

COUNCIL MEMBERS:

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
Vice Mayor					Mayor	



AGENDA
Meeting of the Twin Falls City Council
Monday, February 24, 2014
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

GENERAL PUBLIC INPUT

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>		
1. Consideration of a request to approve the Accounts Payable for February 19 – 24, 2014.	Action	<u>Staff Report</u>
2. Consideration of a request to approve the annual Saint Patrick's Day Parade Application and Special Event Celebration sponsored by Bev and Steve O'Connor to be held on Monday, March 17, 2014.	Action	Sharon Bryan Sgt. Ryan Howe
3. Consideration of a request to approve the Findings of Fact, Conclusions of Law and Decisions for Cedarpark #10 Subdivision.	Action	Mitchel Humble
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Consideration of a request to waive the residency requirement for Dan Olmstead during the last 18 months of his second term on the Airport Advisory Board.	Action	Bill Carberry
2. Consideration of a request to approve the implementation of a Cross-Connection Program.	Action	Rob Bohling
3. Consideration of a request to approve a letter of support for SB1273: Firefighter presumptive illness.	Action	Ed Morris
4. An update on the \$38 million bond issuance for the voter-approved projects and improvements at the City's Waste Water Treatment Plant.	Update	Lorie Race
5. Consideration of a request to authorize the Mayor to sign the Sub-Agreement Material Purchase Contract for Local Falls Ave. Intersection Improvements, Key No. 13544 and approve payment of the local match.	Action	Jacqueline Fields
6. Consideration of a request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for property located at 840 Addison Avenue.	Action	Mitchel Humble
7. Consideration of a request to adopt an ordinance amending City Code 9-6-8 regarding the City's regulation of on-street large truck parking.	Action	Mitchel Humble
8. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M.		
1. Public hearing to consider adoption of a resolution authorizing the Mayor to sign and submit an application to the Idaho Department of Commerce to partially finance improvements to the Twin Falls Senior Center.	Action	Jeanette Roe/ TF Senior Center
2. Public Hearing to consider the City's intent to dispose of a 6,200± square foot portion of a City owned lot located at on 2nd Avenue South, Block 119 Lots 9 & 10.	Action	Melinda Anderson
V. <u>ADJOURNMENT:</u>		

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

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.



Date: Monday, February 24, 2014, Council Meeting
To: Honorable Mayor and City Council
From: Sergeant Ryan Howe, Twin Falls Police Department

Request:

Approval of the Annual Saint Patrick's Day Parade Application and Special Event Celebration sponsored by Bev and Steve O'Connor to be held on Monday, March 17, 2014.

Time Estimate:

Staff requests that this item be placed on the consent calendar.

Background:

In January of 2014, I received a Special Events Application and a Parade Application from Bev and Steve O'Connor for the annual Saint Patrick's Day Parade and Special Event Celebration.

The parade is to be held on Monday, March 17, 2014, at 12:00 p.m. on Main Avenue, beginning in the 600 Block of Main Avenue East/South (the area of Kregel's True Value Hardware Store). The parade will travel west on Main Avenue to the 500 Block of Main Avenue North/West (the area of the Magic Valley High School). The assembly for the parade participants will begin at 11:00 a.m.

Main Avenue will be closed from Murtaugh Street to Castleford Street. The staging area will be located in the 600 Block of Main Avenue East/South and the parade floats will disperse in the 600 Block of Main Avenue North/West.

There will be an estimated 30 floats in the parade. These floats will be decorated with a Saint Patrick's Day theme. We estimate approximately 1,000 people will be in attendance to observe the parade. The parade application fee has been paid.

Steve and Bev O'Connor have requested in their Special Events Application the closure of the 100 Block of Main Avenue North/West, starting at Shoshone Street, west on Main Avenue to an area just west of the Magic Valley Bank. The street closure will begin at the conclusion of the parade. This street closure will be in place to allow for the overflow of patrons attending the celebration after the parade and will remain closed until O'Dunken's closes for business that evening.

This event will require two (2) Twin Falls County Sheriff's Reserve Deputies to provide security from 6:00 p.m. until O'Dunken's closes for business and the crowd disperses. Bev and Steve O'Connor will provide security fencing along the curb area of Shoshone Street North and Main Avenue North to deter participants of the celebration from spilling over into traffic on Shoshone Street. Port-a-potties will also be provided for participants. These will

be located in the angled parking area in front of the Magic Valley Bank. Barricades for this street closure will be provided by Bev and Steve O'Connor. There will also be a band playing live music. The band stage will be set up on the sidewalk area of Main Avenue West. The band will play from 3:00 p.m. until 7:00 p.m. Bev and Steve O'Connor will be responsible for the cleanup in the immediate area of the event and the affected surrounding area of downtown.

The Twin Falls Police Department did not receive any calls for service during the 2013 event.

Most downtown business owners have been notified through e-mail of the event. As of this time, we have received no negative responses for this event.

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

The Twin Falls Fire Department will also assist with traffic control during the parade at both intersections of 2nd Avenue East/North and Shoshone Street and at 2nd Avenue West/South and Shoshone Street.

Approval Process:

N/A

Budget Impact:

This event will require a total of six (6) Twin Falls Police Officers on overtime, three (3) non-sworn Police employees on overtime, and Citizens on Patrol volunteers. A briefing will be held at 10:30 a.m., and the street closures will take place at 11:30 a.m. The parade is scheduled to start at 12:00 p.m. and is estimated to conclude by 1:30 p.m. Total time for this event is estimated to take three (3) hours to allow for street closures, allowing traffic flows to adjust, and the opening of streets at the conclusion of the parade. Total overtime cost for the Twin Falls Police Department will be \$1,188. This cost has been included in the Twin Falls Police Department's overtime budget.

Regulatory Impact:

N/A

Conclusion:

Several relevant City Staff members have met and approved this Special Events and Parade Application. The Twin Falls Police Department Staff has met and approved this Special Events Application and Parade Application pending a decision on overtime costs for the parade.

Attachments:

None

RH:aed



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:)
))
Final Plat Application,) FINDINGS OF FACT,
))
Cedarpark #10 Subdivision) CONCLUSIONS OF LAW,
Applicant(s).))
)) AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on December 16, 2013 for consideration of the final plat of the Cedarpark #10 Subdivision, approximately 3.96 (+/-) acres consisting of seven (7) commercial lots on property located at the southwest corner of Carriage Lane North and Chuck Wagon Place , and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the final plat of the Cedarpark #10 Subdivision, approximately 3.96 (+/-) acres consisting of seven (7) commercial lots on property located at the southwest corner of Carriage Lane North and Chuck Wagon Place.
2. The property in question is zoned C-1 PUD pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Commercial/Retail in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, Chuck Wagon Place/Carriage Lane North Apartments; to the south, Undeveloped Commercial Land; to the east, Carriage Lane North/Undeveloped Commercial Land; to the west, Undeveloped Commercial Land.

4. The City Engineering Office has reviewed the final plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

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

CONCLUSIONS OF LAW

1. The final plat of the Cedarpark #10 Subdivision, approximately 3.96 (+/-) acres consisting of seven (7) commercial lots on property located at the southwest corner of Carriage Lane North and Chuck Wagon Place is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

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

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

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

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

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

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

DECISION

The request for approval of the final plat of the Cedarpark #10 Subdivision, approximately 3.96 (+/-) acres consisting of seven (7) commercial lots on property located at the southwest corner of Carriage Lane North and Chuck Wagon Place is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

1. Subject to final technical review and amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with the Cedar Park PUD Agreement
3. Subject to landscaping Buffer Maintenance Agreement between Cedarpark #10, Lot 1, Block 1 and Cedarpark #1, Lot 37, Block 4, being executed and a copy given to the City prior to recordation of the final plat
4. Subject to an adequate sewer service plan agreement between the developer and the City Engineering Department prior to recordation of the final plat.



