



**CITY OF TWIN FALLS, IDAHO  
SPECIAL MEETING NOTICE  
Monday, June 3, 2013  
4:00 P.M.**

The Monday, June 3, 2013, meeting of the Twin Falls City Council will be held at 4:00 P.M. in the City Council Chambers located at 305 3rd Avenue East, Twin Falls, Idaho.

The purpose of the meeting:

Presentations by eligible applicants for Municipal Power Outsource Grant (MPOG) funding.

**Leila A. Sanchez  
Deputy City Clerk/Recording Secretary**

COUNCIL MEMBERS:

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



**AGENDA**  
Meeting of the Twin Falls City Council  
**Monday, June 3, 2013**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho

**4:00 P.M.**

Presentations from eligible Municipal Powers Outsource Grants (MPOG) applicants.

**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG  
CONFIRMATION OF QUORUM  
INTRODUCTION OF STAFF  
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
PROCLAMATIONS: None

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of a request to approve the accounts payable for May 21, 2013 – June 3, 2013. 2. Consideration of a request to approve the following City Council Minutes: a. April 29, 2013 b. May 6, 2013 c. May 13, 2013 d. May 20, 2013	<u>Action</u>	<u>Staff Report</u> Sharon Bryan Leila Sanchez
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a request to reconsider conditions placed on an amendment to the Muni Storage C-1 PUD Agreement, approved May 20, 2013. 2. Consideration of the R-2 NCO Tomeryl, LLC Planned Unit Development (PUD) Agreement between the City of Twin Falls and Tom and Cheryl Arledge. 3. Consideration of a request to award the 2013 Slurry Seal Project to Intermountain Slurry Seal, Inc. in the amount of \$297,597.58 4. Consideration of a request to award the 2013 Chip Seal Project to Emery, Inc. in the amount of \$391,708.96. 5. Consideration of a request to adopt Resolution 1906, authorizing the reimbursement of engineering and other related expenses associated with the City's wastewater treatment projects with proceeds from the sale of Revenue Bonds. 6. Public input and/or items from the City Manager and City Council.	Possible Action Action Action Action	Mitchel Humble/ Gregg Olsen Mitch Humble Jacqueline Fields Jacqueline Fields Lorie Race
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u>            6:00 P.M. - None</b>		
<b>V. <u>ADJOURNMENT:</u></b>		

*\*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.

**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>			



**MINUTES**  
**Meeting of the Twin Falls City Council**  
**Monday, May 6, 2013**  
**City Council Chambers**  
**305 3rd Avenue East -Twin Falls, Idaho**

3:30 P.M.

The purpose of the meeting:

Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

5:00 P.M.

- PLEDGE OF ALLEGIANCE TO THE FLAG**
- CONFIRMATION OF QUORUM**
- INTRODUCTION OF STAFF**
- CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**
- PROCLAMATIONS:**
- American Legion Auxiliary Poppy Days**
- National Police Week Peace Officer's Memorial Day.**

AGENDA ITEMS	Purpose	By:
<b>I. CONSENT CALENDAR:</b> 1. Consideration of a request to approve the accounts payable for April 29 – May 6, 2013; May 1, 2013, Fire Payroll, total: \$51,563.43 2. Consideration of a request to approve the April 8 and April 15, 2013, City Council Minutes. 3. Consideration of a request to approve the Western Days Special Events Application and Western Days Parade Application. Western Days is scheduled to be held on Friday, May 31; Saturday, June 1; and Sunday, June 2, 2013. The parade is scheduled to be held on Saturday, June 1, 2013. 4. Consideration of a request to approve a Half Marathon sponsored by the Magic Valley Community Fun Run Organization. This event will be held on Saturday, June 1, 2013, and will coincide with the Western Days Event and Parade.	Action	Staff Report Sharon Bryan L. Sanchez  Sgt. Ryan Howe  Sgt. Ryan Howe
<b>II. ITEMS FOR CONSIDERATION:</b> 1. Presentation on the finances of the City of Twin Falls for the first 6 months of fiscal year 2012-2013. The presentation will be an overview of the tax-supported funds and the three major enterprise funds, Water, Wastewater, and Sanitation. 2. Continued discussion on FY 2014 budget. 3. Public input and/or items from the City Manager and City Council.	Presentation  Discussion	Lorie Race  Travis Rothweiler
<b>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>		
<b>IV. PUBLIC HEARINGS: 6:00 P.M.</b> 1. Request for the Vacation of "Tract E", 25' x 109' (2725 sq. ft.), a Utility and Non-Vehicular Access, located between 555 & 583 Falling Leaf Lane (Lots 24 & 25), within Canyon Trails Subdivision No. 9- / Canyon Properties PUD #229. c/o Tim Vawser on behalf of Gary N. Nelson / Canyon Properties, LLC (app. 2559) 2. Request for the Vacation of a platted Utility & Vehicular Access Easement, 30' x 478' (14,340 sf), located between Lot 1 & Lot 14, Block 14, within Canyon Trails Subdivision No. 5- / Canyon Properties PUD #229. c/o Tim Vawser/EHM Engineers on behalf of Gary N. Nelson / Canyon Properties, LLC (app. 2560) 3. A public hearing to consider a request to amend building permit fees.	Public Hearing  Public Hearing  Public Hearing	Mitchel Humble  Mitchel Humble  Mitchel Humble
<b>V. ADJOURNMENT:</b>		

MINUTES

Monday, May 6, 2013

Page 2 of 8

***\*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.***

MINUTES

Monday, May 6, 2013

Page 3 of 8

Present: Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Chief Finance Officer Lorie Race, Community Development Director Mitchel Humble, Chief Brian Pike, Sgt. Ryan Howe, Deputy City Clerk/Recording Secretary Leila A. Sanchez

3:30 P.M.

The purpose of the meeting:

Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

**MOTION:**

Vice Mayor Hall made the motion to adjourn to Executive Session 67-2345(1)(c) as presented. The motion was seconded by Councilperson Talkington and roll call vote showed Councilmembers Hall, Hawkins, Lanting, Munn, Mills Sojka, and Talkington voted in favor of the request. Approved 6 to 0. Councilperson Barigar was not present.

5:00 P.M.

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him and Boy Scout from Troop 161. Mayor Lanting introduced staff.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

City Manager Rothweiler requested the following be added to the Consent Calendar:

Consideration of a request by Rosalinda Paiz to approve the 28th Annual Mother's Day and Latin Fiesta to be held at the City Park.

**MOTION:**

Councilperson Talkington made the motion to approve the amendment to the agenda as presented. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**PROCLAMATIONS:**

American Legion Auxiliary Poppy Days

Vice Mayor Hall read the proclamation.

Delores Wilcox explained the significance of Poppy Days and Operation Comfort Warrior.

National Police Week Peace Officer's Memorial Day.

Mayor Lanting read the proclamation.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for April 29 – May 6, 2013, total: \$372,332.67  
May 1, 2013, Fire Payroll, total: \$51,563.43
2. Consideration of a request to approve the April 8 and April 15, 2013, City Council Minutes.
3. Consideration of a request to approve the Western Days Special Events Application and Western Days Parade Application. Western Days is scheduled to be held on Friday, May 31; Saturday, June 1; and Sunday, June 2, 2013. The parade is scheduled to be held on Saturday, June 1, 2013.
4. Consideration of a request to approve a Half Marathon sponsored by the Magic Valley Community Fun Run Organization. This event will be held on Saturday, June 1, 2013, and will coincide with the Western Days Event and Parade.

MINUTES

Monday, May 6, 2013

Page 4 of 8

5. Consideration of a request by Rosalinda Paiz to approve the 28th Annual Mother's Day and Latin Fiesta to be held at the City Park. (Addition to the Consent Calendar.)

Consent Calendar I.3. and I.4. will be heard separately.

**MOTION:**

Councilperson Barigar made a motion to approve the Consent Calendar with the exception of Item I.3. and I.4. Councilperson Hawkins seconded the motion and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

- I.3. Consideration of a request to approve the Western Days Special Events Application and Western Days Parade Application. Western Days is scheduled to be held on Friday, May 31; Saturday, June 1; and Sunday, June 2, 2013. The parade is scheduled to be held on Saturday, June 1, 2013.

Councilperson Barigar asked if the Western Days Committee has paid the City for overtime hours incurred from previous Western Days events.

Chief Finance Director Race answered in the affirmative.

Councilperson Hawkins asked what streets will be closed for the Basketball 3 on 3.

Sgt. Ryan stated that streets on 4<sup>th</sup> Avenue East from Shoshone to Hansen Street and Hansen Street to 5<sup>th</sup> Avenue will be closed.

- I.4. Consideration of a request to approve a Half Marathon sponsored by the Magic Valley Community Fun Run Organization. This event will be held on Saturday, June 1, 2013, and will coincide with the Western Days Event and Parade.

Councilperson Mills Sojka asked who pays for the overtime hours costs of \$264.

Chief Pike explained that the event coincides with the Western Days Parade and the City absorbs the costs. The City has not traditionally charged for the Western Days Parade.

**MOTION:**

Councilperson Talkington made the motion to approve the Half Marathon sponsored by the Magic Valley Community Fun Run Organization as presented. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation on the finances of the City of Twin Falls for the first 6 months of fiscal year 2012-2013. The presentation will be an overview of the tax-supported funds and the three major enterprise funds, Water, Wastewater, and Sanitation.

Chief Finance Officer Race gave the presentation.

Council discussion followed.

- Court Revenues
- Contributions
- Miscellaneous
- Airport Revenues
- Fire District
- Water Bond
- Tax Rate Revenues
- Idaho Power request for rate increase

Chief Finance Officer Race stated that she would report back to the Council with details on the Court Revenues, Contributions, and Miscellaneous.

City Manager Rothweiler stated that should the May 21, 2013, Bond Election pass, it is anticipated that the first rate adjustment will be in late fall/early winter.

MINUTES

Monday, May 6, 2013

Page 5 of 8

Recess 5:58 P.M.

Reconvened at 6:06 P.M.

2. Continued discussion on FY 2014 budget.

City Manager Rothweiler continued the budget discussion.

Council discussion followed.

-Health Insurance costs

City Manager Rothweiler stated that Human Resources are currently investigating costs on the implementation of Obama Care and State Health Insurance Exchange

Councilperson Barigar

Continue making strides in funding

Streets construction and construction needs

Parks – money into single project to finish

Continue to work on collaboration Public/Private Partners, etc.

Do we need a position to help coordinate collaboration?

Councilperson Mills Sojka

Park Trails and Park Master Plan (both in Strategic Plan and Transportation Master Plan)

Don't defer maintenance on streets, water, and wastewater

Water redundancy top priority

Plan for downtown parking (in Strategic Plan) holistic view

Grant writer

If invest in city buildings, invest in a building downtown and a building that is already in place

Councilperson Talkington

Encourage URA infrastructure revitalization

Relocation of truck lane –Southeast Bypass

Realignment of the Second Avenues

Community Garden

Vice Mayor Hall

The URA is currently updating their strategic plan

Water infrastructure (lines, generators, etc.)

