the Revenue Allocation Bonds in the amount of the Reserve Fund Requirement as defined in the Bond Resolution for the Revenue Allocation Bonds.

Section 3.0 Collection and Application of Funds. The City Treasurer shall be, and he or she hereby is, authorized and empowered, and it shall be his or her duty to receive and collect for said District all assessments levied to pay the costs of said improvements, the installments thereof, the interest thereon, subject to the credit for payment on the Revenue Allocation Bonds, and the penalties accrued, including, without limiting the generality of the foregoing, the whole of the unpaid principal which becomes due and payable immediately because of the failure to pay any installment, whether of principal or interest, when due, and to pay and disburse such payments to the person or persons lawfully entitled to receive the same, in accordance with the laws of the State of Idaho and all the ordinances and resolutions of said City. In connection

therewith, the Treasurer shall cooperate and work with the Trustee for the Revenue Allocation Bonds in the determination of any lack of payment of tax increment for the Revenue Allocation Bonds net of payment on the Development Agreement and the collection and enforcement of the said assessment installment payments and all actions taken with respect thereto. Any monies received constituting the payment of principal of said unpaid installments of assessments for the District shall be placed in the Bond Fund and shall be used as soon as they are available therefor for the purpose of paying, in regular numerical order, the principal of the Bonds for said District when the same is due, and for no other purpose whatsoever, and as security for such payment the Bond Fund is hereby irrevocably pledged. All monies constituting the payment of interest on said unpaid installments of assessments for the District shall be placed in the Interest Fund and shall be used as soon as they are available therefor for the purpose of paying the interest on the Bonds of said District when the same is due, and for no other purpose whatsoever, and as security for such payment said Interest Fund is hereby pledged. Money in the Bond Fund of said District shall be accounted for separate and apart from the bond funds of any other local improvement districts, and from any other funds of said City, and shall from time to time, as received, be deposited in such bank or banks as are designated as depositories of public monies for the funds of said City under the depository laws of the State of Idaho for the deposit of public funds or invested as provided by law. Interest received on such funds so deposited or invested shall be placed to the credit of the fund from which it is earned.

Section 4.0 Delinquent Assessments. If the owner of any lot or parcel of land assessed for said improvements shall be delinquent in the payment of any assessment installment of principal or interest due, it shall be the duty of the City and its officers to cause the registered owner of the Bonds to be immediately notified of such delinquency, in writing, and if such delinquency shall not be paid within ten (10) days after the date of such delinquency, then the City at its own expense and in cooperation with the registered owner(s) of the Bonds and the Trustee for the Revenue Allocation Bonds, shall forthwith collect the assessment and foreclose the special assessment lien against the property in the manner now or hereafter provided by the Local Improvement District Code (Title 50, Chapter 17, Idaho Code, as amended) of the State of Idaho for the collection of said assessment and the foreclosure of said lien, or otherwise as provided by law. In addition, the Treasurer may take such actions as necessary to cause delinquent certificates to be issued in accordance with Title 50, Chapter 17, Idaho Code, as amended.

Section 5.0 Assessment Lien. The assessments and the interest thereon have been and shall continue to constitute, and are hereby declared to be, a lien in the several amounts assessed against each lot or tract of land hereinbefore specified, which lien shall be superior to the lien of any mortgage or other encumbrance, whether prior in time or not, and shall constitute such lien until paid.

Section 6.0 Authorization and Description of Bonds. For the purpose of financing said improvements in the District, there shall be issued in the name of the City of Twin Falls, Idaho on behalf of the District, one or more Local Improvement Bonds, Series 2013, for the City of Twin Falls, Idaho, Local Improvement District No. 2012-1 (herein the “Bond” or “Bonds”) in the aggregate principal amount of up to \$32,509,000, which amount is not in excess of the contract price and the expenses of said improvements and related financing costs, and which Bonds shall be dated the date of issuance and delivery of the Bonds (“Closing”), and shall be in authorized minimum denominations of \$100,000 and integral multiples of \$1,000 and bear interest on the unpaid principal thereof until paid at the initial interest rate not to exceed 5.50% per annum, with said interest rate to be recalculated and adjusted as described in Exhibit “B”

hereto, with amortized principal and interest payable in twenty (20) substantially equal annual installments of principal and interest on April 1 of each year, commencing April 1, 2014, and ending April 1, 2033, both principal and interest being payable at the Office of the City Treasurer of the City of Twin Falls, Idaho, subject to the conditions set forth in Section 1.0 hereof. The Bond shall be in substantially the form of and shall bear interest at the rate as set forth in Exhibit "B" hereto consistent with the commitment of Purchaser dated November 28, 2012. The annual installments of amortized principal and interest shall be calculated as approximately equal installments of principal and interest amortized over 20 years, and are subject to re-amortization and re-calculation each year on April 1 of any subsequent year or the interest rate is adjusted as provided in Exhibit "B" hereto if and to the extent prepayments on or redemption of any of the Bonds are made pursuant to Section 7.0 herein.