Date: February 24th, 2014, City Council Meeting

To: Honorable Mayor and City Council

From: Bill Carberry, Airport Manager

Request: Consideration to waive the residency requirement for Dan Olmstead during the last 18 months of his 2nd term on the Airport Advisory Board.

Time Estimate: Approximately 5 minutes

Background: Dan Olmstead's 2nd and final term on the Airport Board will expire in September 2015. Dan will be moving out of the city limits and into the county this spring and he would like to serve out his final 1.5 years as a City Airport Board member.

Approval Process: Approval of the request requires a majority vote of the Council

Budget Impact: None

Regulatory Impact: Airport Manager Bill Carberry conferred with the City Attorney regarding the ability for the Council to waive the residency requirement. The city code, in the title dealing with Advisory Board Member Eligibility (2-1-1), allows for the Council to waive the city residency requirement for board members.

Conclusion: Dan Olmstead has attended meetings regularly and has been a contributing member to the Airport Board. Staff recommends the City Council waive the city residency requirement for the remainder of Dan Olmstead's current term as a member of the Airport Board.



Date: Monday, February 24, 2014, City Council Meeting

To: Honorable Mayor and City Council

From: Robert Bohling, Water Superintendent

Request: Approval of the implementation of a Cross-Connection Program.

Time Estimate: 20-30 minutes – Mr. Mike Brown with Department of Environmental Quality (DEQ) will also be available to answer questions.

Background: The City has a backflow program in place. Recently the Department of Environmental Quality performed a mandatory sanitary survey on our system which showed that we are out of compliance with the current way we are running the backflow program. Specifically, we currently enforce testing on all commercial customers and only recommend testing on residential lawn systems. DEQ is requiring that residential systems be included in the program. The potential consequences of non-compliance are as follows: The City may become ineligible for SRF loans, Water Superintendent could lose his licensure, and the entire water system could be condemned and DEQ could disapprove our monitoring waivers.

Approval Process: Council approval to move forward with program and require that all backflow devices are tested annually including lawn sprinkling systems.

Budget Impact: The impact of losing our monitoring waivers will cost the City approximately \$7,000.00. This would not include fines for being out of compliance.

Regulatory Impact: The impacts of not having a cross-connection program that is implemented correctly will result in losing our monitoring waivers and could result in fines for being out of compliance.

Conclusion: Staff recommends approval of the implementation of this program.

Attachments:

Moving Forward with the Cross-Connection Program
Backflow testing on Residential Lawn Sprinklers Letter
Local tester Average Prices



Office of
WATER SUPERINTENDENT

Moving Forward With Cross-Connection Program

Topics for Discussion

Here are the plans for moving forward:

- Education: #1 key to making this Work
Commercials
Movie House clips
Bill Stuffers/Blips on water bill
Local Media
City Web Site- Make a site specific for Backflow
- Industry Involvement: Landscape/Maintenance Companies
Fire Suppression Companies
Pipe Companies
- Enforcement: Need backing from our City Officials
Follow our Ordinance that is in Place
Backing from Local DEQ
- Manpower: City employees- building inspection, water employees, meter readers
lawn sprinkler/fire suppression companies
- Testers: Have a list of certified testers on City Web Page
Require paperwork on file proving certification of Tester & Equipment.
If testers want to be on city tester list they would agree to a set price that council deems fair like we do with the tow companies. Average price for this area is \$45.00

Compliance: Main reason for backflow testing is the safety of the citizens we serve that depend on us to provide them with the cleanest, safest drinking water we can provide. We face losing our waivers for testing and sampling and could be fined for not enforcing rules governing us. We need to be compliant with rules governing our system, and this all falls under our Strategic Plan. (Ex.) HC2.1A- Operate water and wastewater systems to meet federal standards.



Office of
WATER SUPERINTENDENT

City of Twin Falls Backflow Ordinance for Lawn Sprinklers

The City of Twin Falls and DEQ require that you have your lawn sprinkler back flow device tested annually. We are required by Federal and State rules to protect our public drinking water system and therefore will require that all backflow devices be tested annually by a certified licensed tester. If the City Water Department does not abide by the Federal and State rules we are out of compliance and can be fined and even shut down in extreme conditions.

A backflow device on your lawn sprinkler system helps protect the drinking water system and the homeowners' water supply should there be a back siphon in the water line which can occur when a line breaks, during a power failure, or when demand is needed to fight a fire. It is the homeowners' property and responsibility to professionally install, maintain, and test their devices annually. There have been two such instances of Backflow in the Boise area and people ended up getting ill. They found out that a homeowner had tied their pressure irrigation into their water service so they could water their lawn before the irrigation water came in and didn't have the valves closed. This is a BIG problem that people really don't think about and is illegal if not done properly. People also spray pesticides and fertilizers on their yard, there can be pet feces in the yard and water can puddle around sprinkler heads and could potentially be sucked back in to the system.

The City has a list of testers that are licensed and approved by the state to test backflow devices. You can find this on the City web site or a copy will be added to your notice from the City to get your back flow device tested. All of the rules that apply to this are also on the City web site in the City Ordinance under Title 7(Health and Sanitation) Chapter 9(Cross Connections).

The important thing to remember is that this is not a City made rule, but Federal and State rule that we have to implement and enforce.

<u>Backflow testing Company residential test prices</u>	
<i>Andreasen Backflow Testing</i>	<i>\$30.00</i>
<i>Backflow Assembly and Supply LLC</i>	<i>\$45.00</i>
<i>James Clawson</i>	<i>\$25.00</i>
<i>Delta Fire Systems, Inc.</i>	<i>\$40.00</i>
<i>Kimberly Nurseries</i>	<i>\$75.00</i>
<i>Magic Valley Backflow Testing</i>	<i>\$35.00</i>
<i>Reis Plumbing</i>	<i>\$95.00</i>
<i>Saddleback Sprinklers LLC</i>	<i>\$45.00</i>
<i>Steelhead Landscape, Inc.</i>	<i>\$40.00</i>
<i>Top Notch Landscapes</i>	<i>\$35.00</i>
<i>Urban Sprinklers</i>	<i>\$30.00</i>
<i>Total-----</i>	<i>\$495.00</i>
<i>Average test cost-----</i>	<i>\$45.00</i>

or taste and odor control, when the source(s) is known to be free of microbial contamination, must ensure that chlorine residual entering the distribution system after treatment is less than four (4.0) mg/L. The requirements in Subsection 552.04.b.ii. also apply if the system maintains a chlorine residual in the distribution system. (3-30-07)

05. Fluoridation. (12-1-92)

a. Commercial sodium fluoride, sodium silico fluoride and hydrofluosilicic acid which conform to the applicable American Water Works Association (AWWA) Standards, incorporated by reference into these rules at Subsection 002.01, are acceptable. Use of other chemicals shall be specifically approved by the Department. (3-30-07)

b. Fluoride compounds shall be stored in covered or unopened shipping containers. (3-30-07)

c. Provisions shall be made to minimize the quantity of fluoride dust. Empty bags, drums, or barrels shall be disposed of in a manner that will minimize exposure to fluoride dusts. (3-30-07)

d. Daily records of flow and amounts of fluoride added shall be kept. An analysis for fluoride in finished water shall be made at least weekly. Records of these analyses shall be kept by the supplier of water for five (5) years. (12-10-92)