Open to more personnel discussions

Grant Writer

Observed the need of more space for Police and Fire

Councilperson Hawkins

Compensation Package Phase II

Water and road infrastructure

IT (I/S) Infrastructure and training

Councilperson Munn

Encouraged investing in City facilities - Capital projects on our public buildings

Councilperson Mills Sojka

Supports grant writer, not collaboration coordinator

Supports re-use of existing building downtown, but not building a new one

Vice Mayor Hall

Police is growing and needs space and would be open to moving City Hall to make room for Police

Councilperson Lanting

Concerned about funding all the listed priorities

MINUTES

Monday, May 6, 2013

Page 6 of 8

City Manager Rothweiler discussed the improvements at the Library and Public Works Water Shop. Discussion has been made on having the Hansen Building and City Hall in one building. Priority would be to investigate the Police Department, Fire Department and Public Works facilities. At this time, the City Hall building works well for employees.

Councilperson Mills Sojka stated that she is in favor of staffing a grant writer.

City Manager Rothweiler stated that the budget being discussed does not contemplate a new City Hall. Currently, the focus is on water, streets and wastewater and wastewater.

Vice Mayor Hall stated for clarification that he is not advocating for a new City Hall. The Police Department and Fire Department are growing and are in need of additional space.

3. Public input and/or items from the City Manager and City Council.

City Manager Rothweiler stated the Citizens Committee on Infrastructure is scheduled to meet in an open house forum in the Twin Falls Council Chambers located at 305 Third Avenue East on Wednesday, May 8 and May 16, 2013, to present information regarding a proposed wastewater bond and to answer questions.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

Councilperson Mills Sojka stated that on May 7, 2013, she and Councilperson Munn will have office hours between 5:30 P.M. to 7:00 P.M., in the City Council Overflow Room.

Councilperson Barigar gave an update on the Hanging Basket Partnership.

Mayor Lanting commended the Fire Department for their assistance on the City of Jerome Fire on April 29, 2013.

*Mayor Lanting allowed the following items IV.1 and IV.2 to be heard at once.*

**IV. PUBLIC HEARINGS: 6:00 P.M.**

1. Request for the Vacation of "Tract E", 25' x 109' (2725 sq. ft.), a Utility and Non-Vehicular Access, located between 555 & 583 Falling Leaf Lane (Lots 24 & 25), within Canyon Trails Subdivision No. 9- / Canyon Properties PUD #229. c/o Tim Vawser on behalf of Gary N. Nelson / Canyon Properties, LLC (app. 2559)
2. Request for the Vacation of a platted Utility & Vehicular Access Easement, 30' x 478' (14,340 sf), located between Lot 1 & Lot 14, Block 14, within Canyon Trails Subdivision No. 5- / Canyon Properties PUD #229. c/o Tim Vawser/EHM Engineers on behalf of Gary N. Nelson / Canyon Properties, LLC (app. 2560)

Tim Vawser, representing the applicant, explained the requests.

The developer has a potential client who needs more than the acreage that is encompassed on the lot, 6 acres in total. There is a platted easement along the shared lot line at Canyon Trails #9 that needs to go through the vacation process to make it happen. It will be rededicated at the future lot line and submitted as a separate legal to the City Engineering Department. As of now, the development plans for the vacation of Tract E have not been reviewed by Engineering but it is entirely possible that the applicant will not need to vacate if Engineering agrees with the routing of the utilities and the sidewalk. The request is for the vacation to be contingent on the need and if there is such a need then the ordinance will be recorded and the applicant will rededicate by separate legal and other tract if so deemed. Canyon Trails 9 has been platted and is in escrow, and the development has taken place. Canyon Trails 5 is platted and ready to be developed. The potential user is compliant with the C-1 zone. Widening the road adjacent to the parcel on Parkview will create better access.

Council discussion followed.

- Widening of Parkview
- Realignment
- Vehicular access easement of 30' wide
- Location of walking trail

Tim Vawser stated that having a sale agreement and having the sale could expedite the widening of Parkview.

MINUTES

Monday, May 6, 2013

Page 7 of 8

The developer is planning to replace the area in-kind. A jog in the plans was made to allow the utilities to go through with a separation. The tract itself is for utilities and a walk path. The vehicular access easement of 30' will be for utilities and a private drive to be shared between the two parcels. The developer would like to keep the utilities and shared access in place. The majority of the shared access will provide for fire truck access and turnaround on looped roads, if needed.

As part of the recorded PUD agreement, there were provisions that were negotiated between the City and the developer, in which there would be a certain amount of walking connectivity between residential and commercial. The applicant is only required to provide the connectivity, but it is entirely possible it could continue on in the form of a walk or some other interior design common to the building permit process.

Councilperson Mills Sojka encouraged the developer to have the walking trail end somewhere into a street or into a path, and to be ADA accessible.

Community Development Director Humble explained the requests and the vacation process using overhead projections.

Tim Vawser has requested the following condition: The recording of the vacation to be subject to Engineering's review of the Tract 9 of the development plan.

Staff concurs with the recommendations of the Planning and Zoning Commission.

The public comment portion of the hearing was opened and closed with no input.

**MOTION:**

Councilperson Talkington made a motion to approve the Vacation of "Tract E", 25' x 109' (2725 sq. ft.), a Utility and Non-Vehicular Access, located between 555 & 583 Falling Leaf Lane (Lots 24 & 25), within Canyon Trails Subdivision No. 9- / Canyon Properties PUD #229, c/o Canyon Properties, LLC (app. 2559), as presented and subject to the following conditions:

- 1) Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
- 2) Subject to a new tract being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229.
- 3) Subject to a new easement being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229
- 4) The recording of the vacation to be subject to Engineering' review of the tract 9 of the development plan.

The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**MOTION:**

Councilperson Mills Sojka made a motion to approve the Vacation of a platted Utility & Vehicular Access Easement, 30' x 478' (14,340 sf), located between Lot 1 & Lot 14, Block 14, within Canyon Trails Subdivision No. 5- / Canyon Properties PUD #229, c/o Canyon Properties, LLC (app. 2560), as presented and subject to the following conditions:

- 1) Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with a - all applicable City Code requirements and Standards.
- 2) Subject to a new tract being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229.
- 3) Subject to a new easement being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229.

The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. A public hearing to consider a request to amend building permit fees.

Community Development Director Humble explained the requests using overhead projections.

Council discussion followed.

Opened and closed the public comment portion of the hearing.

**MOTION:**

Councilperson Munn made a motion to suspend the rules and place Ordinance 3049,

MINUTES

Monday, May 6, 2013

Page 8 of 8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §4-1-1 BY DELETING OUTDATED BUILDING CODE REFERENCES on third and final reading by title only.

The motion was seconded by Vice Mayor Hall.

Deputy City Clerk Sanchez read Ordinance 3049, by title only.

Roll call vote showed all members present voted in favor of the motion.

Discussion followed on the effective date of the ordinance

**MOTION:**

Councilperson Barigar made a motion to adopt Ordinance 3049, as presented, with an effective date of July 1, 2013. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**V. ADJOURNMENT:** The meeting adjourned at 7:57 P.M.

Leila A. Sanchez  
Executive Assistant/Deputy City Clerk

**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>			



**MINUTES**  
**Meeting of the Twin Falls City Council**  
**Monday, May 13, 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: None**

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of a request to approve the accounts payable for May 7 – May 13, 2013. 2. Consideration of a request from Robin Dober and the Twin Falls Tonight Committee to approve the 15 <sup>th</sup> annual weekly Twin Falls Tonight Concerts commencing on June 19, 2013, and concluding August 21, 2013.	Action	Staff Report Sharon Bryan Dennis Pullin
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Presentation of a Certificate of Appreciation to Christina Bruce, President of the Twin Falls City Youth Advisory Council. 2. Presentation of the Multi-Jurisdiction All Hazard Mitigation Plan by Rick Fawcett, President of Whisper Mountain Professional Services. 3. Consideration of a request of Thomas and Heather Wangeman to waive the non-conforming building expansion permit process to allow an expansion of an existing non-conforming residence located at 4006 Canyon Ridge Drive. 4. Consideration of a request to use Street Impact Fee Funds to install a traffic signal at the intersection of North College Road and Fillmore Street. 5. Public input and/or items from the City Manager and City Council.	Presentation Presentation Action Action	Rebecca Mills Sojka/ Suzanne Hawkins Jackie Frey/TFC Dept. of Emergency Services Mitchel Humble  Jacqueline Fields
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M.</b> 1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/-) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East, TOMERYL, LLC/Tom & Cheryl Arledge c/o Scott Allen/The Land group. (app.2563)	Public Hearing	Mitchel Humble
<b>V. <u>ADJOURNMENT:</u></b> Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.		

***\*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.***

5:00 P.M.

Present: Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington  
Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitchel Humble,  
City Engineer Jacqueline Fields, Sgt. Dennis Pullin, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. Mayor Lanting introduced staff.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None**

**PROCLAMATIONS: None**

AGENDA ITEMS

Councilperson Munn recused himself from voting on Item I.2.

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for May 7 – May 13, 2013, total: \$524,941.85  
May 10, 2013, Payroll, total: \$115,203.93
2. Consideration of a request from Robin Dober and the Twin Falls Tonight Committee to approve the 15<sup>th</sup> annual weekly Twin Falls Tonight Concerts commencing on June 19, 2013, and concluding August 21, 2013. (To be heard separately.)

**MOTION:**

Councilperson Munn made a motion to approve Consent Item I.1. as presented. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**MOTION:**

Councilperson Barigar made a motion to approve Consent Item I.1. Consideration of a request from Robin Dober and the Twin Falls Tonight Committee to approve the 15<sup>th</sup> annual weekly Twin Falls Tonight Concerts commencing on June 19, 2013, and concluding August 21, 2013. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0. Councilperson Munn abstained.

Robin Dober reported on the Twin Falls Tonight Concert and Downtown Alive events.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of a Certificate of Appreciation to Christina Bruce, President of the Twin Falls City Youth Advisory Council.

Mayor Lanting, Councilpersons Mill Sojka and Hawkins presented a plaque to Christina Bruce for all her efforts and accomplishments made in the City Youth Advisory Council.

Christina Bruce stated plans to attend the College of Southern Idaho. She gave update on the Youth Council.

2. Presentation of the Multi-Jurisdiction All Hazard Mitigation Plan by Rick Fawcett, President of Whisper Mountain Professional Services.

Jackie Fry, Coordinator for the Twin Falls County Department of Emergency Services, explained that the Federal Emergency Management Agency requires that a presentation be made to review the risk ranking for each jurisdiction to the elected officials in a public meeting.

Dr. Rick Fawcett, President of Whisper Mountain Professional Services, gave an overview of the Analysis Process, Risk Rankings for the City's geographical boundaries. He asked Council on any suggestions they may have on the Mitigation Projects which might be implemented to reduce the risks presented.