Section 7.0 Redemption. The District hereby reserves the right to prepay and redeem any of the Bonds, at the redemption price of par and accrued interest thereon, in whole or in part, at its option on any date hereafter prior to maturity. The District shall receive and permit prepayment of assessment installments only in accordance with the Assessment Ordinance and credits on Bond payments for payments on the Revenue Allocation Bonds shall only be applied in connection therewith to the extent such Revenue Allocation Bond payments have already been made. Bonds to be prepaid or redeemed shall be selected by the Bond Registrar and shall, in the event less than all of the outstanding Bonds are to be redeemed, insofar as can be done taking into consideration the denominations of the outstanding Bonds, be in even dollar increments of \$1,000 or multiples thereof. Bonds called for redemption shall be redeemed at a redemption price equal to the principal amount thereof plus accrued interest to the redemption date. Notice of any intended redemption shall be given not less than thirty (30) nor more than sixty (60) days prior to the redemption date by first-class mail, postage prepaid, to the registered owner of any Bonds to be redeemed at the address appearing in the bond register described in Section 9.0 hereof. The requirement of this Ordinance shall be deemed to be complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owner of the Bond. Interest on a Bond shall cease to accrue on the date fixed for prepayment and redemption unless the Bond is not prepaid and redeemed upon presentation made pursuant to such call. Notice having been given in the manner hereinbefore provided, the Bond shall become due and payable on the redemption date so designated, and upon presentation thereof at said office, the District will pay the Bond. Following any such prepayments and redemptions, all subsequent annual installments of principal and interest which are outstanding on any remaining unpaid or unredeemed portion of the Bonds shall be reamortized and recalculated, as new equally amortized annual payments of principal and interest, taking into account any prepayments and redemptions previously made, and a revised Schedule I shall be prepared and shall govern and be incorporated into the future annual payment terms for the remaining Bonds.

Section 8.0 Execution of Bonds. The Bonds shall be payable to the registered owners thereof and shall be executed and signed as follows:

A. If facsimile signatures are to be printed on the Bonds, then pursuant to Sections 59-1018 through 59-1023, Idaho Code, the Mayor, the City Treasurer, and the City Clerk shall each forthwith file with the Secretary of State of the State of Idaho, his or her manual signature certified by him or her under oath.

B. The Bonds shall be signed on behalf of the City with the manual or facsimile signature of the Mayor; the Bonds shall be countersigned with the manual or facsimile

signature of the Treasurer and attested with the manual or facsimile signature of the Clerk; and the Bonds shall bear the manual or facsimile of the seal of the City. The certificate endorsed on the Bonds shall be executed with a manual or facsimile signature of the Clerk. The Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the City on behalf of the District, notwithstanding that before the delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. The Mayor, Treasurer and Clerk, at the time of the execution of the Bonds and a signature certificate appertaining thereto, each may adopt as and for his or her own manual or facsimile signature the signature of his or her predecessor in office in the event that such manual or facsimile signature appears upon the Bonds.

Section 9.0 Bond Registration. The Bonds shall be registered for payment as to both principal and interest. The City Treasurer is appointed bond registrar (herein the “Registrar” or “Bond Registrar”) and shall maintain books for the registration, transfer and conversion of the Bonds, including a listing of all registered owners of the Bonds and their correct addresses (the “Bond Register”), and shall authenticate the Bonds and do all things authorized by the Idaho Registered Public Obligations Act, Chapter 9, Title 57, Idaho Code. The Registrar shall register or permit to be transferred or discharged from registration any Bond presented for such purpose subject to said Act and such reasonable regulations as the Registrar may prescribe and after the City is reimbursed for any tax or governmental charge payable in connection therewith. For the purposes of said Registered Public Obligations Act, this Bond Ordinance shall constitute a “system of registration” within the meaning, and for all purposes, of said Act.