06. Cross Connection Control Program - Community Water Systems. The water purveyor is responsible through its cross connection control program to take reasonable and prudent measures to protect the water system against contamination and pollution from cross connections through premises isolation, internal or in-plant isolation, fixture protection, or some combination of premises isolation, internal isolation, and fixture protection. Pursuant to Section 543, all suppliers of water for community water systems shall implement a cross connection control program to prevent the entrance to the system of materials known to be toxic or hazardous. The water purveyor is responsible to enforce the system's cross connection control program. The program will at a minimum include: (4-7-11)

a. An inspection program to locate cross connections and determine required suitable protection. For new connections, suitable protection must be installed prior to providing water service. (5-8-09)

b. Required installation and operation of adequate backflow prevention assemblies. Appropriate and adequate backflow prevention assembly types for various facilities, fixtures, equipment, and uses of water should be selected from the AWWA Pacific Northwest Section Cross Connection Control Manual, the Uniform Plumbing Code, the AWWA Recommended Practice for Backflow Prevention and Cross Connection Control (M14), the USC Foundation Manual of Cross Connection Control, or other sources deemed acceptable by the Department. The assemblies must meet the requirements of Section 543 and comply with local ordinances. (4-4-13)

c. Annual inspections and testing of all installed backflow prevention assemblies by a tester licensed by a licensing authority recognized by the Department. Testing shall be done in accordance with the test procedures published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. See the USC Foundation Manual of Cross-Connection Control referenced in Subsection 002.02. (4-7-11)

d. Discontinuance of service to any structure, facility, or premises where suitable backflow protection has not been provided for a cross connection. (4-7-11)

e. Assemblies that cannot pass annual tests or those found to be defective shall be repaired, replaced, or isolated within ten (10) business days. If the failed assembly cannot be repaired, replaced, or isolated within ten (10) business days, water service to the failed assembly shall be discontinued. (4-4-13)

07. Cross Connection Control - Non-Community Water Systems. All suppliers of water for non-community water systems shall ensure that cross connections do not exist or are isolated from the potable water system by an approved backflow prevention assembly. Backflow prevention assemblies shall be inspected and tested annually for functionality by an Idaho licensed tester, as specified in Subsections 552.06.c. and 552.06.e. (4-4-13)

553. CLASSIFICATION OF WATER SYSTEMS.



Date: Monday, February 24, 2014, City Council Meeting

To: Honorable Mayor and City Council

From: Ed Morris, Twin Falls Firefighter Local 1556

Request:

Approval of a Letter of Support for SB1273: Firefighter presumptive illness.

Time: Presentation by Ed Morris will be approximately five minutes. Q & A from Council.

Background:

The Twin Falls Firefighter Local 1556 and the Professional Firefighters of Idaho (PFFI) would like to ask for your support on Senate Bill 1273. This bill has been in the works for the past ten years and we believe we have written a good bill that is needed to help protect the firefighters of our city and state. As some of you know firefighting is a very hazardous job and the city has done everything they can to support us by providing the proper equipment to keep our firefighters safe, and we as firefighters take great pride and spend a lot of time training on our personal protective equipment to minimize the risks associated with our jobs. Even with all this the smoke and hazardous chemicals penetrate through our protective clothing and are absorbed through our skin. Ask any firefighter or those that have trained with us and they can tell you that after a fire you smell like smoke for quite some time. For about a week after a good fire when you sweat or take a shower you can smell smoke being released from your pores. As stated in the quick reference notes in this document, we are not looking for any special hand out or preference, but would like to take care of those firefighters that, through the service to their communities, contract one of these cases of cancer known to effect firefighters more than the common public. The Twin Falls Firefighters Local 1556 and the PFFI are asking your support in the form of a letter that can be sent to our local legislators.

History:

The request for support of the bill was heard before City Council on February 18, 2014.

Following are responses to questions asked during the council meeting on Feb. 18th, 2014:

The National Council on Compensation Insurance (NCCI) estimates that, "The impact on Idaho's workers compensation system costs is expected to be negligible since the occupational class directly targeted by this proposal – professional firefighters – represents relatively small portion of Idaho's total system benefits." Their original analysis estimated an increase of 2.3% to 7.8% in work comp premiums for employers of firefighters. Of the budgets affected, the average impact on overall department budgets would be approximately 0.1% to 0.44%. Based on this original NCCI estimate, the effect

of this bill will be approximately \$48,500 to \$165,000 total on government entities spread over all the cities and fire districts in the state. There is no impact on the General Fund.

Response to questions asked during the council meeting on Feb. 18th, 2014:

Councilman Munn:

Your question about wording included in SB1273 about fraud was addressed during committee meetings where the wording was determined. They decided that the wording was not needed in the bill because of current federal laws prohibiting erroneous claims. The committee felt the wording of federal laws were good enough to prosecute any claims found to be false. This is also why we have limited the presumptive diseases listed in the bill. Some other states have very liberal presumptive illness legislation and we did not feel including all diseases firefighter may contract in the line of duty was prudent. There are many other diseases that our firefighters are more susceptible to than the common citizen, but these diseases were eliminated to help reduce the chance of erroneous claims. One of these diseases is skin cancer. With my example from the meeting that firefighters pores release toxins for a week or more after a structure fire, it is easy to believe that skin cancer levels are elevated in firefighters. Although this is true, skin cancer can be contracted in many ways including spending time outside and not protecting yourself. Because of the real possibility of contracting this disease outside of work and blaming it on our job, we decided to eliminate this disease even with our increased risk. With many diseases eliminated from our bill, we feel the diseases listed in SB1273 a real threat to our firefighters, and are justified being listed in a presumptive illness bill for the State of Idaho.

Councilwoman Mills Sojka:

Your question was in regards to the bigger cities in Idaho driving up costs for the smaller cities. I do not believe this would happen. As mentioned in my presentation and in the bullet points that I sent you two weeks ago:

“Over the last decade, the PFFI knows of 2 cases that would have met the requirements of this legislation. We are also aware of 4 that would have been denied.”

With this information, I do not see a large influx of claims coming forward. New Mexico has had their legislation in place for at least 9 years now, and has seen no increase in workers compensation rates because of this legislation. I understand there is a possibility of increased insurance costs, but with the small percentage increase projected to such a small portion of our overall fire budget, I do not see this bill making a significant impact to our budget. (See Budget Impact above).

Conclusion: The Twin Falls Firefighter Local 1556 and the Professional Firefighters of Idaho (PFFI) would like to ask for your support on Senate Bill 1273.

Attachments: SB1273

IN THE SENATE

SENATE BILL NO. 1273

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-438, IDAHO CODE,
2 TO PROVIDE THAT COMPENSATION SHALL BE PAYABLE FOR DISABILITY OR DEATH
3 RESULTING FROM CERTAIN FIREFIGHTER OCCUPATIONAL DISEASES, TO DEFINE A
4 TERM, TO PROVIDE A REBUTTABLE PRESUMPTION OF PROXIMATE CAUSATION BE-
5 TWEEN SPECIFIED DISEASES AND EMPLOYMENT AS A FIREFIGHTER, TO PROVIDE
6 FOR REBUTTAL OF THE PRESUMPTION, TO PROVIDE FOR THE DEMONSTRATION OF
7 CAUSAL CONNECTION, TO PROVIDE THAT THE PRESUMPTION SHALL NOT APPLY UN-
8 DER CERTAIN CIRCUMSTANCES AND TO MAKE TECHNICAL CORRECTIONS.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 72-438, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 72-438. OCCUPATIONAL DISEASES. Compensation shall be payable for dis-
14 ability or death of an employee resulting from the following occupational
15 diseases:

16 (1) Poisoning by lead, mercury, arsenic, zinc, or manganese, their
17 preparations or compounds in any occupation involving direct contact there-
18 with, handling thereof, or exposure thereto.