The following was presented in a PowerPoint presentation:

City of Twin Falls Elected Officials Briefing

Minutes

Monday, May 13, 2013

Page 3 of 5

All Hazard Mitigation Plan	Multi-jurisdictions
Hazards Analyzed	Earthquake
Ranking Criteria	Hazard Ranking
Mitigation Projects	Next Steps

Council discussion followed:

Vice Mayor Hall asked for clarification on the goal to “Develop an ordinance that restricts building on the Snake River Canyon Rim.”

Dr. Fawcett discussed the proposed goal, “Develop an ordinance that restricts building on the Snake River Canyon Rim.” The suggestion came from the Hazard Mitigation Committee and the County Planning and Zoning approximately five years ago.

City Manager Rothweiler suggested to the Council to have City staff take a look at the projects and work with Jackie Frey and her team to supply her with a list of projects that could be included in the mitigation plan and for the City to be eligible for FEMA grants and opportunities and to move forward.

Jackie Frey stated that tonight’s presentation is to focus on addressing issues that are placed in the plan and funding for mitigation plans.

Discussion followed:

- Threat Hazard Identification Risk Assessment – Perrine Bridge (Terrorism)
- North side aquifer – long term drought
- Reactor accident concerns
- Pre-disaster mitigation

Dr. Fawcett stated that the plan will be available to the Council for review. A resolution will then be presented to Council requesting endorsement of the plan.

3. Consideration of a request of Thomas and Heather Wangeman to waive the non-conforming building expansion permit process to allow an expansion of an existing non-conforming residence located at 4006 Canyon Ridge Drive.

Community Development Director Humble explained the request using overhead projections.

The applicants would like to add a 559 sq. ft. addition on the west side of their home. The addition, as proposed, meets the required 7’ side building setback and does not expand the non-conforming portion of the home. The proposed expansion meets the required side yard setback and does not add to the existing non-conformance.

Staff recommends approval of the request as presented.

Council discussion followed.

- Setbacks
- Input from surrounding neighbors

**MOTION:**

Councilperson Talkington made the motion to approve the request of Thomas and Heather Wangeman to waive the non-conforming building expansion permit process to allow an expansion of an existing non-conforming residence located at 4006 Canyon Ridge Drive. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a request to use Street Impact Fee Funds to install a traffic signal at the intersection of North College Road and Fillmore Street.

City Engineer Fields explained the request using overhead projections.

Council discussion followed.

- Proposed Cheney Drive alignment
- Increase of traffic on North College
- Traffic on Fillmore and North College
- T intersection/Cross intersection

City Engineer Fields explained that the type of alignment discussed is shown on the Street Master Plan. She explained that at some point, with or without the Cheney Drive extension, the piece of North College between Fillmore back to Blue Lakes will need to be widened. A public hearing will be held on June 10, 2013, to discuss the alignment. The signal light is warranted by traffic flow and not accidents.

**MOTION:**

Vice Mayor Hall made a motion to use Street Impact Fee Funds to install a traffic signal at the intersection of North College Road and Fillmore Street. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Public input and/or items from the City Manager and City Council.

City Manager Rothweiler reported on the following:

Open house to be held on Waste Water Bond on May 16, 2013, at 5:00 P.M. in the City Council Chambers

Elections to be held on May 21, 2013.

Police Department fundraiser for the Special Olympics the week of May 13, 2013.

Police Officer Memorial to be held at the City Park on May 18, 2013, at 11:00 a.m.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

Vice Mayor Hall reported that the Original Townsite Walking Tour will be held at 10:00 a.m.

Councilperson Talkington gave an update on the Twin Falls Public Library extending hours, interior remodeling with the Idaho Power tax credit, the bookmobile, and laptops.

Councilperson Barigar reported on the Hanging Baskets on Shoshone Street.

Councilperson Hawkins requested to discuss the funding of the Municipal Band. She stated that MPOG have not been distributed, leaving the Municipal Band without monies to continue concerts.

City Manager Rothweiler reported that City staff has been working with Councilpersons Munn and Mills Sojka on developing the MPOG Matrix. Last year the City allocated to the City Band \$21,200. The money is available as part of the \$100,000, that is waiting for allocation.

Councilperson Mills Sojka reported that the Matrix has been completed.

**MOTION:**

Vice Mayor Hall made a motion to fund the City Band in the amount of \$21,200. The motion was seconded by Councilperson Mills Sojka.

Council discussion followed.

Councilperson Barigar stated that funding the City Band defeats the purpose of revising the MPOG process. He stated that the City Band should not be solely funded by the MPOG.

Councilperson Munn stated his concern of circumventing the MPOG process by funding the City Band.

Councilperson Mills Sojka disclosed that her husband no longer plays in the City Band.

Councilperson Munn suggested developing a line item for funding the City Band to make it fair to other participating groups.

Councilperson Barigar stated that if the intent of the Council is to perpetually fund the City Band, it should be a Parks & Recreation budget line item. The band members are paid from the funds received from MPOG. The intent of the sub-committee was to make the process accountable and impeccable.

Councilperson Hawkins stated the Council created a problem for the City Band because of the delay in the MPOG process.

Roll call vote showed Councilmembers Hall, Hawkins, Lanting, Munn, Mills Sojka, and Talkington voted in favor of the motion. Councilperson Barigar and Munn voted against the motion. Approved 5 to 2.

**IV. PUBLIC HEARINGS: 6:00 P.M.**

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/-) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East, TOMERYL, LLC/Tom & Cheryl Arledge c/o Scott Allen/The Land group. (app.2563)

Scott Allen, representing the applicant, explained the request.

Currently, Idaho Central Credit Union has a sale/purchase agreement with the owners.

Council discussion followed.

- Drive through
- Lighting issue
- Raised median on Eastland and Addison

Dustee Woolstenhulme, Idaho Central Credit Union, spoke in favor of the request and explained the plans for a proposed building.

Community Development Director Humble reviewed the request.

On April 23, 2013, the Commission held a public hearing on this request. The Commission unanimously recommended approval of the request as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the section "Covenants 4-E-4: Signage" being amended as shown in "Attachment 12" of the staff report.

Staff concurs with the recommendations.

Council discussion followed.

- NCO – Drive through lane

Community Development Director Humble explained the right of way dedication agreement between the City and the Arledges.

The public comment portion of the hearing was opened.

Jim Fort, 2133 Addison Avenue E., spoke in favor of the request.

The public comment portion of the hearing was closed.

The public hearing was closed.

**MOTION:**

Councilperson Talkington made the motion to approve the request for a Zoning District Change and Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/-) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East, TOMERYL, LLC/Tom & Cheryl Arledge c/o Scott Allen/The Land group. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**V. ADJOURNMENT:**

Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

**MOTION:**

Councilperson Munn made a motion to adjourn to Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. The motion was seconded by Councilperson Hawkins and roll call vote showed all members voted in favor of the motion.

The meeting adjourned at 7:15 p.m.

Leila A. Sanchez  
Recording Secretary/Deputy City Clerk

**COUNCIL MEMBERS:**

SHAWN	DON	SUZANNE	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	HALL	HAWKINS	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON

*Vice Mayor*

*Mayor*



**MINUTES**

Meeting of the Twin Falls City Council

Monday, May 20, 2013

City Council Chambers

305 3<sup>rd</sup> 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: **NATIONAL PUBLIC WORKS WEEK**

AGENDA ITEMS		Purpose	By:
<b>I. CONSENT CALENDAR:</b>		<u>Action</u>	<u>Staff Report</u>
1. Consideration of a request to approve the accounts payable for May 14 – May 20, 2013.			Sharon Bryan
2. Consideration of a request to approve the April 22, 2013, Minutes.			Leila A. Sanchez
3. Consideration of a request by Snake Harley-Davidson to approve its seventh season of outdoor customer appreciation concerts at their facility on various weekends from June 2, 2013, through August 16, 2013, from 6:00 p.m. to 9:00 p.m.			Dennis Pullin
4. Consideration of a request by Snake Harley-Davidson to approve their Grand Opening Celebration to be held July 26, 2013, through Sunday, July 28, 2013.			Dennis Pullin
5. Consideration of a request to approve the Annual Classic Cruisers event to be held on Friday, June 21; Saturday, June 22; and Sunday, June 23, 2013			Dennis Pullin
<b>II. ITEMS FOR CONSIDERATION:</b>			
1. Presentation of the Municipal Powers Outsource Grant Matrix.		Presentation	Rebecca Mills Sojka
2. Consideration of a request to authorize the Mayor to sign a right of way deed to provide access to the visitor center and future adjacent development.		Action	Mitchel Humble
3. Consideration of a request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/3) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East.		Action	Mitchel Humble
4. Consideration of a request to adopt an Ordinance for a Vacation of a portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9, Orcharara Subdivision to allow for replatting and residential development.		Action	Mitchel Humble
5. Public input and/or items from the City Manager and City Council.			
<b>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>			
<b>IV. PUBLIC HEARINGS: 6:00 P.M.</b>			
1. Request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 (±) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel acres and continue the operation of an outside boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive.		PH	Mitchel Humble
<b>V. ADJOURNMENT:</b>			

***\*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.***

**PRESENT:** Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington  
**ABSENT:** None  
**STAFF PRESENT:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, City Engineer Jacqueline Fields, Sgt. Dennis Pullin, Community Development Director Mitch Humble, Deputy City Clerk Sharon Bryan

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. Mayor Lanting introduced staff.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

City Manager Rothweiler asked that the following items be added:

1. Proclamation Downtown Pride Days – May 24 and 25, 2013
2. Consideration for an appointment of Jody Tatum to the Planning and Zoning Commission.

**PROCLAMATIONS:**

**NATIONAL PUBLIC WORKS WEEK**

Vice Mayor Don Hall read the proclamation.

Public Works Director Jon Caton thanked Council.

**DOWNTOWN PRIDE DAYS – May 24 and 25, 2013**

Councilperson Shawn Barigar read the proclamation.

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for May 14 – May 20, 2013.
2. Consideration of a request to approve the April 22, 2013, Minutes.
3. Consideration of a request by Snake Harley-Davidson to approve its seventh season of outdoor customer appreciation concerts at their facility on various weekends from June 2, 2013, through August 16, 2013, from 6:00 p.m. to 9:00 p.m.
4. Consideration of a request by Snake Harley-Davidson to approve their Grand Opening
  - a. Celebration to be held July 26, 2013, through Sunday, July 28, 2013.
5. Consideration of a request to approve the Annual Classic Cruisers event to be held on Friday,
  - a. June 21; Saturday, June 22; and Sunday, June 23, 2013.

Jim Munn excused himself from items 3 and 4 due to conflict of interest.

**MOTION:**

Councilperson Talkington made the motion to approve items 1, 2 & 5 of the Consent Calendar. The motion was seconded by Councilperson Hawkins. Roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

Vice Mayor Don Hall made the motion to approve items 3 & 5 of the Consent Calendar. The motion was seconded by Councilperson Barigar. Roll call vote showed members voted in favor of the motion. Approved 6 to 0. Councilperson Munn excused due to conflict of interest.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of the Municipal Powers Outsource Grant Matrix.