Section 10.0 Ownership of Bonds. The City and its officers shall treat the person in whose name the Bond is registered as the absolute owner, whether or not such Bond shall be overdue. All payments made as provided in this Ordinance shall be valid and effectual to discharge the liability upon the Bonds to the extent of the amount so paid.

Section 11.0 Form of Bonds. The Bonds for said District shall be in substantially the form as set forth on Exhibit “C” hereto.

Section 12.0 Sale of Bonds; Interest of Bondowners. The Bonds herein authorized, when executed, shall be issued to the Purchaser thereof or his lawful designee(s). The sale of the Bonds to the Purchaser, is hereby authorized and approved in accordance with this Ordinance and in accordance with a Purchase Commitment dated November 28, 2012 with Purchaser which is hereby authorized, ratified and approved. The exact amount of Bonds to be executed and delivered to Purchaser shall not exceed \$32,509,000. The City on behalf of the District shall cause the proceeds of the sale of the Bonds to be immediately transmitted to the Trustee for the Revenue Allocation Bonds as consideration therefor and applied to the payment of costs of issuance, the repayment of the District’s Interim Warrant, Series 2012 issued to finance the Project and applied as required under the resolution of the Urban Renewal Agency of the City of Twin Falls, Idaho authorizing the Revenue Allocation Bonds to establish a reserve fund and for payment of other costs of the Project. The sale of the Bonds herein authorized to said Purchaser, at the price of par and accrued interest to the date of delivery, if any, is hereby ratified and confirmed; and when issued, said Bonds shall transfer to the owner thereof all the rights and interest of the City in and with respect to every assessment against the property in said District liable to assessment for such local improvements and the liens thereby created against the property in said District liable to assessment for such local improvements and the liens thereby

created against the property of the property owner assessed as shall not have availed itself of the provisions of law in regard to the redemption of his property from the lien or such assessment and shall authorize the owner or owners of said Bonds to receive and have collected the assessment or assessments embraced in any such Bond through any of the methods provided by law for the collection of assessments for local improvements; and the City hereby pledges to such owner or owners of said Bonds the exercise of all lawful corporate powers in the collection of the assessments for the redemption of said Bonds.

Section 13.0 Bondowner Remedies. Any owner of the Bonds, may, either at law or in equity, by suit, action, mandamus or other appropriate proceeding in any court of competent jurisdiction, protect the liens and other obligations created by this Ordinance, the Assessment Ordinance and other related ordinances on the proceeds of said assessments, and may by suit, action, mandamus or other appropriate proceedings enforce and compel the performance of any duty imposed upon the City by the provisions of this Ordinance, including, without limiting the generality of the foregoing, the segregation of assessments and the proper application thereof.

Section 14.0 Reassessment. Pursuant to Section 50-1720, Idaho Code, the City hereby covenants with the Purchaser and with all subsequent owners of the Bonds that if ever the assessments of the District have failed to be valid in whole or in part for want of form or sufficiency, informality, irregularity or nonconformance with the laws governing such assessment, the City shall, to the extent permitted by law, reassess such assessments and enforce their collection in accordance with the provisions of the law existing at the time the reassessment is made. The City further covenants that when for any cause, mistake or inadvertence the amounts heretofore assessed shall not be sufficient to pay the cost and expenses of the improvements made and enjoyed by owners of property in the District, the City shall make reassessments on all property in the District sufficient to pay for such improvements. Such reassessment shall be made and collected in accordance with the provisions of the law existing at the time of its levy.

Section 15.0 Reissuance of Bonds. The City additionally covenants with the Purchaser and the subsequent owners of the Bonds, pursuant to Section 50-1725, Idaho Code, that if the City on behalf of the District shall ever default in the payment of principal or interest or if the Bonds shall have been declared invalid or void by order or decree of court, the City on behalf of the District shall, to the extent permitted by law, reissue the Bonds at the same rate of interest and in such amount as will cover the principal and interest due on the Bonds, and the Bonds upon which there has been default or which have been declared invalid or void shall thereupon be surrendered and canceled. The lien created by the levy of assessments heretofore made for the District shall remain in full force and effect.

Section 16.0 Filing for Tax Deed. Pursuant to Sections 63-1005 and 63-1006, Idaho Code, as amended, any bondholder may file with the County Treasurer of the Twin Falls County, Idaho, a written request for notice of the issuance of a tax deed on property upon which said lien for assessments located in said Local Improvement District on behalf of which his Bond was issued. Said request, if made, shall be in the form prescribed in said Sections 63-1005 and 63-1006, Idaho Code, as amended.