19 (2) Carbon monoxide poisoning or chlorine poisoning in any process
20 or occupation involving direct exposure to carbon monoxide or chlorine in
21 buildings, sheds, or ~~in~~ enclosed places.

22 (3) Poisoning by methanol, carbon bisulphide, hydrocarbon distillates
23 (naphthas and others) or halogenated hydrocarbons, or any preparations con-
24 taining these chemicals or any of them, in any occupation involving direct
25 contact therewith, handling thereof, or exposure thereto.

26 (4) Poisoning by benzol or by nitro, amido, or amino-derivatives of
27 benzol (dinitro-benzol, anilin and others) or their preparations or com-
28 pounds in any occupation involving direct contact therewith, handling
29 thereof, or exposure thereto.

30 (5) Glanders in the care or handling of any equine animal or the carcass
31 of any such animal.

32 (6) Radium poisoning by or disability due to radioactive properties of
33 substances or to Roentgenray (X-ray) in any occupation involving direct con-
34 tact therewith, handling thereof, or exposure thereto.

35 (7) Poisoning by or ulceration from chromic acid or bichromate of am-
36 monium, potassium, or sodium or their preparations, or phosphorus prepara-
37 tions or compounds, in any occupation involving direct contact therewith,
38 handling thereof, or exposure thereto.

39 (8) Ulceration due to tar, pitch, bitumen, mineral oil, or paraffin,
40 or any compound product, or residue of any of these substances, in any oc-
41 cupation involving direct contact therewith, handling thereof, or exposure
42 thereto.

1 (9) Dermatitis venenata, that is, infection or inflammation of the
2 skin, furunculosis excepted, due to oils, cutting compounds, lubricants,
3 liquids, fumes, gases, or vapors in any occupation involving direct contact
4 therewith, handling thereof or exposure thereto.

5 (10) Anthrax occurring in any occupation involving the handling of or
6 exposure to wool, hair, bristles, hides, skins, or bodies of animals either
7 alive or dead.

8 (11) Silicosis in any occupation involving direct contact with, han-
9 dling of, or exposure to dust of silicon dioxide (SiO₂).

10 (12) Cardiovascular or pulmonary or respiratory diseases of a paid
11 fireman, employed by a municipality, village or fire district as a regular
12 member of a lawfully established fire department, caused by overexertion in
13 times of stress or danger or by proximate exposure or by cumulative exposure
14 over a period of four (4) years or more to heat, smoke, chemical fumes or
15 other toxic gases arising directly out of, and in the course of, his employ-
16 ment.

17 (13) Acquired immunodeficiency syndrome (AIDS), AIDS related complexes
18 (ARC), other manifestations of human immunodeficiency virus (HIV) infec-
19 tions, infectious hepatitis viruses and tuberculosis in any occupation
20 involving exposure to human blood or body fluids.

21 (14) Firefighter occupational diseases:

22 (a) As used in this subsection, "firefighter" means an employee whose
23 primary occupation is that of extinguishing or investigating fires as
24 part of a fire district, fire department or fire brigade.

25 (b) If a firefighter is diagnosed with one (1) or more of the follow-
26 ing diseases after the period of employment indicated, which disease
27 was not revealed during an initial employment medical screening exam-
28 ination or during any subsequent medical review pursuant to the stan-
29 dards set forth in the national fire protection association, section
30 1582, standard on comprehensive occupational medical program for fire
31 departments, the disease shall be rebuttably presumed to be proximately
32 caused by the firefighter's employment as a firefighter:

33 (i) Brain cancer after ten (10) years;

34 (ii) Bladder cancer after twelve (12) years;

35 (iii) Kidney cancer after fifteen (15) years;

36 (iv) Colorectal cancer after ten (10) years;

37 (v) Non-Hodgkin's lymphoma after fifteen (15) years;

38 (vi) Leukemia after five (5) years;

39 (vii) Ureter cancer after twelve (12) years;

40 (viii) Testicular cancer after five (5) years if diagnosed before
41 the age of forty (40) years with no evidence of anabolic steroids
42 or human growth hormone use;

43 (ix) Breast cancer after five (5) years if diagnosed before the
44 age of forty (40) years without a breast cancer 1 or breast cancer 2
45 genetic predisposition to breast cancer;

46 (x) Esophageal cancer after ten (10) years; and

47 (xi) Multiple myeloma after fifteen (15) years.

48 (c) The presumption created in this subsection may be rebutted by medi-
49 cal evidence showing that the firefighter's disease was not proximately
50 caused by his or her duties of employment. If the presumption is rebut-

1 ted by medical evidence then the firefighter or the beneficiaries must
2 prove that the firefighter's disease was caused by his or her duties of
3 employment.

4 (d) The presumption created in this subsection shall not preclude a
5 firefighter from demonstrating a causal connection between employment
6 and disease or injury by a preponderance of evidence before the Idaho
7 industrial commission.

8 (e) The presumption created in this subsection shall not apply to any
9 specified disease diagnosed more than ten (10) years following the last
10 date on which the firefighter actually worked as a firefighter as de-
11 defined in paragraph (a) of this subsection.

12 Recognizing that additional toxic or harmful substances or matter are
13 continually being discovered and used or misused, the above enumerated oc-
14 cupational diseases are not intended to be exclusive, but such additional
15 diseases shall not include hazards ~~which~~ that are common to the public in
16 general and ~~which~~ that are not within the meaning of section 72-102(22) (a),
17 Idaho Code, and the diseases enumerated in subsection (12) of this section
18 pertaining to paid firemen shall not be subject to the limitations pre-
19 scribed in section 72-439, Idaho Code.

Dear members of the Idaho Legislature,

The City of Twin Falls City Council would like to ask you for your help in passing SB1273. This Bill increases current Idaho Code 72-438 by including only cancers which studies have shown that firefighters have a significant greater likelihood of contracting. The City Council believes that if a firefighter meets the stringent standards in this Bill, the burden of evidence should be shifted to the employer, rather than the firefighter.

Due to the nature of the career, we understand that it is nearly impossible to identify which exact exposure may cause a firefighter to contract cancer. We also understand that the cancers that have been added to this section of Idaho Law are unique to firefighting. The Professional Firefighters of Idaho along with the Idaho Fire Chiefs have worked hard over the past few years to pass this legislation. Idaho is one of the last states to adopt this type of legislation. The research that has been used to find the correlation between cancer and firefighting has been taken from three different widely accepted US studies and one Canadian study.

We believe the trivial cost associated with a workman's comp increase, far outweighs the necessity for one of our healthy, non-tobacco using firefighters to prove that their cancer was caused by their hazardous profession. Please vote to support this important piece of legislation in the 2014 legislative session. Thank you again for your support.

Sincerely,



Date: Monday, February 24, 2014

To: Honorable Mayor and City Council

From: Lorie Race, CFO

Request:

An update on the \$38 million bond issuance for the voter-approved projects and improvements at the City's Waste Water Treatment Plant.

Time Estimate:

I will give an update, followed by any questions Council may have. I would estimate this item taking approximately 5-7 minutes.

Background:

The information I will be presenting includes a brief background on bond sales, and the specifics of our bond issuance.

Budget Impact:

There is no budget impact.

Regulatory Impact:

There is no regulatory impact.

Conclusion:

There is no action required by the City Council.

Attachments:

There are no attachments.