Councilperson Mills Sojka explained the Matrix using overhead projections. She indicated that the MPOG matrix was created so that there was consistency and uniformity in the process as well as to allow council members that had a conflict with an applicant be involved in the process.

Discussion from council ensued on the following:

- Bonus points
- Life Safety Issues

MINUTES

Monday, May 20, 2013

Page 3 of 8

- Quality of Life Issues
- Concerns with process of who should be eligible
- Confusion on scoring on the matrix
- Matrix a good tool to start
- If they meet our criteria we move them away from MPOG to the budget
- Concerned with scoring
- Matrix helps applicants to know what they will be scored upon

**MOTION:**

Councilperson Munn moved approval of the Matrix with the change from 76 points to 88 points and to remove the bonus points. The motion was seconded by Councilperson Mills Sojka and roll call vote showed members voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request to authorize the Mayor to sign a right of way deed to provide access to the visitor center and future adjacent development.

Community Development Director Humble explained the request using overhead projections. The State of Idaho, Idaho Transportation Board deeded a parcel of land to the City of Twin Falls in 2013. The quitclaim deed transfers ownership of the property to the City but does not designate its intended use. A majority vote of the Council is required to approve this request. The recommendation from staff is to authorize the mayor to sign the attached right of way deed which will designate this parcel as right of way, providing access to the visitor center and future adjacent development.

City Attorney Fritz Wonderlich explained that this is being changed from City owned property to public right of way.

**MOTION:**

Vice Mayor Don Hall made a motion to authorize the Mayor to sign a right of way deed to provide access to the visitor center and future adjacent development. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

3. Consideration of a request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/3) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North.

Community Development Director Humble explained the request using overhead projections. He explained that the Council, prior to adopting, revising or rejecting the amendment to this Title as recommended by the Commission shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the Council hearing, if said Council makes a material change from what was presented at the public hearing; further notice and hearing shall be provided before the Council adopts the amendment.

Upon granting or denying an application to amend this Title, the Council shall specify:

- (a) The regulations and standards used in evaluating the application.
- (b) The reasons for approval or denial.
- (c) The actions, if any, that the applicant could take to obtain a permit.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of this Title upon the preparation and passage of an ordinance. (Ord. 2012, 7-06-1981) Community Development Director Humble indicated that on May 13, 2013 the Twin Falls City Council unanimously approved the request for a Zoning District Change and Zoning Map Amendment for R-2 to NCO PUD for 4.71(+/-) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East, as presented and subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

2. Subject to the section "Covenants 4-E-4: Signage" being amended as shown in "Attachment 12" of the staff report.

Staff recommends that the Council adopt Ordinance #3050 as submitted.

**MOTION:**

Vice Mayor Hall made a motion to suspend the rules and place Ordinance #3050 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AMENDMENTS TO THE AREA OF IMPACT AND ZONING DISTRICTS MAPS.

on third and final reading by title only. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Sharon Bryan read the title of Ordinance #3050.

Councilperson Mills Sojka stated her concern on the PUD rezone process. She asked if the Committee is considering moving it into one process so that you can see the PUD.

Community Development Director Humble answered that the Zoning Ordinance Committee is working on the process.

**MOTION:**

Councilperson Barigar made the motion to adopt Ordinance #3050 as presented. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a request to adopt an Ordinance for a Vacation of a portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9, Orchalara Subdivision to allow for re-platting and residential development.

Community Development Director Humble explained the request using overhead projections. He explained the preliminary plat of West Haven Subdivision, consisting of 15 (+/-) acres and 70 single-family residential lots, was approved by the Commission on April 27, 2004

The final plat for West Haven Subdivision, Phase 1, was approved by the City Council on July 6, 2004 and recorded in 2005.

West Haven Subdivision, Phase 2, consisting of 3.37 (+/-) acres and 9 single-family residential lots, was approved by the City Council as presented by a vote of 5-0 subject to the following conditions:

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 arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to development of a 10' pedestrian access easement, as presented, from Wirsching Avenue West to the western boundary of the property, as required in 10-12-3.7.
4. Subject to Wirsching Avenue West being platted, as presented, at 52'.

On May 24, 2010 the City Council approved Vacation of a portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9 Orchalara Subdivision, to allow for dedication and replatting of a residential development, as presented, with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the recordation of final plat dedication of a 10' easement for a pedestrian path from Wirsching Avenue to the western edge of the property and Wirsching Avenue being platted at 52', as shown and approved on the West Haven Subdivision, Phase 2 final plat.

Due to the poor real estate market the subdivision was not developed. An extension was granted by the City Council in May 2011. The developer recently contacted city staff and informed us the infrastructure improvements have been completed and upon Engineering review the final plat is now ready to be recorded. The conditions placed upon the vacation are completed.

Staff recommends that the Council adopt Ordinance #3051.

**MOTION:**

Councilperson Talkington made a motion to suspend the rules and place Ordinance #3051 entitled:

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO VACATING THE REAL PROPERTY DESCRIBED BELOW AND PROVIDING FOR VESTING OF THE TITLE TO THE PROPERTY SO VACATED.

on third and final reading by title only. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Bryan read Ordinance 3051 by title only.

**MOTION:**

Councilperson Hawkins made the motion to adopt Ordinance #3051 as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Appointment of Jody Tatum to fill the vacant seat on the Planning and Zoning Commission.

Community Development Director Humble explained the history of the appointments. Jody Tatum will be filling in a vacated position.

Jody Tatum said she has wanted to become more active in the Community and felt this would be a good fit for her. She said that she plans to be at the majority of the meetings. She indicated that she understands that some people perceive and interpret and understand code and ordinances in different ways.

Councilperson Hawkins made the motion to appoint Jody Tatum to fill the vacant seat on the Planning and Zoning Commission. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

6. Public input and/or items from the City Manager and City Council.

- Monday, May 27, 2013 City Hall will be closed and there will be no Council meeting on Tuesday, May 28, 2013.
- Council Meeting on June 3 2013 will start at 4:00 PM
- MPOG deadline is Friday, June 24, 2013.
- Voting tomorrow, May 21, 2013. Vote at your regular precincts. Polls will be open from 8:00 AM to 8:00 PM

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

1. Policeman Memorial well attended on Saturday
2. Police Special Olympic 5k run went very well.
3. Downtown Historic Walk well attended
4. Dog Park input from community indicated that they do not want off leash in their neighborhood. The Commission is not recommending off leash this year.
5. There is \$59,000 available for dog park. There is enough to start construction on the dog park.
6. Due to several complaints on the Highland Ave resurfacing project Councilperson Talkington asked for a progress report. City Manager Rothweiler explained that it is a 2 week project and will be completed.
7. Councilperson Hall concerned about dog park off leash not being considered because of the surveys.
8. Councilperson Mills Sojka stated her concern of the speeding in the construction zone. Police are monitoring and construction company is signing.

9. Councilperson Hawkins announced that after Memorial Day weekend Auger Falls will be closed.

10 Minute Break.

#### IV. PUBLIC HEARINGS; 6:15P.M.

1. Request for an amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive.

Gregg Olsen, applicant, explained the request. He explained that they chose to phase the property into two different phases. We are asking for a deferral on the hard surface until we can build the buildings.

Bill Kyle, applicant, explained that to be cost effective they are asking to have the hard surface deferred until they build the buildings.

Community Development Director Mitch Humble explained the request using visual aids. This is a request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4+/- acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel, storage and parking areas and continue the operation of an outside Boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of a storage unit facility business on property located at 485 Grandview Drive.

There is one proposed change that is on Page 2 of the PUD Agreement which is as follows:

2-Nature of the Development; (B) Uses: The property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such described within this document. The Project's purpose and intended uses shall only be for the construction and commercial operation of mini-storage buildings and/or boat and RV storage and parking.

If the amendment is approved as requested the suggested verbiage to be added to the above section is as follows: 2-(B) Uses: "Outside automobile, boat and RV storage and parking and including U-Haul truck/trailer rentals may be stored and parked on undeveloped property located within the PUD property until such time as the area identified as "future storage units" on the Master Development Plan, Phase II, are built."

The Engineering Department has reviewed this application and subsequent PUD Amendment requests. They would not recommend allowing any undeveloped area to be used for outside storage unless it is paved. They would accept an alternative surface which would need to be two inch thick re-grind with chip seal over the top. Furthermore, any unpaved portion of the property will need to have a substantial barrier delineating the developed and undeveloped areas in order to discourage the use of the undeveloped property. Substantial barriers which are acceptable would be fencing, bumper blocks, jersey barriers, or another material or object acceptable to the Engineering Department.

The Planning and Zoning Commission held a public hearing on this request and unanimously recommended approval of the request subject to four conditions:

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards; and the recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

Staff concurs with the Commission's recommendation.

MINUTES

Monday, May 20, 2013

Page 7 of 8

Discussion ensued on the following:

- Why do we require hard surfaces?
- To prevent drainage run off issues.,
- For general appearance.
- Open ended deferral agreement – no time limit for the paving requirement. Once buildings go up and they meet code then the deferral goes away
- Comparison with other storage facilities
- P & Z or Council review should be put in place to review every 2 to 3 years.
- Changes being proposed are opposite of the conditions that are in place.
- Code allows 3 year deferral.
- Original deferral did not comply?
- This is undeveloped area that was not on original plans

Open Hearing: 6:39 PM

Mike Jones, 807 Greenwood Circle, Twin Falls with the help of visual aids explained that he owns property adjacent to the Muni Storage Facility. He stated that it is an eye sore. It has junk cars, boats; it is nothing but gravel, dirt and weeds. He said it looks more like a salvage yard and the fence is not adequate.

Floyd Miller, Jr. sent a letter to the Council expressing his concerns.

Applicant Gregg Olsen explained that he was advised by City Staff to not put a time limit on the development. He went on to explain that the paving is to keep mud off the public roads. He said that once the buildings are completed the RV parking/storage will go away. The required slats in the fence along Welch Lane were met; however, he would not have a problem installing slats on the back. He explained that he has met all the requirements for water retention.

Council discussion ensued on the following:

- The required slats in the fence are in place.
- Explanation on how the drainage works.
- The U-Haul operation has been in place since December 2012.
- PUD was not signed.
- Screening issue - fencing requirements were met.
- Time frame for the building to go up could be as short as 2 to 3 years or could be as long as 7 years.
- Is boat and RV parking separate use than vehicle parking? Could be called a same use.
- Paving will be done when buildings are built.
- Weeds need to be taken care of.
- Time limitations – Section 4-E- 5 one year application.
- Is there an issue with Staff not following up? - Both sides are at fault.
- Concerns of history of non-compliance.
- Would like to put a 3 year time frame on it.