Section 17.0 Prepayment of Assessments. As provided in the Notice sent to property owners within the District pursuant to the Assessment Ordinance, and in accordance with Section 50-1715, Idaho Code, as amended, any prepayments of assessments after January 6, 2013, must

include the full principal amount of the unpaid assessments plus any applicable penalties and all accrued interest through the date of payment of the same, plus additional interest thereon, at the initial rate of interest of 5.50% per annum (subject to adjustment as hereinbefore stated) from the date of the last installment of assessment due through a date which is one (1) year after the next interest date on the Bonds.

Section 18.0 Conflicting Actions Repealed; Publication. All ordinances, resolutions and parts thereof, in conflict with the provisions of this Ordinance, to the extent of such conflict, are hereby repealed, and this Ordinance or a summary thereof shall be published as required by law.

Section 19.0 Ordinance Is a Contract and Irrepealable; Variation of Terms of Bonds or Installment Payment of Assessment by Certificate at Closing. The provisions of this Ordinance shall constitute a contract between the City and the registered owners of the Bonds so long as principal and interest thereon remain unpaid. After the Bonds are issued, this Ordinance shall be and remain irrepealable until the Bonds and the interest thereon shall be fully paid and discharged, as herein provided. The terms and conditions for the Bonds or the installment payment of assessments of the District may be altered or varied pursuant to a terms certificate signed by the City on behalf of the District and the Purchaser at the time of issuance and closing of the Bonds.

Section 20.0 Severability. If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provision of this Ordinance.

Section 21.0 Emergency. An emergency existing therefor, which emergency is hereby declared to exist, this Ordinance shall be in full force and effect immediately upon its passage, approval and publication and second and third readings hereof have been duly and properly waived by the City Council.

[Remainder of page intentionally left blank]

PASSED by the City Council of the City of Twin Falls, Idaho, this 14th day of January, 2013.

APPROVED by the Mayor of the City of Twin Falls, Idaho, this 14th day of January, 2013.

By: _____
Mayor

ATTEST:

CITY CLERK

PUBLISH: on or before January 17, 2013

EXHIBIT "A" TO ORDINANCE

Description of Boundaries of 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 dated November 1, 2012 executed by Chobani Idaho Inc., formerly Agro-Farma Idaho, Inc., covering parcel A, described below.

The foregoing property is also benefited by a Non-Exclusive Parking Area Easement dated November 1, 2012 executed by Chobani Idaho Inc., formerly Agro-Farma Idaho, Inc., covering parcel B, described below.

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.

Thence along a curve to the left

Δ - 41°55'26"

A - 142.68

R - 195.00

C - 1139.52

LCB - North 20° 50' 40" East

Thence North 00° 07' 03" West 103.96 feet to a point on said right of way line;

Thence South 89° 49' 24" East 7.12 feet along said right of way line to the REAL POINT OF BEGINNING.

The above described parcel contains 0.41 Acres +/- (18,029 Sq. Ft.)

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 “B” TO ORDINANCE

(Terms of the Bond)

1. Interest rate: (a) An initial rate until five (5) year after issuance of the Bonds to be calculated based on the associated LIBOR rate + 4.00% per annum, subject to adjustment and recalculation as set forth in (b) below:

(b) On the 5th anniversary of the issuance of the Bonds and every 5 years thereafter, at the District’s option, the interest rate shall be recalculated based on the associated LIBOR rate + 4.00% per annum fixed for up to 5 years, provided further that upon payment in full of the Urban Renewal Agency of the City of Twin Falls, Idaho Revenue Allocation Bonds, Series 2013B, at the District’s option, the interest rate on the Bonds shall bear interest at an interest rate fixed for the remainder of the 5-year period based upon the associated LIBOR rate + 3.50% per annum, on the principal balance owing, which interest rate shall then be recalculated every 5 years thereafter on the same reduced basis. Interest shall be calculated on the basis of a 360 day year, actual number of days elapsed.