Date: Monday, February 24, 2014
To: Honorable Mayor and City Council
From: Jacqueline Fields, City Engineer

Request:

Authorize the Mayor to sign the Sub-Agreement Material Purchase Contract for Local Falls Ave. Intersection Improvements, Key No. 13544 and approve payment of the local match.

Time Estimate:

Staff presentation five minutes.

Background:

The City was awarded Local Highway Safety Improvement Program (LHSIP) projects. Key 13544 is to add larger stops sign along the side streets of Falls Avenue between Washington Street North and Blue Lakes as well as stop bars to decrease the failure to yield accidents along those streets. Because this is a very small project, LHTAC worked through a process to procure these materials for the City of Twin Falls and several other local transportation entities as a group which minimized the total amount of paperwork required to execute the projects.

The original state local agreement was not executed by ITD and the \$1,000 check was returned. The current request is to accommodate a different process only. All of the fundamental rules and principles for the City remain the same.

Approval Process:

Conclusion:

Staff recommends that the Council authorize the Mayor sign the Sub-Agreement Material Purchase Contract for Local Falls Ave. Intersection Improvements, Key 13544 and approve payment of \$1,000 towards the match for the project.

Attachments:

1. Letter from LHTAC, dated 5/21/13
2. Sub-agreement



Local Highway Technical Assistance Council

3330 W. Grace Street, Boise, Idaho 83703
(208) 344-0565 FAX (208) 344-0789
1-800-259-6841 – www.lhtac.org

Mac Pooler
Chairman

Dan Schaeffer
Vice Chairman

Don Ebert
Secretary/Treasurer

Lance Holmstrom, M.U.P.
Local Highway Administrator

May 21, 2013

City of Twin Falls
C/O Jackie Fields
324 Hansen St.
Twin Falls, ID 83301

RE: FY14 Local Highway Safety Improvement Program, State/Local Agreement

Dear Jackie,

LHTAC and ITD have agreed on new processes to significantly reduce the paperwork and oversight on these very small Federal Aid Safety Projects. I wanted to give you an update regarding KN# 13544 – Local Falls Ave Intersection Improvements. The Idaho Transportation Department (ITD) will be refunding your check and will not be executing the State/Local Agreement (SLA) as currently signed. ITD is asking LHTAC to combine these projects to more efficiently administer the smaller budget projects, especially related to signing and/or striping.

We are currently coordinating with ITD to develop a new SLA. LHTAC will act as the sponsor and group like projects together. This will minimize administration costs for both LHTAC and ITD, thus lowering the costs to the sponsor. LHTAC will complete sub-agreements with each of the Sponsors outlining the roles of both LHTAC and the Sponsor. The sponsor will submit their match to LHTAC and LHTAC will in turn submit a group match to ITD.

I am happy to report that additional streamlining has been agreed to in the design – purchase or construction process for these projects.

You will be receiving more information as well as new agreements in the near future. If you have any questions, please contact Laila Kral (LKral@lhtac.org).

Thank you,

Laila Kral, PE
LHSIP Administrator

Council Members

Association of Idaho Cities
Mayor Mac Pooler
City of Kellogg

Councilor Randall Prescott
City of Soda Springs

Mayor Kevin Poole
City of Lewiston

Idaho Association of Highway Districts
Commissioner Dan Schaeffer
Hillsdale Highway District

Commissioner Terry Werner
Post Falls Highway District

Commissioner Gilbert Hofmeister
Power County Highway District

Idaho Association of Counties
Commissioner Don Ebert
Clearwater County

Commissioner Len Smith
Gem County

Commissioner Lee Staker
Bonnaville County

Ex-Officio Members
Stuart Davis, Executive Director
Idaho Association of Highway Districts

Tony Poinhall, Deputy Director
Idaho Association of Counties

Ken Harward, Executive Director
Association of Idaho Cities

**SUB-AGREEMENT
MATERIALS PURCHASE CONTRACT
LOCAL FALLS AVE INTERSECTION IMPROVEMENTS
CITY OF TWIN FALLS
KEY NO. 13544**

PARTIES

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL (LHTAC), hereafter called LHTAC, and the CITY OF TWIN FALLS, acting by and through its Council, hereafter called the Sponsor.

PURPOSE

LHTAC is administering the Local Highway Safety Improvement Program (LHSIP) with federal funds obligated from the Idaho Transportation Department (ITD). This program is intended to serve the local highway jurisdictions, cities and counties. The Sponsors have requested that the State include in its Idaho Transportation Investment Program Local Highway Safety Improvement Program (LHSIP) Project No. 13544, described as the procurement and delivery of intersection signage and striping materials. Project development is to be performed by the Sponsor's staff and LHTAC Staff. The purpose of this Agreement is to set out the terms and conditions to accomplish this project

Since certain functions under this Agreement are to be performed by LHTAC, requiring the expenditure of funds, the Sponsor is fully responsible for all costs incurred by LHTAC related to the project.

Authority for this Agreement is established by Section 40-317 of the Idaho Code.

The Parties agree as follows:

SECTION I. GENERAL

1. It is necessary to develop basic construction documents including the location of improvements as well as material to be used. Federal-aid for project development is available on this project.
2. Federal participation in the project is at the rate of 92.66%; local participation is 7.34%. Scheduled funding for this project is listed in the approved Idaho Transportation Investment Program, and subsequent revisions. Current estimated funding is as follows:

LOCAL FALLS AVE INTERSECTION IMPROVEMENTS

- a. Project Development (State, Consultant, Local) - \$4,000
 - b. Right-of-Way - \$0
 - c. Utilities - \$0
 - d. Construction Engineering - \$2,000
 - e. Construction Materials - \$3,000
 - f. Total Estimated Project Costs - \$9,000
3. The Sponsor's match for this project will be provided as follows:
 - a. Cash in the amount of 7.34 percent of the entire project.
 4. All items installed on these projects shall conform to approved modified local MUTCD standards and/or State standards.
 5. This project shall be installed to State Standards as defined in the current version of the Idaho Transportation Department's Design Manual, or as subsequently revised. The current version of the Design Manual can be viewed at the following web site: <http://itd.idaho.gov/manuals/ManualsOnline.htm>.
 6. All information, regulatory and warning signs, pavement or other markings, and traffic devices required will be developed as a part of the plans, regardless of whether the work is done as a portion of

the contract or by the Sponsor's forces.

7. If the project is terminated prior to completion, the Sponsor shall repay to LHTAC all federal funds received for the project, and shall be liable to LHTAC for any un-reimbursed incidental expenses as provided for in Section II, Paragraph 1 of this Agreement.
8. Sufficient Appropriation. It is understood and agreed that LHTAC is a governmental agency, and this Agreement shall in no way be construed so as to bind or obligate LHTAC beyond the term of any particular appropriation of funds by the Federal Government or the State Legislature as may exist from time to time. LHTAC reserves the right to terminate this Agreement if, in its sole judgment, the Federal Government or the legislature of the State of Idaho fails, neglects or refuses to appropriate sufficient funds as may be required for LHTAC to continue payments. Any such termination shall take effect immediately upon notice and be otherwise effective as provided in this Agreement.

SECTION II. LHTAC shall:

1. Provide the following services incidental to the project development:
 - a. Complete one page environmental documents to be approved by ITD.
 - b. Complete State Charter and related documents.
 - c. Advertise and bid project materials. Materials will be delivered to the Sponsor.
 - d. Obtain material certification from the supplier.
 - e. Complete final acceptance of each project based on Sponsor documentation and physical observation.
2. Maintain all project records, including source documentation for all expenditures and in-kind contributions, for a period of three (3) years from the date of final acceptance. If any litigation, claim, negotiation, or audit has been started before expiration of the three-year period, the records shall

be retained until completion of the action and resolution of all issues that arise from it.