Public Hearing Closed 7:15 PM

**MOTION:**

Councilperson Talkington made the motion for an amendment to the Muni Storage Facility C-1 PUD Agreement 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive Subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards; and the recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).

MINUTES

Monday, May 20, 2013

Page 8 of 8

3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.
5. The Applicant slat the fence along the back of the property within 6 months.
6. To continue use of non-pavement for 3 years subject to Council review at that time.

The motion was seconded by Councilperson Mills-Sojka.

A discussion ensued on clarification of the motion. Some of the Council members felt that the last condition directly conflicted with 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> conditions and so the motion was unclear.

**Amendment:**

Councilperson Mills-Sojka made the motion for an amendment to add a time limit not to exceed 3 years to recommendations 2 & 3. The motion was seconded by Councilperson Talkington and roll call vote was as follows: Those voting against were Barigar, Hall, Hawkins and Munn. Those voting in favor were Lanting, Mills-Sojka and Talkington. The motion failed. Failed 4-3

Roll call vote on the main motion showed Barigar, Hall, Hawkins, Lanting and Munn voting against and Mills Sojka and Talkington voting for. The motion failed. Failed 5 to 2

Councilperson Barigar made the motion for an amendment to the Muni Storage Facility C-1 PUD Agreement 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive Subject to the following conditions;

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards; and the recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

The motion was seconded by Councilperson Hawkins.

**Amendment:**

Vice Mayor Hall made the motion to amend the motion to place slats in the fencing on the back side. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Roll call vote on the main motion as amended was as follows: Those voting in favor were Barigar, Hawkins, Hall and Munn. Those voting against were Lanting, Mills Sojka and Talkington. Approved 4-3

**V. ADJOURNMENT:**

Meeting adjourned at 7:40 PM

**Sharon Bryan**  
Recording Secretary/Deputy City Clerk



**Date:** Monday, June 3, 2013

**To:** Honorable Mayor and City Council

**From:** Mitchel Humble, Community Development Director

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**Request:**

Consideration of a request to reconsider conditions placed on an amendment to the Muni Storage C-1 PUD Agreement, approved May 20, 2013.

**Time Estimate:**

The applicant's presentation may take up to fifteen (15) minutes. Staff's presentation may take an additional five (5) minutes. Time will be needed for discussion and questions.

**Background:**

On May 20, 2013, the City Council held a public hearing to consider a request for an amendment to the Muni Storage C-1 PUD Agreement to allow U-Haul truck rentals on the property and to defer Code required paving on the currently undeveloped portion of the property. The PUD contains 6.4± acres and is located at 485 Grandview Drive. The request was presented at a public hearing before the Planning & Zoning Commission on April 23, 2013. The Commission unanimously recommended approval of the amendment subject to four conditions. The Commission's recommendation was presented to the City Council at a public hearing on May 20, 2013. The City Council approved the request, with the four P&Z recommended conditions and one additional condition, by a vote of 4 for and 3 against. In his letter, the applicant states that he feels a majority of the Council supported his request for a paving deferral, but couldn't find deferral wording that was acceptable to a majority of the Council. He would like the City Council to reconsider the decision to allow additional time to create deferral wording that is acceptable to a majority of the Council.

This request is not a public hearing. It is a discussion by the City Council to determine if there is just cause to bring this item back for a second public hearing. If so, notification of a public hearing will be prepared in compliance with City Code. If the City Council determines not to reconsider the decision, then no further action is required.

**Approval Process:**

A simple majority vote is required to approve the request.

**Budget Impact:**

Approval of this request will require public hearing notice to be mailed to surrounding property owners and posted in the newspaper. The cost of public hearing notices is typically the responsibility of the applicant.

**Regulatory Impact:**

Approval of this request will allow another public hearing to be scheduled for the Council to reconsider their prior approval of the PUD amendment.

**Conclusion:**

Staff recommends that the Council review the applicant's request and decide whether or not to allow reconsideration of the amended Muni Storage C-1 PUD at a future City Council public hearing.

**Attachments:**

1. Letter by Applicant
2. Minutes from the May 20, 2013 City Council meeting



May 24, 2013

Twin Falls City Council  
Re: Letter of Reconsideration

Dear Council Members,

I would like you to reconsider your decision made on May 20<sup>th</sup>, 2013. Throughout the discussion and failed motions I felt the majority of the council wanted to grant the deferral with a review after three years but couldn't find the correct verbiage to accomplish this. Therefore your reconsideration is important. There were many motions made, voted on but not all were understood. I think that there was a communication disconnect so I would propose for your consideration of the following:

1. Deferral of hard surfacing in the long term storage area with the ability of use.
2. Install slats in fence next to Argo's building.
3. Manage long term storage area's weed issues when they arise.
4. Revisit deferral upon expiration of 3-year term.

The cost for these improvements could be in the area of \$25,000. To remove the existing tenants would cost us revenue which would impact our business in a very detrimental way. I'm sure as business owners you will understand the position I am in.

This certainly is an equitable solution that I believe the majority of the sitting members would and have already agreed on but just wasn't proposed in an agreeable, non ambiguous motion. If you were in my shoes I think you would agree that spending the amount of money that is being asked and then to tear it out just doesn't make sense. Your diligence in this matter is greatly appreciated and I look forward to your reconsideration.

Gregg

A handwritten signature in black ink, consisting of a large, sweeping loop that starts under the name "Gregg" and extends to the right.

485 Grandview Drive ~ Twin Falls ~ Idaho ~ 83301  
Office: (208) 731-1000 ~ Fax: (208)734-9493  
[www.munistorage.com](http://www.munistorage.com)

COUNCIL MEMBERS:

SHAWN	DON	SUZANNE	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	HALL	HAWKINS	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON

*Vice Mayor*

*Mayor*



**MINUTES**

Meeting of the Twin Falls City Council  
 Monday, May 20, 2013  
 City Council Chambers  
 305 3<sup>rd</sup> 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: **NATIONAL PUBLIC WORKS WEEK**

AGENDA ITEMS		Purpose	By:
<b>I. CONSENT CALENDAR:</b>		<u>Action</u>	<u>Staff Report</u>
1. Consideration of a request to approve the accounts payable for May 14 – May 20, 2013.			Sharon Bryan
2. Consideration of a request to approve the April 22, 2013, Minutes.			Leila A. Sanchez
3. Consideration of a request by Snake Harley-Davidson to approve its seventh season of outdoor customer appreciation concerts at their facility on various weekends from June 2, 2013, through August 16, 2013, from 6:00 p.m. to 9:00 p.m.			Dennis Pullin
4. Consideration of a request by Snake Harley-Davidson to approve their Grand Opening Celebration to be held July 26, 2013, through Sunday, July 28, 2013.			Dennis Pullin
5. Consideration of a request to approve the Annual Classic Cruisers event to be held on Friday, June 21; Saturday, June 22; and Sunday, June 23, 2013			Dennis Pullin
<b>II. ITEMS FOR CONSIDERATION:</b>			
1. Presentation of the Municipal Powers Outsource Grant Matrix.		Presentation	Rebecca Mills Sojka
2. Consideration of a request to authorize the Mayor to sign a right of way deed to provide access to the visitor center and future adjacent development.		Action	Mitchel Humble
3. Consideration of a request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/3) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East.		Action	Mitchel Humble
4. Consideration of a request to adopt an Ordinance for a Vacation of a portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9, Orcharara Subdivision to allow for replatting and residential development.		Action	Mitchel Humble
5. Public input and/or items from the City Manager and City Council.			
<b>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>			
<b>IV. PUBLIC HEARINGS: 6:00 P.M.</b>			
1. Request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 (±) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel acres and continue the operation of an outside boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive.		PH	Mitchel Humble
<b>V. ADJOURNMENT:</b>			

*\*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.*

**PRESENT:** Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington  
**ABSENT:** None  
**STAFF PRESENT:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, City Engineer Jacqueline Fields, Sgt. Dennis Pullin, Community Development Director Mitch Humble, Deputy City Clerk Sharon Bryan

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. Mayor Lanting introduced staff.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

City Manager Rothweiler asked that the following items be added:

1. Proclamation Downtown Pride Days – May 24 and 25, 2013
2. Consideration for an appointment of Jody Tatum to the Planning and Zoning Commission.

**PROCLAMATIONS:**

**NATIONAL PUBLIC WORKS WEEK**

Vice Mayor Don Hall read the proclamation.

Public Works Director Jon Caton thanked Council.

**DOWNTOWN PRIDE DAYS – May 24 and 25, 2013**

Councilperson Shawn Barigar read the proclamation.

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for May 14 – May 20, 2013.
2. Consideration of a request to approve the April 22, 2013, Minutes.
3. Consideration of a request by Snake Harley-Davidson to approve its seventh season of outdoor customer appreciation concerts at their facility on various weekends from June 2, 2013, through August 16, 2013, from 6:00 p.m. to 9:00 p.m.
4. Consideration of a request by Snake Harley-Davidson to approve their Grand Opening
  - a. Celebration to be held July 26, 2013, through Sunday, July 28, 2013.
5. Consideration of a request to approve the Annual Classic Cruisers event to be held on Friday,
  - a. June 21; Saturday, June 22; and Sunday, June 23, 2013.

Jim Munn excused himself from items 3 and 4 due to conflict of interest.

**MOTION:**

Councilperson Talkington made the motion to approve items 1, 2 & 5 of the Consent Calendar. The motion was seconded by Councilperson Hawkins. Roll call vote showed all members voted in favor of the motion. Approved 7 to 0.

Vice Mayor Don Hall made the motion to approve items 3 & 5 of the Consent Calendar. The motion was seconded by Councilperson Barigar. Roll call vote showed members voted in favor of the motion. Approved 6 to 0. Councilperson Munn excused due to conflict of interest.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation of the Municipal Powers Outsource Grant Matrix.

Councilperson Mills Sojka explained the Matrix using overhead projections. She indicated that the MPOG matrix was created so that there was consistency and uniformity in the process as well as to allow council members that had a conflict with an applicant be involved in the process.

Discussion from council ensued on the following:

- Bonus points
- Life Safety Issues

- Quality of Life Issues
- Concerns with process of who should be eligible
- Confusion on scoring on the matrix
- Matrix a good tool to start
- If they meet our criteria we move them away from MPOG to the budget
- Concerned with scoring
- Matrix helps applicants to know what they will be scored upon

**MOTION:**

Councilperson Munn moved approval of the Matrix with the change from 76 points to 88 points and to remove the bonus points. The motion was seconded by Councilperson Mills Sojka and roll call vote showed members voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request to authorize the Mayor to sign a right of way deed to provide access to the visitor center and future adjacent development.

Community Development Director Humble explained the request using overhead projections. The State of Idaho, Idaho Transportation Board deeded a parcel of land to the City of Twin Falls in 2013. The quitclaim deed transfers ownership of the property to the City but does not designate its intended use. A majority vote of the Council is required to approve this request. The recommendation from staff is to authorize the mayor to sign the attached right of way deed which will designate this parcel as right of way, providing access to the visitor center and future adjacent development.