2. Amortization and Debt Service Schedule to be calculated and determined as set forth in Section 6.0.

EXHIBIT "C" TO ORDINANCE

(Form of Bond)

Number: R-1

\$ _____

UNITED STATES OF AMERICA
STATE OF IDAHO
CITY OF TWIN FALLS

LOCAL IMPROVEMENT DISTRICT NO. 2012-1
OF THE CITY OF TWIN FALLS, IDAHO
LOCAL IMPROVEMENT BOND, SERIES 2013

INTEREST RATE:

Initially ____% subject to adjustment

DATED DATE:

_____, 2013

KNOW ALL MEN BY THESE PRESENTS that the City of Twin Falls, Idaho (the "City"), on behalf of Local Improvement District No. 2012-1 of the City (the "District"), for value received, hereby promises to pay to

* * * ZIONS FIRST NATIONAL BANK * * *

or registered assigns from the funds hereinafter described, the sum of:

* * * _____ and ___/100 DOLLARS * * *

in lawful money of the United States of America with interest on the unpaid principal balance at the rate of _____ AND ___/100 PERCENT (____%) per annum from the date hereof until said principal sum is paid in full, subject to adjustment as provided in Section 6.0 and Exhibit B of the Bond Ordinance (defined below), with amortized principal and interest initially payable at the times and in the amounts as set forth on Schedule I attached hereto, or on any future revised Schedule I prepared and attached as a consequence of the said interest rate adjustment or subsequent prepayments made on this Bond. Amortized principal and interest shall be paid in twenty (20) substantially equal annual installments of principal and interest commencing on April 1, 2014, and annually on April 1 of each year thereafter, until the principal amount of this Bond is paid in full. Both principal of and interest on this Bond are payable in lawful money of the United States of America to the registered owner hereof whose name and address appear on the registration books of the City (the "Bond Register") maintained by the City Treasurer as Bond Registrar. Said payments are conditioned upon the provisions for crediting of certain payments and related matters as further described in Section 1.0 of the Bond Ordinance (defined below).

This Local Improvement Bond is issued by the City on behalf of the District for the purpose of financing the cost of constructing certain improvements within the District, the nature of which being described in the Bond Ordinance. Payments on certain revenue allocation bonds of the Urban Renewal Agency of the City of Twin Falls, Idaho shall be credited against payment

on this Bond as provided in the Bond Ordinance defined below, and this Bond is also payable as to principal and interest from and is secured by the irrevocable pledge and dedication of the funds to be derived from the collection of special assessments on real property in said District, which special assessments were levied by Ordinance No. 3041, passed and approved by the City Council of the City on December 3, 2012, and the unpaid portion of which has been pledged to the payment of this Bond, pursuant to Ordinance No. 3045 passed and approved by the City Council of the City on the 14th day of January, 2013 (the "Bond Ordinance"), all in accordance with and under the authority of Chapter 17, Title, 50, Idaho Code, as amended. The assessments made and levied to finance the costs and expenses of the work or improvements authorized by the provisions of the Local Improvement District Code, or any law of the State of Idaho, are by statute made a lien upon and against the property in said Local Improvement District upon which such assessment or assessments were made and levied from and after the 3rd day of December, 2012, which lien is superior to the lien of any mortgage or other encumbrance, whether prior in time or not, and shall constitute such lien until paid. Pursuant to Sections 63-1005 and 63-1006, Idaho Code, as amended, a bondholder may file with the County Treasurer of the Twin Falls County, Idaho, a written request for notice of the issuance of a tax deed on property located in said District, upon which said lien for assessments exists. The City hereby obligates itself, and is bound under the terms and provisions of said law, to cause said assessments to be properly collected, and to apply the proceeds of said assessments to no other purpose than to pay when due, the principal of and interest on this Bond.

In conformity with said law, it is hereby provided that the principal sum herein named shall be payable from the Bond Fund in the hands of the City Treasurer designated "Bond Fund for Local Improvement District No. 2012-1 of the City of Twin Falls, Idaho" (herein the "Bond Fund"), pledged solely for the payment of the principal of this Bond, and consisting of all monies constituting payment of principal on assessments unpaid at the time of issuance of this Bond, and the interest herein shall be payable from the Interest Fund designated "Interest Fund for Local Improvement District No. 2012-1 of the City of Twin Falls, Idaho" pledged for the payment of the interest on this Bond, and consisting of all monies constituting the payment of interest on assessments unpaid at the time of the issuance of this Bond.

Section 50-1723, Idaho Code, reads as follows:

"LIABILITY OF MUNICIPALITY. -- The holder of any bond, issued under the authority of this code, shall have no claim therefor against the municipality by which the same is issued, except to the extent of the funds created and received by assessments against the property within any local improvement district as herein provided and to the extent of the local improvement guarantee fund which may be established by any such municipality under the provisions of this code, but the municipality shall be held responsible for the lawful levy of all special taxes or assessments herein provided and for the faithful accounting of settlements and payments of the special taxes and assessments levied for the payment of the bonds as herein provided. The owners and holders of such bonds shall be entitled to complete enforcement of all assessments made for the payment of such bonds. A copy of this section shall be plainly written, printed or engraved on the face of each bond so issued."