3. Comply with all other applicable State and Federal regulations.
4. Bill the Sponsor for costs incurred by LHTAC under this Agreement for project development, if those costs exceed the amount set out in Section III, Paragraph 1.
5. Bill the Sponsor for any federal funds to be repaid by the Sponsor if the project is terminated prior to completion, and the Sponsor has been reimbursed with federal funds for preliminary engineering and/or right-of-way acquisition.

SECTION III. That the Sponsor shall:

1. Pay to LHTAC, before LHTAC begins the incidental services referred to in Section II, Paragraph 1, the sum of **ONE THOUSAND DOLLARS (\$1,000)**, estimated to be the match amount to LHTAC. In addition, pay to LHTAC the cost of all incidental services provided by LHTAC upon receipt of the billing provided for in Section II, Paragraph 3. Checks shall be made payable to the "LHTAC-LHSIP", and mailed to LHTAC, 3330 W. Grace St., Boise, ID 83703, attention Susan Lasuen.
2. Sponsor warrants that it will repay any federal reimbursements on this project if the project is terminated prior to completion.
3. Provide LHTAC with the type of each sign, pavement marking or traffic device to be installed.
4. Provide LHTAC with the amount of each type of device to be installed.
5. Provide LHTAC with the location by mile point or intersection of each improvement to be installed.
6. Provide LHTAC with an ITD 1983 form "LOCAL PUBLIC AGENCY'S CERTIFICATE OF COMPLETION OF RIGHT-OF-WAY ACTIVITIES".
7. Provide LHTAC with pictures upon completion of the installation of each improvement.

8. Install all signs, striping and traffic devices per ITD Standards at the expense of the sponsor.
9. Install all signs, striping and traffic devices within 180 day of receipt of materials. If the materials cannot be installed within 180 days, request an extension with justification from LHTAC.
10. Comply with Appendix A, Title 49 CFR, Part 21, attached hereto and made a part hereof. By this agreement Sponsor agrees to comply with and be bound to the Civil Rights provisions of Title VI of the Federal Code and to generally insert those provisions in all contracts that it enters into that are federally funded on this project. If property acquired for this project with Federal financial assistance is transferred, the recipient of the property will be subject to Appendix A if the property is used for the same purpose it was originally acquired or for another purpose involving similar services or benefits to the general public. Sponsor should contact the State prior to disposing of any property acquired under this agreement.
11. Comply with all other applicable State and Federal regulations.

EXECUTION

This Agreement is executed for the Local Highway Technical Assistance Council by its Administrator, and executed for the Sponsor by its Mayor, attested to by the Secretary, with the imprinted Corporate Seal of City of Twin Falls.

LHTAC

Approved as to form:
Larry Allen
Deputy Attorney General
January 9, 2013

APPROVED BY:

Administrator

ATTEST:

SPONSOR

Secretary

Mayor

(SEAL)

lk:

Appendix A

Non-Discrimination Agreement for Local Public Agencies

Title VI Program

Organization and Staffing

Pursuant to 23 CFR 200, the Sponsor has designated a Title VI Coordinator who is responsible for monitoring practices, procedures, policies, and documents for compliance with Title VI. This individual is the designated liaison for Title VI program activities and for coordinating compliance monitoring with the Idaho Transportation Department Equal Employment Opportunity Office.

Assurances of Non-Discrimination

49 CFR Part 21.7

The Sponsor hereby gives assurances:

1. That no person shall on the grounds of **race, color, or national origin**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the Sponsor regardless of whether those programs and activities are Federally funded or not. The Federal-aid Highway Transportation Act of 1973 added **sex** to the list of prohibitive factors. **Disability** was added through Section 504 of the Rehabilitation Act of 1973. **Age** was subsequently added in 1975 under the Age Discrimination Act. **Minority populations and low-income populations** were added by Presidential Executive Order 12898. **Limited English proficient persons** was added by Presidential Executive Order 13166.
2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each program, activity, and facility (i.e. lands change to roadways, park and ride lots etc.) as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.

Further assurance is given that the Sponsor will comply with all requirements of **Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Vocational Rehabilitation Act of 1973**. Public agencies are required to have completed a self-evaluation of all their programs and services (including pedestrian facilities) by 1992. In addition, public agencies with 50 or more employees were required to develop an ADA Transition Plan describing in detail how corrections would be made. If corrections could not be made within one year (or 1993), the Plan was to include a detailed schedule of how corrections would be made (CFR 28 35.105 & 35.150).

4. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Sponsor by the Idaho Transportation Department (ITD) under the Federally-Funded Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants.
5. That the Sponsor shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federally-Funded programs and, in adapted form all proposals for negotiated agreements: *The (Sponsor), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full*

opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, or disability in consideration for an award.

6. That the Sponsor shall insert the clauses of Attachment 1 of this Agreement in every contract subject to the Act and the Regulations.
7. That the Sponsor shall insert the clauses of Attachment 2 of this Agreement, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
8. The Sponsor agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

Implementation Procedures

This agreement shall serve as the Sponsor's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. grants and loans of Federal funds,
2. the grant or donation of Federal property and interest in property,
3. the detail of Federal personnel,
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the Sponsor, or in recognition of the public interest to be served by such sale or lease to the Sponsor, and
5. any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The Sponsor shall:

1. Issue a policy statement, signed by the Sponsor's authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Sponsor's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by ITD or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The Sponsor's authorized representative shall be held responsible for implementing Title VI requirements.
3. Designate a Title VI Coordinator who has a responsible position in the organization and easy access to the Sponsor's authorized representative. The Title VI Coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. Adequately implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin, sex, or disability; the nature of the complaint; the date the complaint was filed; the date the investigation was completed; the disposition; the date of the disposition; and other pertinent information. A copy of the complaint, together with a copy of the Sponsor's report of investigation, will be forwarded to ITD's EEO Office – External Programs within 10 days of the date the complaint was received by the Sponsor.

6. Collect statistical data (race and sex) of participants in, and beneficiaries of the Transportation programs and activities conducted by the Sponsor.
7. Conduct Title VI reviews of the Sponsor and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Attend training programs on Title VI and related statutes conducted by ITD's EEO Office.
9. Participate in an annual review of the Sponsor's Title VI Program, the purpose of which is to determine to what extent the Sponsor has complied with Title VI requirements including the ADA. This review is conducted one year from the date of approval of the Non-Discrimination Agreement and then annually on the same date. The format for the Title VI review will be provided each year to the Sponsor for completion. A determination of compliance will be made by ITD's EEO Office based on the information supplied in the review. This review of the Sponsor's Title VI Program may also include an on-site review in order to determine compliance.

Discrimination Complaint Procedure

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

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

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

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

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

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

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

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

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

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

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

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

Idaho Transportation Department
Equal Employment Opportunity Office – External Programs
EEO Manager
PO Box 7129
Boise, ID 83707-1129
208-334-8852

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

Sanctions

In the event the Sponsor fails or refuses to comply with the terms of this agreement, the ITD may take any or all of the following actions:

1. Cancel, terminate, or suspend this agreement in whole or in part;
2. Refrain from extending any further assistance to the Sponsor under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Sponsor.
3. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the Sponsor;
4. Refer the case to the Department of Justice for appropriate legal proceedings.

Distribution: EEO Office
Appendix A revised: 03-09, 08-10

Attachment 1

This Attachment is to be inserted in every contract subject to Title VI of the Civil Rights Act of 1964 and associated Regulations.