City Attorney Fritz Wonderlich explained that this is being changed from City owned property to public right of way.

**MOTION:**

Vice Mayor Don Hall made a motion to authorize the Mayor to sign a right of way deed to provide access to the visitor center and future adjacent development. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

3. Consideration of a request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/3) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North.

Community Development Director Humble explained the request using overhead projections. He explained that the Council, prior to adopting, revising or rejecting the amendment to this Title as recommended by the Commission shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the Council hearing, if said Council makes a material change from what was presented at the public hearing; further notice and hearing shall be provided before the Council adopts the amendment.

Upon granting or denying an application to amend this Title, the Council shall specify:

- (a) The regulations and standards used in evaluating the application.
- (b) The reasons for approval or denial.
- (c) The actions, if any, that the applicant could take to obtain a permit.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of this Title upon the preparation and passage of an ordinance. (Ord. 2012, 7-06-1981) Community Development Director Humble indicated that on May 13, 2013 the Twin Falls City Council unanimously approved the request for a Zoning District Change and Zoning Map Amendment for R-2 to NCO PUD for 4.71(+/-) acres to allow a planned mixed use development consisting of a combination of neighborhood commercial uses, including a financial institution facility, on property located at the northwest corner of Eastland Drive North and Addison Avenue East, as presented and subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

2. Subject to the section "Covenants 4-E-4: Signage" being amended as shown in "Attachment 12" of the staff report.

Staff recommends that the Council adopt Ordinance #3050 as submitted.

**MOTION:**

Vice Mayor Hall made a motion to suspend the rules and place Ordinance #3050 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AMENDMENTS TO THE AREA OF IMPACT AND ZONING DISTRICTS MAPS.

on third and final reading by title only. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Sharon Bryan read the title of Ordinance #3050.

Councilperson Mills Sojka stated her concern on the PUD rezone process. She asked if the Committee is considering moving it into one process so that you can see the PUD.

Community Development Director Humble answered that the Zoning Ordinance Committee is working on the process.

**MOTION:**

Councilperson Barigar made the motion to adopt Ordinance #3050 as presented. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a request to adopt an Ordinance for a Vacation of a portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9, Orchalara Subdivision to allow for re-platting and residential development.

Community Development Director Humble explained the request using overhead projections. He explained the preliminary plat of West Haven Subdivision, consisting of 15 (+/-) acres and 70 single-family residential lots, was approved by the Commission on April 27, 2004

The final plat for West Haven Subdivision, Phase 1, was approved by the City Council on July 6, 2004 and recorded in 2005.

West Haven Subdivision, Phase 2, consisting of 3.37 (+/-) acres and 9 single-family residential lots, was approved by the City Council as presented by a vote of 5-0 subject to the following conditions:

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 arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to development of a 10' pedestrian access easement, as presented, from Wirsching Avenue West to the western boundary of the property, as required in 10-12-3.7.
4. Subject to Wirsching Avenue West being platted, as presented, at 52'.

On May 24, 2010 the City Council approved Vacation of a portion of undeveloped right-of-way within the 600 to 800 blocks of Wirsching Avenue West located in a portion of Lot 9 Orchalara Subdivision, to allow for dedication and replatting of a residential development, as presented, with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the recordation of final plat dedication of a 10' easement for a pedestrian path from Wirsching Avenue to the western edge of the property and Wirsching Avenue being platted at 52', as shown and approved on the West Haven Subdivision, Phase 2 final plat.

Due to the poor real estate market the subdivision was not developed. An extension was granted by the City Council in May 2011. The developer recently contacted city staff and informed us the infrastructure improvements have been completed and upon Engineering review the final plat is now ready to be recorded. The conditions placed upon the vacation are completed.

Staff recommends that the Council adopt Ordinance #3051.

**MOTION:**

Councilperson Talkington made a motion to suspend the rules and place Ordinance #3051 entitled:

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO VACATING THE REAL PROPERTY DESCRIBED BELOW AND PROVIDING FOR VESTING OF THE TITLE TO THE PROPERTY SO VACATED.

on third and final reading by title only. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Bryan read Ordinance 3051 by title only.

**MOTION:**

Councilperson Hawkins made the motion to adopt Ordinance #3051 as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Appointment of Jody Tatum to fill the vacant seat on the Planning and Zoning Commission.

Community Development Director Humble explained the history of the appointments. Jody Tatum will be filling in a vacated position.

Jody Tatum said she has wanted to become more active in the Community and felt this would be a good fit for her. She said that she plans to be at the majority of the meetings. She indicated that she understands that some people perceive and interpret and understand code and ordinances in different ways.

Councilperson Hawkins made the motion to appoint Jody Tatum to fill the vacant seat on the Planning and Zoning Commission. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

6. Public input and/or items from the City Manager and City Council.

- Monday, May 27, 2013 City Hall will be closed and there will be no Council meeting on Tuesday, May 28, 2013.
- Council Meeting on June 3 2013 will start at 4:00 PM
- MPOG deadline is Friday, June 24, 2013.
- Voting tomorrow, May 21, 2013. Vote at your regular precincts. Polls will be open from 8:00 AM to 8:00 PM

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

1. Policeman Memorial well attended on Saturday
2. Police Special Olympic 5k run went very well.
3. Downtown Historic Walk well attended
4. Dog Park input from community indicated that they do not want off leash in their neighborhood. The Commission is not recommending off leash this year.
5. There is \$59,000 available for dog park. There is enough to start construction on the dog park.
6. Due to several complaints on the Highland Ave resurfacing project Councilperson Talkington asked for a progress report. City Manager Rothweiler explained that it is a 2 week project and will be completed.
7. Councilperson Hall concerned about dog park off leash not being considered because of the surveys.
8. Councilperson Mills Sojka stated her concern of the speeding in the construction zone. Police are monitoring and construction company is signing.

9. Councilperson Hawkins announced that after Memorial Day weekend Auger Falls will be closed.

10 Minute Break.

#### **IV. PUBLIC HEARINGS; 6:15P.M.**

1. Request for an amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive.

Gregg Olsen, applicant, explained the request. He explained that they chose to phase the property into two different phases. We are asking for a deferral on the hard surface until we can build the buildings.

Bill Kyle, applicant, explained that to be cost effective they are asking to have the hard surface deferred until they build the buildings.

Community Development Director Mitch Humble explained the request using visual aids. This is a request for an Amendment to the Muni Storage Facility C-1 PUD Agreement, 6.4+/- acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel, storage and parking areas and continue the operation of an outside Boat, RV and vehicle storage business on undeveloped property in conjunction with the operation of a storage unit facility business on property located at 485 Grandview Drive.

There is one proposed change that is on Page 2 of the PUD Agreement which is as follows:

2-Nature of the Development; (B) Uses: The property described herein and zoned "C-1 PUD" will only allow the development of a mini-storage facility and its use as such described within this document. The Project's purpose and intended uses shall only be for the construction and commercial operation of mini-storage buildings and/or boat and RV storage and parking.

If the amendment is approved as requested the suggested verbiage to be added to the above section is as follows: 2-(B) Uses: "Outside automobile, boat and RV storage and parking and including U-Haul truck/trailer rentals may be stored and parked on undeveloped property located within the PUD property until such time as the area identified as "future storage units" on the Master Development Plan, Phase II, are built."

The Engineering Department has reviewed this application and subsequent PUD Amendment requests. They would not recommend allowing any undeveloped area to be used for outside storage unless it is paved. They would accept an alternative surface which would need to be two inch thick re-grind with chip seal over the top. Furthermore, any unpaved portion of the property will need to have a substantial barrier delineating the developed and undeveloped areas in order to discourage the use of the undeveloped property. Substantial barriers which are acceptable would be fencing, bumper blocks, jersey barriers, or another material or object acceptable to the Engineering Department.

The Planning and Zoning Commission held a public hearing on this request and unanimously recommended approval of the request subject to four conditions:

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards; and the recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

Staff concurs with the Commission's recommendation.

**Discussion ensued on the following:**

- Why do we require hard surfaces?
- To prevent drainage run off issues.
- For general appearance.
- Open ended deferral agreement – no time limit for the paving requirement. Once buildings go up and they meet code then the deferral goes away
- Comparison with other storage facilities
- P & Z or Council review should be put in place to review every 2 to 3 years.
- Changes being proposed are opposite of the conditions that are in place.
- Code allows 3 year deferral.
- Original deferral did not comply?
- This is undeveloped area that was not on original plans

**Open Hearing: 6:39 PM**

Mike Jones, 807 Greenwood Circle, Twin Falls with the help of visual aids explained that he owns property adjacent to the Muni Storage Facility. He stated that it is an eye sore. It has junk cars, boats; it is nothing but gravel, dirt and weeds. He said it looks more like a salvage yard and the fence is not adequate.

Floyd Miller, Jr. sent a letter to the Council expressing his concerns.

Applicant Gregg Olsen explained that he was advised by City Staff to not put a time limit on the development. He went on to explain that the paving is to keep mud off the public roads. He said that once the buildings are completed the RV parking/storage will go away. The required slats in the fence along Welch Lane were met; however, he would not have a problem installing slats on the back. He explained that he has met all the requirements for water retention.

**Council discussion ensued on the following:**

- The required slats in the fence are in place.
- Explanation on how the drainage works.
- The U-Haul operation has been in place since December 2012.
- PUD was not signed.
- Screening issue - fencing requirements were met.
- Time frame for the building to go up could be as short as 2 to 3 years or could be as long as 7 years.
- Is boat and RV parking separate use than vehicle parking? Could be called a same use.
- Paving will be done when buildings are built.
- Weeds need to be taken care of.
- Time limitations – Section 4-E- 5 one year application.
- Is there an issue with Staff not following up? - Both sides are at fault.
- Concerns of history of non-compliance.
- Would like to put a 3 year time frame on it.

**Public Hearing Closed 7:15 PM**

**MOTION:**

Councilperson Talkington made the motion for an amendment to the Muni Storage Facility C-1 PUD Agreement 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive Subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards; and the recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).

3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.
5. The Applicant slat the fence along the back of the property within 6 months.
6. To continue use of non-pavement for 3 years subject to Council review at that time.

The motion was seconded by Councilperson Mills-Sojka.

A discussion ensued on clarification of the motion. Some of the Council members felt that the last condition directly conflicted with 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> conditions and so the motion was unclear.

**Amendment:**

Councilperson Mills-Sojka made the motion for an amendment to add a time limit not to exceed 3 years to recommendations 2 & 3. The motion was seconded by Councilperson Talkington and roll call vote was as follows: Those voting against were Barigar, Hall, Hawkins and Munn. Those voting in favor were Lanting, Mills-Sojka and Talkington. The motion failed. Failed 4-3

Roll call vote on the main motion showed Barigar, Hall, Hawkins, Lanting and Munn voting against and Mills Sojka and Talkington voting for. The motion failed. Failed 5 to 2

Councilperson Barigar made the motion for an amendment to the Muni Storage Facility C-1 PUD Agreement 6.4 (+/-) acres, to allow a U-Haul truck rental business and to approve a paving deferral to continue the use of undeveloped internal vehicle travel areas and continue the operation of an outside boat RV and vehicle storage business on undeveloped property in conjunction with the operation of storage unit facility business on property located at 485 Grandview Drive Subject to the following conditions;

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards; and the recorded Muni Storage Facility C-1 PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside parking and storage being hard-surfaced per Engineering Department requirements as addressed in this staff report.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

The motion was seconded by Councilperson Hawkins.