Subject to the requirements of the Bond Ordinance, the District hereby reserves the right to prepay and redeem any of the Bonds, in whole or in part, on any date hereafter prior to

maturity. Bonds to be prepaid or redeemed shall be selected by the Bond Registrar and shall, in the event less than all of the outstanding Bonds are to be redeemed, insofar as can be done taking into consideration the denominations of the outstanding Bonds, be in even dollar increments of \$1,000 or multiples thereof. Bonds called for redemption shall be redeemed at a redemption price equal to the principal amount thereof plus accrued interest to the redemption date. Notice of any intended redemption shall be given not less than thirty (30) nor more than sixty (60) days prior to the redemption date by first-class mail, postage prepaid, to the registered owner of any Bonds to be redeemed at the address appearing in the bond register described in Section 9.0 of the Bond Ordinance. The requirement of the Bond Ordinance shall be deemed to be complied with when notice is mailed as therein provided, regardless of whether or not it is actually received by the owner of the Bond. Interest on a Bond shall cease to accrue on the date fixed for prepayment and redemption unless the Bond is not prepaid and redeemed upon presentation made pursuant to such call. Notice having been given in the manner hereinbefore provided, the Bond shall become due and payable on the redemption date so designated, and upon presentation thereof at said office, the District will pay the Bond. If any prepayments and redemptions are made pursuant to Section 7.0 of the Bond Ordinance, or the interest rate is adjusted as provided in Section 6.0 and Exhibit B of the Bond Ordinance, a revised Schedule I shall thereafter be prepared and attached to this Bond in accordance with Section 7.0 of the Bond Ordinance and it shall govern any future annual payment dates and amounts on the remaining Bonds.

It is certified that this Local Improvement Bond is authorized by and issued in conformity with the requirements of the Constitution and statutes of the State of Idaho.

It is further certified, recited and declared that all acts and things required to exist, to happen and to be performed precedent to and in the issuance of this Local Improvement Bond necessary to constitute the same legal, binding and valid obligations of the City on behalf of the District, in accordance with the tenor and terms of this Bond, have existed, have happened and have been performed in due time, form and manner; and that the aforesaid special assessments have been legally levied, and that this Bond does not exceed the amount of unpaid assessments as set forth in the Bond Ordinance.

This Bond is issued upon the above terms and conditions, to which each taker and owner hereof consents and agrees, and it shall be subject to the specific provisions stated herein.

IN WITNESS WHEREOF, the City of Twin Falls, Idaho, has caused this Local Improvement Bond to be executed with the manual or facsimile signature of its Mayor, countersigned with the manual or facsimile signature of its Treasurer, and attested by the manual or facsimile signature of its City Clerk and the facsimile of the corporate seal of the City to be imprinted thereon, as of the ___ day of _____, 2013.

(Facsimile or Manual Signature)
MAYOR

(Facsimile or Manual Signature)
CITY TREASURER

(FACSIMILE SEAL)

(Facsimile or Manual Signature)
CITY CLERK

IT IS HEREBY CERTIFIED That attached hereto is a true and complete copy of the legal opinion of Skinner Fawcett LLP of Boise, Idaho, which opinion was dated the date of delivery and payment for the Bond described therein, an original of which was delivered to me on said date and is a part of the permanent records of the City of Twin Falls, Idaho.

THE CITY OF TWIN FALLS, IDAHO

(Facsimile or Manual Signature)
CITY CLERK

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Name of Transferee: _____

Address: _____

Tax Identification No. _____

the within Bond and hereby irrevocably constitutes and appoints

_____ of _____

to transfer said Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____.

Registered Owner

NOTE: The signature on this Assignment must correspond with the name of the registered owner as it appears upon the fact of the within Bond in every particular, without alteration or enlargement or any change whatever.

SIGNATURE GUARANTEED:

NOTICE: The signature(s) should be guaranteed by an eligible guarantor institution, (banks, stockbrokers, savings and loan associations and credit unions with membership in an approved signature medallion program), pursuant to S.E.C Rule 17Ad-15.

SCHEDULE I

Schedule of Principal and Interest Payments on the Bonds

(to be attached)