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations

The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Sub-contracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to ITD or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Non-compliance

In the event of the contractor's non-compliance with the non-discrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- Cancellation, termination, or suspension of the contract, in whole or in part

Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request ITD enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

Attachment 2

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Idaho will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation ITD (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252: 42 USC 2000d to 2000d - 4) does hereby remise, release, quitclaim, and convey unto the state of Idaho all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the state of Idaho, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the state of Idaho, its successors, and assigns.

The state of Idaho, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,)(and)* (2) that the state of Idaho, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination of federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned non-discrimination conditions, the department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.¹

¹ Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.



Date: FEBRUARY 24, 2014

To: Honorable Mayor and City Council

From: Mitchel Humble, Community Development Director

Request: For the City Council to consider adoption of an ordinance.

Time Estimate: Staff presentation will be five (5 +/-) minutes. This is not a public hearing item but there may be an additional five (5) minutes for questions by the City Council.

Background: On January 14, 2014 a request for a zoning district change and zoning map amendment from R-4 to R-4 PRO for property located at 840 Addison Avenue was presented to the Planning & Zoning Commission. There was no public testimony given. Upon conclusion of the public hearing the Commission unanimously recommended approval of the amendment as presented. On February 10, 2014 the City Council held a public hearing on this request whereby they unanimously granted approval as presented and directed staff to prepare an ordinance to be presented for adoption at a later meeting.

Approval Process: To rezone property Twin Falls City Code requires a public hearing before the Planning & Zoning Commission who shall make a recommendation on the proposed amendment to the City Council. The City Council shall then hold at least one public hearing regarding the proposed amendment. The City Council is tasked to approve the amendment as presented, deny the amendment or remand back to the Commission with changes.

As per Title 10; Chapter 14; ...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. The ordinance shall be published within 30 days of adoption. Upon publication the ordinance shall be codified into the code.

Budget Impact: Adoption of the ordinance will allow the property owner to pursue a special use permit and a building permit to operate a professional office from this site.

Regulatory Impact: Twin Falls City Code 10-14-1 thru 7

Conclusion: On February 10, 2014 the City Council unanimously approved the request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for property located at 840 Addison Avenue as presented and directed staff to prepare and present an ordinance. Staff recommends the City Council adopt the ordinance so it can be published and codified.

Attachments:

1. Ordinance
2. Attachments

ORDINANCE NO. _____

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 AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

WHEREAS, R. Thomas Ruby had made application for a rezone of property located at 840 Addison Avenue; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 14th day of January, 2014, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon a REZONE of the real property below described; and,

WHEREAS, the City Planning and Zoning Commission has made recommendations to the City Council for the City of Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing to consider the same matter on the 10th day of February, 2014.

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

SECTION 1. That the following described real property located at 840 Addison Avenue is the subject of a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO:

SEE ATTACHMENT "A"

SECTION 2. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The zoning of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

SECTION 3. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the rezoning of the real property above described.

PASSED BY THE CITY COUNCIL

, 20__

SIGNED BY THE MAYOR

, 20__

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday,

, 20__

ATTACHMENT "A"

Legal Description for 840 Addison Avenue

Lot 5 in Block 1 of Twin Falls Townsite according to the official plat thereof, filed in Book 1 of Plats at Page(s) 7, records of Twin Falls County, Idaho.

Containing 12,339 sq. ft. or 0.28 acres.



Date: Monday, February 24, 2014
To: Honorable Mayor and City Council
From: Mitchel Humble, Community Development Director

Request:

Consideration of an ordinance amending City Code 9-6-8 regarding the City's regulation of on-street large truck parking.

Time Estimate:

The staff presentation will take approximately 10 minutes. We expect additional time will be needed to discuss and answer questions.

Background:

City Code 9-6-8 regulates the on-street parking of trucks, trailers, unused and inoperative vehicles. This section includes the following regulation:

"No person shall park a motor vehicle of one and one-half (1 $\frac{1}{2}$) ton capacity or more nor shall any person park a motor vehicle which has an overall length of more than twenty two feet (22') nor shall any person park a trailer of more than one-half (1/2) ton capacity upon any street or alley located within a residential district within the city except while engaged in the actual loading or unloading of passengers or property."

This section limits on-street parking of large trucks to non-residential districts, unless the truck is actively being loaded or unloaded. Therefore, the Code allows large trucks to be parked on the streets within non-residential districts. The City has received several complaints over the years about trucks being parked on a street in a commercial area and blocking visibility or creating other nuisances or hazards. City Code does allow the City to place signs that regulate on-street parking, like "no parking," "2-hour parking," or "no overnight parking." City staff has placed such signs in response to complaints about on-street large truck parking.

The streets around Wal-Mart and Norco have become a popular truck parking area over the last several months. City staff has received several complaints from both business and residential neighbors in that area. The complaints have been about the trucks blocking visibility, refrigerator units running overnight and making noise, trash being thrown onto the street and property nearby, and creating an unsightly environment. Much of the property in the area is undeveloped and part of the North Haven commercial subdivision. Property owners of the undeveloped lots have also indicated that the truck parking is making it difficult to market and sell lots.

Staff is concerned about continuing to place parking regulation signs in areas where large truck parking becomes a problem. We believe that practice will just move the problem areas somewhere else. We believe that to make a lasting and comprehensive impact will require an amendment to City Code 9-6-8 so the Code will dictate where on-street large truck parking should occur.

We reviewed the City's zoning regulations for guidance. The Code provides for a use entitled "open parking lot or garage for trucks and buses." This use would be what a large truck parking lot would be regulated as, if established on private property. For this use to be outright permitted on private property requires a M1 or M2 zoning designation. Why would the City allow on-street large truck parking in areas where off-street large truck parking is not outright permitted? Staff believes that City Code 9-6-8 should be amended to allow on-street large truck parking only in the M1 and M2 zones to be consistent with zoning regulations for off-street large truck parking.

This topic was discussed at the February 18, 2014 City Council meeting. At that meeting, the Council directed staff to prepare an ordinance making the change as described to City Code 9-6-8. We have prepared an ordinance as directed. It is attached for your consideration.

At that meeting, staff was asked what other cities in Idaho have done with their codes regarding on-street large truck parking. We have researched parking regulations in Boise, Caldwell, Pocatello, Nampa, and Rexburg. We found that all of them regulate on-street large truck parking much like our current Code does. That is, it is prohibited in residential areas, unless trucks are actively being loaded or unloaded. These cities also contain provisions similar to

ours that allow the City to regulate parking via signage where problem areas occur. Some of the cities also provided a list of streets where all on-street parking is prohibited. If the City adopts the attached ordinance as prepared, we will be taking a step that other Idaho cities have not taken regarding on-street large truck parking. We have discussed the lack of precedence by other Idaho cities internally. We believe it is still the appropriate action to take. We still believe that on-street large truck parking is not appropriate in commercial areas as well as residential. We feel that without an ordinance amendment, we'll keep having the complaints and we'll keep chasing the problem by installing regulation signs.

The attached ordinance makes one additional change. The first paragraph of 9-6-8 contains two sentences. The second sentence contains the provision discussed above for large truck parking to be permitted only in the manufacturing zones, unless the truck is being actively loaded or unloaded. The first regulates on-street truck parking by requiring they be parked on the right side of the road. This provision will apply to trucks parked in the manufacturing zones, but also to trucks parked in other areas being loaded and unloaded. The change being proposed with this ordinance is in the definition of a large truck. The Code is not currently consistent between the two sentences. One defines a large truck as "more than ½ ton capacity" and the other as "more than 1½ ton capacity." We are proposing to change the first sentence so it will be consistent with the 1½ ton capacity definition found in the second.

Staff recommends adoption of the attached ordinance as presented.

Approval Process:

Should the Council elect to adopt the ordinance at this meeting, a motion to suspend the rules and place the ordinance on third and final reading by title only will be necessary. That motion requires a supermajority vote to approve. Once on third and final reading, a simple majority vote of the Council is necessary to adopt the ordinance.

Budget Impact:

There is no significant budget impact associated with this request.

Regulatory Impact:

Approval of the request will amend City Code 9-6-8 as described above.

Conclusion:

Staff recommends that the Council adopt the attached ordinance as presented amending City Code 9-6-8 regarding the City's regulation of on-street large truck parking.

Attachments:

Proposed Ordinance Number ____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, THAT TWIN FALLS CITY CODE §9-6-8 BE AMENDED TO PROHIBIT ON-STREET TRUCK PARKING EXCEPT IN MANUFACTURING DISTRICTS, OR WHILE ENGAGED IN LOADING OR UNLOADING.

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

That Twin Falls City Code §9-6-8 is amended as follows:

“9-6-8: PARKING TRUCKS, TRAILERS, UNUSED AND INOPERATIVE VEHICLES:

No person shall park a motor truck of more than one and one-half (1½) ton capacity or automobile with trailer attached except with the right-hand side parallel with the curb and in moving such motor truck or automobile with trailer attached away from curb, it shall be moved forward, and no such motor truck or automobile with trailer attached shall be parked within four feet (4') of another car. No person shall park a motor vehicle of one and one-half (1½) ton capacity or more, nor shall any person park a motor vehicle which has an overall length of more than twenty two feet (22'), nor shall any person park a trailer of more than one-half (½) ton capacity upon any street or alley, except for a street or alley located within a residential manufacturing district within the city, or except while engaged in the actual loading or unloading of passengers or property.

No unused, inoperative or abandoned vehicle shall be parked for a longer period than twenty four (24) hours on any street.”

PASSED BY THE CITY COUNCIL, _____, 2014.

SIGNED BY THE MAYOR _____, 2014.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Date: February 24, 2014 --- City Council Meeting

To: Honorable Mayor and City Council

From: Jeanette Roe, Twin Falls Senior Center

Request:

Approval of a resolution authorizing the Mayor to sign and submit an application to the Idaho Department of Commerce to partially finance improvements to the Twin Falls Senior Center.

Time Estimate:

The presentation will be approximately 10 minutes.

Background:

This is an application to help make necessary improvements to the Twin Falls Senior Center to better provide services to the users of the facility. No funds from the City are being requested. The Idaho Department of Commerce – Community Development Block Grant (ICDBG) program is designed to assist Senior Centers to modify or build infrastructure that will assist the community's low- and moderate-income residents. The proposed project will meet the guidelines and requirements of the ICDBG program.

History:

The Idaho Department of Commerce – ICDBG program has assisted the City many times in the past. These funds, if awarded, would not interfere with any other current or prospective City / ICDBG Projects.

Budget Impact:

No City funds are being requested for match. Any matching funds will come from the Twin Falls Senior Center. The ICDBG application request will not exceed \$150,000.

Regulatory Impact: None

Conclusion:

In order for the Senior Center to submit an application to the Idaho Department of Commerce, the Council must hold a public hearing on the application; and then determine if the Council will authorize the Mayor to sign and submit the application.

Attachments:

Resolution
Public Hearing Notice

RESOLUTION _____

CITY OF TWIN FALLS
SIGN AND SUBMIT AUTHORIZATION

A RESOLUTION OF THE COUNCIL, CITY OF TWIN FALLS, IDAHO, AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN APPLICATION FOR AN IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT TO PARTIALLY FINANCE THE CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS TO THE TWIN FALLS SENIOR CENTER.

WHEREAS, the City of Twin Falls understands the value of supporting the Twin Falls Senior Center; and

WHEREAS, the City Council has determined it is in the best interest of the community to assist the Senior Center in this effort; and

WHEREAS, the Twin Falls Senior Center is seeking the financial assistance of the Idaho Department of Commerce through the Idaho Community Development Block Grant program to help finance a portion of these public improvements.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL FOR THE CITY OF TWIN FALLS, IDAHO, that the Mayor is hereby authorized to sign and submit appropriate application materials to the Idaho Department of Commerce for funds to assist the Twin Falls Senior Center with the construction of infrastructure improvements that will help the Senior Center's efforts to support the City of Twin Falls Community.

Adopted this 24th day of February, 2014.

Don Hall, Mayor

Attest: _____
Leila Sanchez, Deputy City Clerk

Notice of Public Hearing

The City of Twin Falls is submitting a proposal to the Idaho Department of Commerce for an Idaho Community Development Block Grant (ICDBG) in an amount of no more than \$150,000. The proposed project is to make improvements to the Twin Falls Senior Center. The hearing will include a discussion of the application, scope of work, budget, schedule, benefits of the project, how ICDBG funds will benefit low and moderate income persons, and location of the proposed project. The application, related documents, and ICDBG Application Handbook will be available for review.

The hearing has been scheduled for 6:00 pm, local time on February 24, 2014 at the Twin Falls City Council Chambers, located at 305 Third Avenue East. Verbal and written comments will be accepted prior to and at the hearing.

The hearing will be held in a facility that is accessible to persons with disabilities. Special accommodations will be available, upon request, five (5) days prior to the hearing in a format that is usable to persons with disabilities. For more information, contact Leila A. Sanchez at (208) 735-7287

/s/ _____
Mayor Don Hall

/s/ _____
P.O. Box 1907

/s/ _____
Twin Falls, Idaho 83303

This Notice can be provided in a format accessible to persons with disabilities and/or persons with limited English proficiency upon request.

Al ser solicitada, esta notificación puede ser proveída en un formato fácil de usar para personas con discapacidad y/o personas con conocimientos limitados del Inglés.



Date: MONDAY, February 24, 2014
To: Honorable Mayor and City Council
From: Melinda Anderson, Economic Development Director

Request:

A public hearing to consider the City's intent to dispose of a 6,200± square foot portion of a City owned lot located at on 2nd Avenue South, Block 119 Lots 9 & 10.

Time Estimate:

The staff presentation will take approximately 5 minutes. Time will be needed for public input and for discussion and questions.

Background:

At their January 27, 2014 meeting, the Council initiated a process to dispose of underutilized City owned property located on 2nd Avenue South, Block 119, Lots 9 & 10. The City received a request from Twin Falls Urban Renewal Agency to acquire this vacant lot to combine with a building it owns at 242 2nd Avenue South. TFURA would like to combine the City's vacant lot with its building to offer as a package for redevelopment.

In response to the request, the Council adopted Resolution 1918, declaring the City's intent to dispose of real property and February 24, 2014, as the date for a public hearing regarding the proposed disposition of property. The public notice for the hearing was published in the Times-News on Jan. 30, 2014. The purpose of this public hearing is for the Council to receive input regarding the proposed disposition of City property. Following the public hearing, the Council can direct Staff to dispose of the property.

Process:

A simple majority vote of the Council is needed to provide direction regarding the sale of the property. Idaho Code 50-1403 (4) allows the City to transfer this vacant lot to another public agency.

Budget Impact:

Approval of this agenda item will result in the transfer of real property and will relieve the City of the burden of maintaining this site.

Regulatory Impact:

Approval of this request will allow staff to transfer the property as described above.

Conclusion:

Staff recommends that the Council open a public hearing and then provide Staff direction as to the transfer of City owned property located on 2nd Avenue South, Block 119, Lots 9 & 10.

Attachments:

1. Property Map and Photo