**Amendment:**

Vice Mayor Hall made the motion to amend the motion to place slats in the fencing on the back side. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Roll call vote on the main motion as amended was as follows: Those voting in favor were Barigar, Hawkins, Hall and Munn. Those voting against were Lanting, Mills Sojka and Talkington. Approved 4-3

**V. ADJOURNMENT:**

Meeting adjourned at 7:40 PM

Sharon Bryan  
Recording Secretary/Deputy City Clerk



**Date:** Monday, June 3, 2013  
**To:** Honorable Mayor and City Council  
**From:** Jacqueline D. Fields, PE, City Engineer

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**Request:**

Consideration of award of the 2013 Slurry Seal Project to Intermountain Slurry Seal, Inc. in the amount of \$297,597.58.

**Time Estimate:**

Approximately 5 minutes.

**Background:**

On May 16, 2013 bids were opened for the 2013 Slurry Seal Project. Three bids were received and the low bidder was Intermountain Slurry Seal, Inc. of Salt Lake City, UT, in the amount of \$297,597.58.

**Budget Impact:**

The bid is \$297,597.58 and the budget is \$860,000.00. The City will also contract a Chip Seal project this year at a cost of \$391,708.96 which will share in the \$860,000.00 allocated. The remaining \$170,693.46 will be used for crack sealing, fog sealing, purchasing tabs to preserve locations of the existing pavement markings, purchasing new thermoplastic pavement markings and towing costs during these projects.

**Regulatory Impact:**

N/A

**Conclusion:**

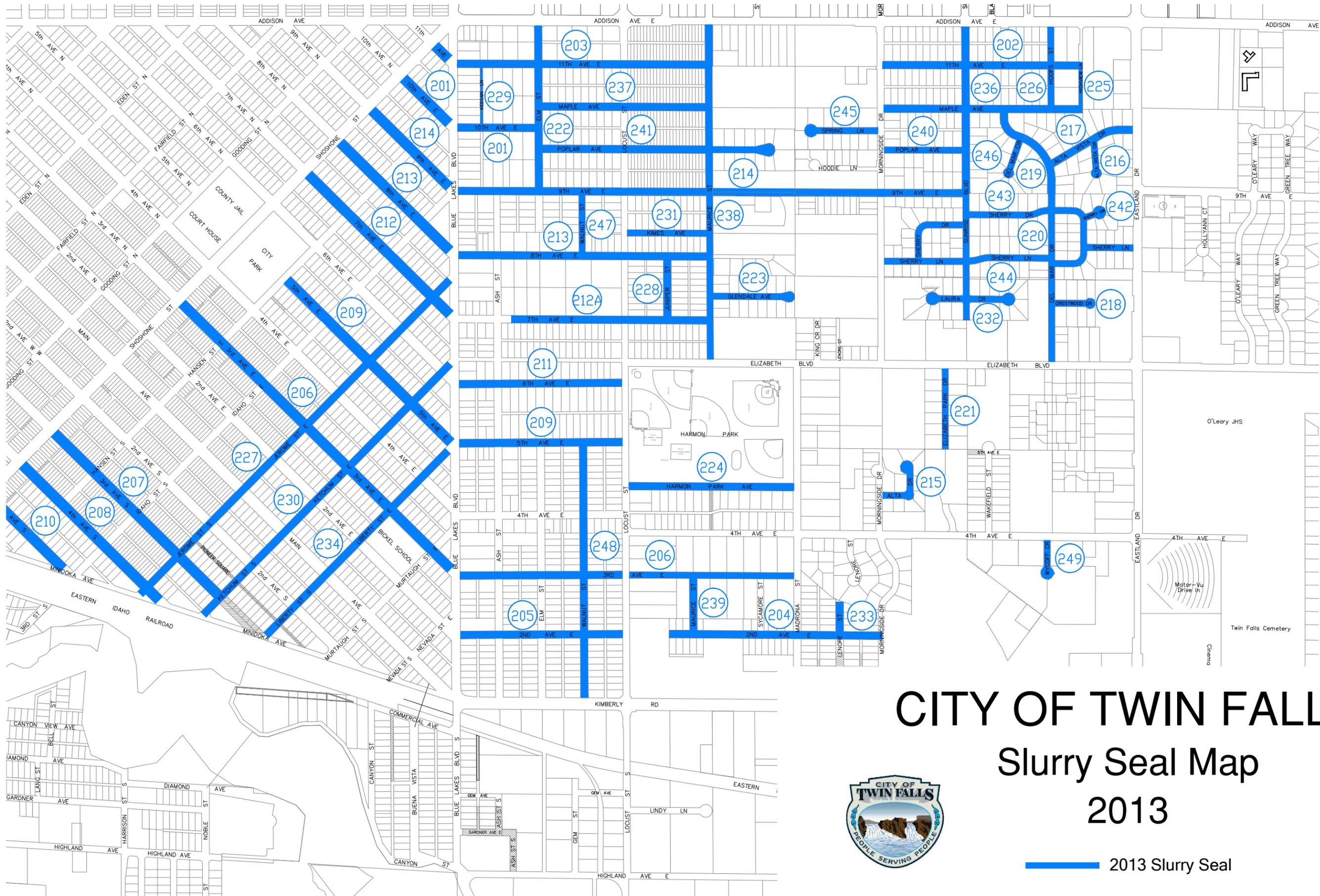
Staff recommends that the City Council authorize the Mayor to sign the contract for 2013 Slurry Seal Project with Intermountain Slurry Seal, Inc. in the amount of \$297,597.58.

**Attachments:**

1. Bid Summary
2. 2013 Slurry Seal Map

BID SUMMARY  
CITY OF TWIN FALLS  
ENGINEERING DEPARTMENT

<b>PROJECT:</b> 2013 Slurry Seal Project  Bid Open Date: May 16, 2013				VSS International, Inc. 3785 Channel Drive West Sacramento, CA 95691		Kloepfer, Inc. P.O. Box 840 Paul, ID 83347		Intermountain Slurry Seal, Inc. 520 N 400 W N. Salt Lake, UT 84054	
Item No.	BID ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	Unit Price	Amount Bid	Unit Price	Amount Bid	Unit Price	Amount Bid
1	Type II Slurry Seal in Place	256,770.99	SY	\$4.68	\$1,201,688.23	\$1.72	\$441,646.10	\$1.16	\$297,597.58
				<b>Total</b>	<b>\$1,201,688.23</b>	<b>Total</b>	<b>\$441,646.10</b>	<b>Total</b>	<b>\$297,597.58</b>



# CITY OF TWIN FALLS

## Slurry Seal Map

### 2013



— 2013 Slurry Seal



**Date:** Monday, June 3, 2013  
**To:** Honorable Mayor and City Council  
**From:** Jacqueline D. Fields, PE, City Engineer

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**Request:**

Consideration of award of the 2013 Chip Seal Project to Emery, Inc. in the amount of \$391,708.96.

**Time Estimate:**

Approximately 5 minutes.

**Background:**

On May 16, 2013 bids were opened for the 2013 Chip Seal Project. Three bids were received and the low bidder was Emery, Inc. of Filer, ID, in the amount of \$391,708.96.

**Budget Impact:**

The bid is \$391,708.96 and the budget is \$860,000.00. The City will also contract a Slurry Seal project this year at a cost of \$297,597.58 which will share in the \$860,000.00 allocated. The remaining \$170,693.46 will be used for crack sealing, fog sealing, purchasing tabs to preserve locations of existing pavement markings, purchasing new thermoplastic pavement markings and towing costs during these projects.

**Regulatory Impact:**

N/A

**Conclusion:**

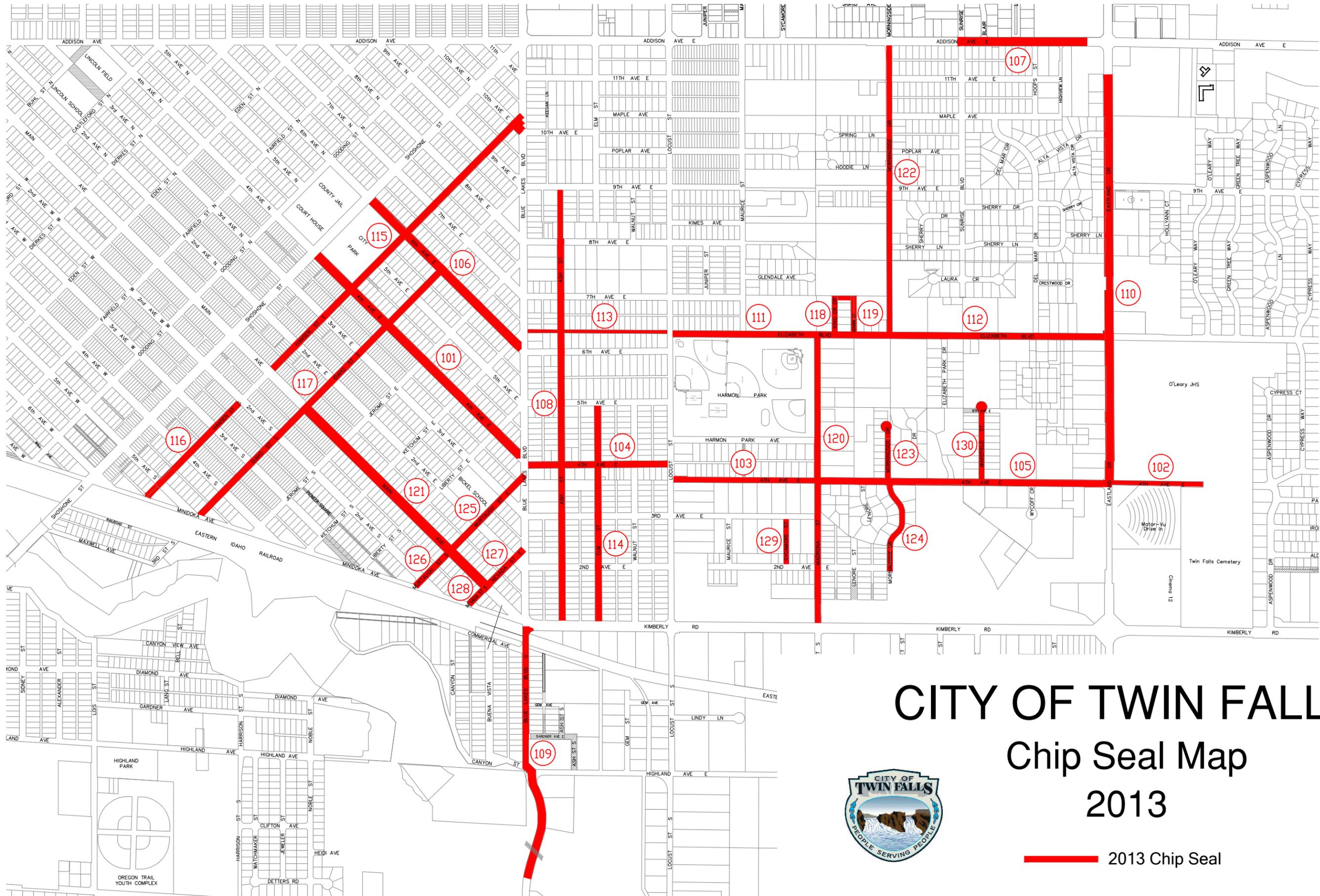
Staff recommends that the City Council authorize the Mayor to sign the contract for 2013 Chip Seal Project with Emery, Inc. in the amount of \$391,708.96.

**Attachments:**

1. Bid Summary
2. 2013 Seal Coat Map

BID SUMMARY  
CITY OF TWIN FALLS  
ENGINEERING DEPARTMENT

<b>PROJECT:</b> 2013 Chip Seal Project  Bid Open Date: May 16, 2013				Emery, Inc. 21357 Hwy 30 Filer, ID 83328		Kloepfer, Inc. P.O. Box 840 Paul, ID 83347		Snake River Construction, Inc. P.O. Box 383 Twin Falls, ID 83301	
Item No.	BID ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	Unit Price	Amount Bid	Unit Price	Amount Bid	Unit Price	Amount Bid
1	CRS-2R Emulsion	345	TON	\$524.70	\$181,021.50	\$524.70	\$181,021.50	\$495.00	\$170,775.00
2	1/2" Chip	3008	TON	\$12.72	\$38,261.76	\$8.48	\$25,507.84	\$12.00	\$36,096.00
3	Seal Coat In Place	200,495.00	SY	\$0.86	\$172,425.70	\$1.23	\$247,410.83	\$1.06	\$212,524.70
				<b>Total</b>	<b>\$391,708.96</b>	<b>Total</b>	<b>\$453,940.17</b>	<b>Total</b>	<b>\$419,395.70</b>



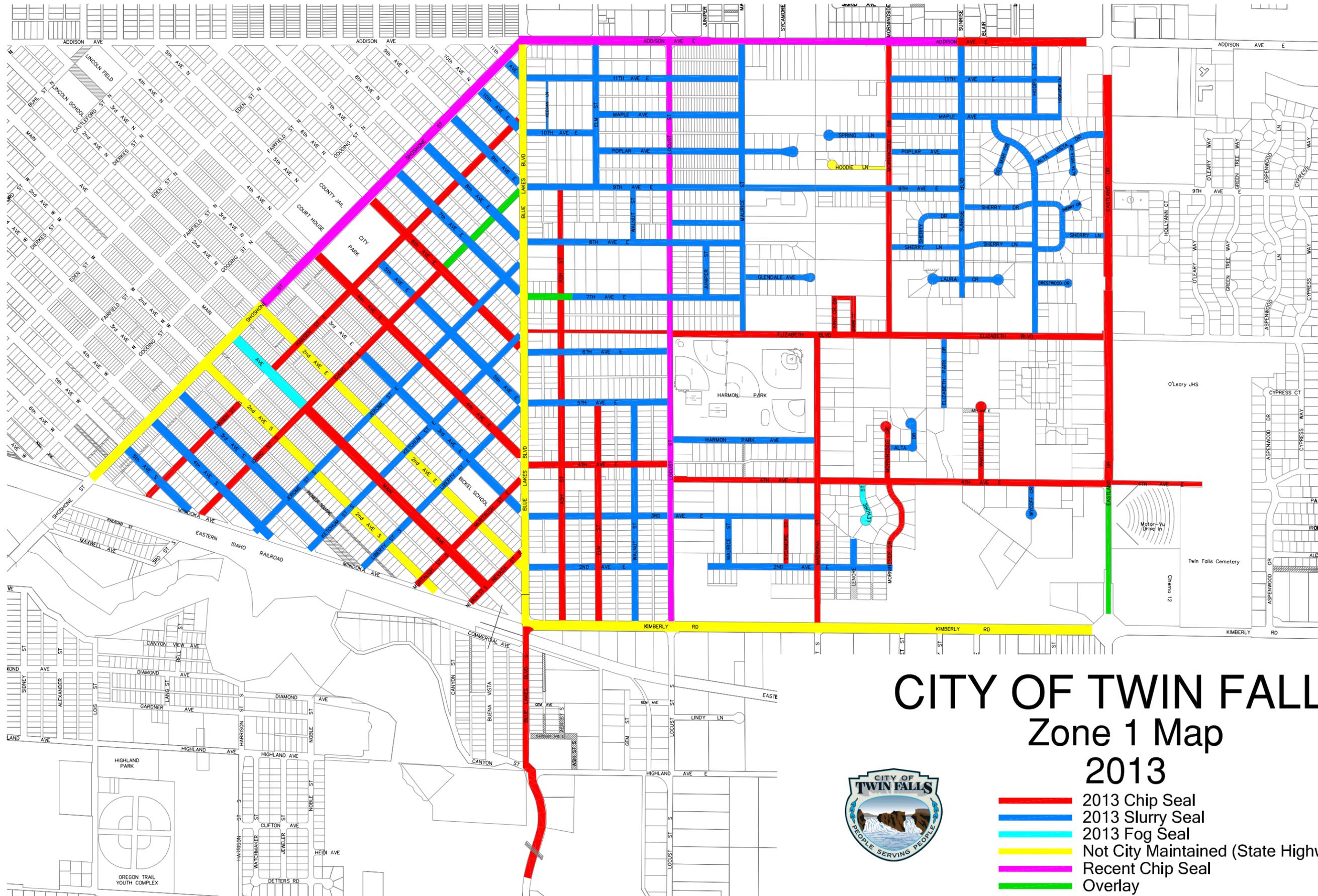
# CITY OF TWIN FALLS

## Chip Seal Map

### 2013



 2013 Chip Seal



# CITY OF TWIN FALLS

## Zone 1 Map

### 2013



- 2013 Chip Seal
- 2013 Slurry Seal
- 2013 Fog Seal
- Not City Maintained (State Highway, Private)
- Recent Chip Seal
- Overlay



Date: Monday, June 3, 2013  
To: Honorable Mayor and City Council  
From: Lorie Race, CFO

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### **Request:**

Consideration of a Resolution of the Mayor and Council of the City of Twin Falls authorizing the reimbursement of engineering and other related expenses associated with the City's wastewater treatment projects with proceeds from the sale of Revenue Bonds.

### **Time Estimate:**

City Staff will provide a brief presentation. The staff presentation will take approximately 5 minutes, plus any additional time needed to address questions presented by Council.

### **Background:**

The purpose of the Resolution is to express official intent of the City Council to reimburse the City from loan proceeds for any expenses of the project advanced by the City prior to receipt of loan proceeds. This Reimbursement Resolution (also known as an "official intent" resolution) is required by federal tax laws and regulations to be adopted by the City Council either before making any expenditures or not later than 90 days after the City makes any project payment (except for certain preliminary expenses) if the City intends to reimburse itself from loan proceeds.

### **Approval Process:**

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

### **Budget Impact:**

With passage of this Resolution, all expenses associated with the City's wastewater treatment projects will be eligible for reimbursement and capitalized in the water bond. As a result, there is no impact with the passage of this Resolution. Should the City Council elect not to adopt this resolution, the City will be unable to reimburse itself for any expense incurred before the issuance of the wastewater (sewer) bonds.

### **Regulatory Impact:**

The City is required to adopt a resolution allowing for the recovery of expenses made before the issuance of a bond instrument, as required by federal tax laws. Failing to adopt the Resolution would prohibit the City from reimbursing itself for any expense associated with this project with Revenue Bond proceeds.

### **Conclusion:**

The City staff recommends the adoption of the Resolution. This resolution will allow the City to reimburse itself for all costs associated with the City's wastewater projects.

### **Attachments:**

1. Resolution.

RESOLUTION NO. 1906

A RESOLUTION OF THE CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO, EXPRESSING OFFICIAL INTENT, PURSUANT TO SECTION 1.150-2 OF THE FEDERAL INCOME TAX REGULATIONS, TO REIMBURSE THE CITY FROM THE PROCEEDS OF SEWER REVENUE BONDS OF THE CITY FOR CERTAIN EXPENSES TO BE PAID FROM FUNDS OF THE CITY PENDING THE ISSUANCE OF BONDS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance 3048, adopted on the City of Twin Falls, Twin Falls County, Idaho (the "City"), on March 11, 2013, a special bond election was duly called, noticed, held, and conducted on May 21, 2013, on the questions of authorizing the City to issue its sewer revenue bonds in an amount not to exceed \$38,000,000 to finance the cost of making improvements to the sewer system of the City (the "Bonds"); and

WHEREAS, at said special bond election, the electors of the City, by the requisite majority, approved the issuance of sewer revenue bonds of the City; and

WHEREAS, it is the intent of the City to pay certain capital expenditures incident to the acquisition and construction of the facilities to be financed by the proceeds of the sewer revenue bonds from other funds of the City pending the sale and delivery of the bonds and the receipt of the proceeds thereof, and to reimburse the funds of the City from the proceeds of such bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TWIN FALLS, Twin Falls County, Idaho, as follows:

Section 1: The City Council reasonably expects to reimburse the capital expenditures described herein with the proceeds of the Sewer Revenue Bonds, or Sewer Revenue Bond Anticipation Notes, in a principal amount not to exceed 38,000,000 (hereinafter, the "Sewer Reimbursement Bonds").

Section 2: This declaration of official intention is made pursuant to Section 1.150-2 of the Income Tax Regulations promulgated by the United States Department of the Treasury.

Section 3: The maximum principal amount of Sewer Reimbursement Bonds expected to be issued for capital improvement purposes is \$38,000,000.

Section 4: The expenditures with respect to which the City reasonably expects to be reimbursed from the proceeds of the Sewer Reimbursement Bonds are for certain capital improvements consisting of the acquisition, construction, and installation of improvements to the sewer system of the City.

Section 5: The expenditures with respect to which the City reasonably expects to be reimbursed from the proceeds of the Reimbursement Bonds will be made from the Sewer Revenue Fund of the City.

Section 6: The City intends to issue its Sewer Reimbursement Bonds within one year of the date such capital expenditures described herein are paid or placed in service.

Section 7: The City will allocate the Sewer Reimbursement Bond proceeds to the capital expenditures described herein.

DATED this \_\_\_\_\_ day of June, 2013.

CITY OF TWIN FALLS  
Twin Falls County, Idaho

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk