

COUNCIL MEMBERS:

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



AGENDA
 Meeting of the Twin Falls City Council
Monday, April 21, 2014
 City Council Chambers
 305 3rd Avenue East -Twin Falls. Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
 PROCLAMATION:

**Better Hearing Month
 Arbor Day Proclamation**

GENERAL PUBLIC INPUT

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>		
1. Consideration of a request to approve the Accounts Payable for April 8–April 21, 2014, total: \$705,115.30.	Action	<u>Staff Report</u> Sharon Bryan
2. Consideration of a request to approve the Magic Valley Mall C-1 Planned Unit Development.	Action	Mitchel Humble
3. Consideration of a request to accept the Street, Curb and Gutter Improvement Deferral Agreement for the purpose of improvements along Highland Avenue extended, on property located at 3450 Kimberly Road. <i>Chobani Wastewater Equalization System</i>	Action	Troy Vitek
4. Consideration of a request to accept the Street, Curb and Gutter Improvement Deferral Agreement for the purpose of improvements along Kimberly Road and Hankins Road on property located at 3450 Kimberly Road. <i>Chobani Yogurt Plant.</i>	Action	Troy Vitek
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Consideration of a request to confirm the appointment of Christopher Reid and Jody Tatum to the Planning & Zoning Commission to serve a 3 year term.	Action	Don Hall
2. Consideration of a request to seek direction on the process of awarding the Municipal Powers Outsource Grant (MPOG) funding for the current 2014 fiscal year.	Action	Mandi Thompson
3. Consideration of a request to adopt Ordinance 3069 to vacate a portion of a 23' +/- platted utility, drainage, access and irrigation easement on property located at 1662 Park View Drive for Castle Twin Falls, LLC.	Action	Mitchel Humble
4. A presentation regarding potential private property improvement encroachments onto City properties.	Presentation	Mitchel Humble
5. Consideration of a request to amend Twin Falls City Amended Transparency Resolution 1912.	Action	Fritz Wonderlich
6. Presentation by the City Manager followed by a general discussion and public input about the City Council's FY 2015 Budget priorities and philosophies.	Presentation	Travis Rothweiler
7. 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.: None		
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.

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

Proclamation



Better Hearing Month

WHEREAS, audiologists in Twin Falls, Idaho, and nationwide observe and celebrate Better Hearing Month each year during the month of May, and

WHEREAS, the Twin Falls City Council recognizes and values the efforts of all who work to eliminate or minimize the isolating effects of communication disorders in the one in five families affected by them, and

WHEREAS, more than half of the people with hearing loss are younger than age 65, and

WHEREAS, hearing loss is the third most common health problem in the United States, and

WHEREAS, our citizens who have overcome communication disabilities through the services of audiologists are now able to lead independent, productive and fulfilling lives, and

WHEREAS, audiologists have attained the highest level of education for hearing and balance disorders, and

WHEREAS, Twin Falls is proud and honored to have audiologists offering quality education and health care services to its citizens

THEREFORE, BE IT RESOLVED that I, Don Hall, Mayor of Twin Falls, Idaho, do hereby proclaim May as Better Hearing Month and encourage all citizens to recognize the achievements of audiologists in improving the quality of life for people with communication disorders.

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

Mayor Don Hall

Deputy City Clerk Leila Sanchez

Date: April 21, 2014



P.O. Box 1907

321 Second Avenue East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2296

OFFICE OF THE MAYOR

208-735-7271

Arbor Day Proclamation

Whereas, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I, Don Hall, Mayor of the City of Twin Falls, do hereby proclaim, Friday, April 25, 2014, as

ARBOR DAY

in the City of Twin Falls, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well being of this and future generations.

Dated this twentieth of March, 2014.



Mayor



DATE: *MONDAY April 21, 2014*
To: *Honorable Mayor and City Council*
From: *Mitchel Humble, Community Development Director*

ITEM I-

Request:

Consideration of the Magic Valley Mall C-1 Planned Unit Development Amended Agreement between the City of Twin Falls and Magic Valley Mall, LLC.

Time Estimate:

There will be no staff presentation unless the Council has questions and pulls this item off the Consent Calendar.

Budget Impact:

Approval of this request will have negligible impact on the city Budget.

Regulatory Impact:

Approval will allow signs on the mall property to be governed by the City of Twin Falls Sign Code as amended, with the sole exception being for pennants and flags.

History:

On January 28th, 2014 there was a Preliminary PUD Presentation on this request made to the Commission at a public meeting, followed by a public hearing made to the Commission on February 11, 2014.

On March 10, 2014 the City Council held a public hearing on this request. Upon conclusion of the public hearing, a motion was made as follows:

MOTION:

Councilperson Lanting made a motion to approve the request for a PUD Agreement Amendment to amend the Magic Valley Mall, LLC PUD Agreement #215 to allow a modification to the sign criteria on property located at 1485 Pole Line road East, as described, and conditions placed by the Planning and Zoning Commission.

Councilperson Lanting stated his intent for the motion would include the use of flag pole and pennant signs; and

- 1. Subject to Master Development Plan amendments as required by Building Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.*
- 2. Subject to recordation of Magic Valley Mall, LLC PUD Agreement #215; 2014 Amendment, as approved by the City Council prior to development of this site.*

Roll call vote showed that all members present voted in favor of the motion. Approved 6 to 0.

Analysis:

Staff has worked with the developer to assure that the PUD Agreement correctly reflects Council's approval. Attached is a copy of the final draft of the PUD Agreement.

Conclusion:

Staff feels that the attached Magic Valley Mall PUD Agreement correctly reflects the PUD as it was approved by Council, and recommends Council approval of the agreement.

Attachments:

- 1- Final Draft of the Magic Valley Mall C-1 Planned Unit Development Amended Agreement
- 2- Portion of Minutes of the March 10, 2014 CC public meeting.
- 3- Minutes of the January 28th P&Z Public Meeting
- 4- Minutes of the February 11th P&Z Public Meeting.

ADDENDUM TO C-1 PLANNED UNIT DEVELOPMENT AGREEMENT
MAGIC VALLEY MALL, LLC

The Addendum Agreement is made and entered into as of the _____ day of _____, 20____, by and between the City of Twin Falls, Idaho, a Municipal Corporation (hereinafter called "City") and Magic Valley Mall, L.L.C., a Utah Limited Liability Company whose address is 2733 East Parley's Way, Suite 300, Salt Lake City, Utah 84109.

RECITALS:

WHEREAS, the City and Price Development Company entered into a C-1 Planned Unit Development Agreement for the development of Magic Valley Mall dated February 6, 1984;

WHEREAS, on July 23, 1985, Price Development Company and the City executed an Addendum to C-1 Planned Unit Development Agreement;

WHEREAS, on April 17, 1995, Fund A. Magic Valley, Inc., a successor to Price Development Company and predecessor in interest to Magic Valley Partners, L.P., entered into an Addendum to C-1 Planned Unit Development Agreement;

WHEREAS, on May 21, 2004, Magic Valley Partners, L.P., a successor to Fund A, Magic Valley, Inc. and Price Development Company entered into an addendum to C-1 Planned Unit Development Agreement;

WHEREAS, on November 4, 2004, Magic Valley Mall, L.L.C., a Utah Limited Liability Company was a successor in interest to Magic Valley Partners, L.P. by special warranty deed inst. No. 2004-023931;

WHEREAS, on April 11, 2006, Magic Valley Mall, L.L.C., a Utah Limited Liability Company, a successor to Magic Valley Partners, L.P., a successor to Fund A, Magic Valley, Inc. and Price Development Company entered into an addendum to C-1 Planned Unit Development agreement;

WHEREAS, on January 15, 2008, Magic Valley Mall, L.L.C., a Utah Limited Liability Company, a successor to Magic Valley Partners, L.P., a successor to Fund A, Magic Valley, Inc. and Price Development Company entered into an addendum to C-1 Planned Unit Development agreement;

WHEREAS, the parties hereto now desire to amend the above referenced C-1 Planned Unit Development agreement to amend, as a part of this amendment, certain criteria governing signage;

NOW THEREFORE, the parties hereto, agree as follows:

1. **Signs:** All signs hereafter constructed or installed on the subject property shall meet the applicable provisions of the Twin Falls City Code. No other restriction shall be placed on signs permitted under this agreement.
 - a. **Exception:** All flag poles and pennant type signs previously permitted under the PUD date December 18, 2007 will be allowed.

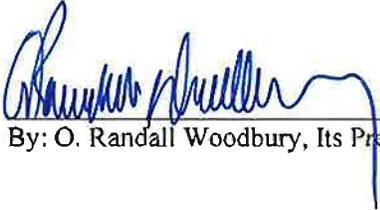
IN WITNESS WHEREOF, this Addendum Agreement has been executed on the day and year first above written.

City of Twin Falls, a Municipal Corporation
By: Mayor

Magic Valley Mall, L.L.C.,

By: TF MALL MANAGER L.L.C. a limited
liability corporation, Its Manager

By: Woodbury Corporation, a Utah Corporation,
Its Co-Manager



By: O. Randall Woodbury, Its President

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this ____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Mr. Greg Lanting, Mayor of Twin Falls, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

NOTARY PUBLIC FOR IDAHO

Residing At: _____

My Commission Expires: _____

STATE OF UTAH

COUNTY OF SALT LAKE

On this 14th day of APRIL, 2014, before me personally appeared O. Randall Woodbury, to me personally known who, being by me duly sworn, did for himself say that he is President for that certain corporation known as Woodbury Corporation, a Co-Manager of TF MALL MANAGER, L.L.C., a Utah limited liability company, Manager of MAGIC VALLEY MALL LLC, and that the within instrument was executed by them, for and on behalf of said limited liability company.



Stephanie Navarro
NOTARY PUBLIC

My Commission Expires: July 3, 2017

W

Reconvened at 6:33 p.m.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Recess 6:

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

1. Request to adopt a resolution authorizing the Mayor to sign and submit the application materials for an Idaho Community Development Block Grant (ICDBG) to partially finance infrastructure development for Clif Bar's new baking facility.

Carleen Herring explained the request. The City of Twin Falls is eligible to apply for Idaho Community Development Block Grant funds to partially finance the range of infrastructure improvements that Clif Bar requires to begin construction of their new baking facility on the east side of the community. This initial application will provide assistance to build a sub-station providing power to the new plant. The funds would be used to finance electrical improvements.

The application for funding from the ICDBG program does require matching funds. It is anticipated the Twin Falls Urban Renewal Agency will provide the entire necessary match for this project.

City Manager Rothweiler explained that the local match will be generated from the tax increment financing developed from the project. The tax increment is a product of the property taxes that are paid for by Clif Bar. Then that revenue stream is transformed into a long term debt instrument that allows the City to pay as you go over time as the revenue comes in. This is one of two block grants that are being submitted on behalf of Clif Bar. The second block grant will be before Council in the subsequent quarter. This block grant will assist in lift station improvements, to assist them with their wastewater flows and will be used to enhance an existing wastewater station.

Council discussion followed.

City Manager Rothweiler explained that if ICDBG does not partially finance the development TIF dollars will be applied to the project

Deliberations: None

Rebuttal: None

Mayor Hall opened and closed the public testimony portion of the hearing.

MOTION:

Councilperson Talkington made a motion to approve Resolution 1921. The motion was seconded by Councilperson Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Request for a PUD Agreement Amendment to amend the Magic Valley Mall, LLC PUD Agreement #215 to allow a modification to the sign criteria on property located at 1485 Pole Line Road East.

David Thibault, EHM Engineers, representing the applicant, explained the request. The PUD originated in the early 1980's and has been modified seven times. The proposed amendment is specific to the signs and to the regulation of signs that will be constructed on the site. Two prior amendments to the City Code also amended the sign regulations that are described within the PUD. The Magic Valley Mall and their representatives have determined that because the City of Twin Falls has updated and clarified their sign ordinance, all new signs, hereinafter, will comply with the City of Twin Falls signs ordinance, with the exception that all flag poles and pennant type signs previously permitted under the PUD Amendment dated December 18, 2007, will be allowed. The signs are similar to the City of Twin Falls signs that are in downtown/old town area (hanging baskets). In addition, any square footage language dictated in the sign code ordinance would not include pennant signs.

Planner I Spendlove reviewed the request.

This is a request to consider an amendment to the Magic Valley Mall PUD Agreement to allow a modification to the sign criteria on property located at 1485 Pole Line Road East. The modification would allow future signage at the Magic Valley Mall to follow current and revised City Code 10-9; Sign Regulation standards.

The proposed change will affect sign design and layout of proposed signs on the subject property. The proposed change is as follows:

Signs: All signs hereafter constructed or installed on the subject property shall meet the applicable provisions of the Twin Falls City Code. No other restriction shall be placed on signs permitted under this agreement with the exception of the allowance of flag poles and pennant type signs previously permitted under the PUD Amendment dated December 18, 2007.

The applicant is trying to eliminate confusion in the sign criteria and in the many addendums to the Magic Valley Mall, LLC PUD Agreements.

City Code requires that the applicants make a preliminary presentation to the Commission and to the public when an amendment to a PUD Agreement is desired. This presentation, which took place on January 28, 2014, allows the Commission and the public to become familiar with the proposed amendments to the project prior to the actual public hearing. At the presentation there were questions concerning who could have signs along the exterior of the mall and what type of sign. The PUD amendment will allow signs that comply with the current Twin Falls City Sign Code. Each new sign will have to go through the permitting process. Staff will evaluate the permit applications for compliance with City Code 10-9 before permitting any new signs.

The proposed development and amendment is still in compliance with the Comprehensive Plan which designates this area as appropriate for Commercial/Retail development.

On February 11, 2014 the Commission held a public hearing on this request. There was no public comment. Upon conclusion of the public hearing the Commission unanimously recommended approval of the amendment as presented subject to the following conditions:

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Magic Valley Mall, LLC PUD Agreement #215; 2014 Amendment, as approved by the City Council, prior to development of this site.

Staff concurs with the Commission recommendation.

Council discussion followed.

-What plan is set for area south of Sears

Brent White stated he doesn't know who the tenants may be. Work in the area was done to meet the handicap code.

Mayor Hall opened and closed the public testimony portion of the hearing.

Deliberations: None

Rebuttal: None

MOTION:

Councilperson Lanting made a motion to approve the request for a PUD Agreement Amendment to amend the Magic Valley Mall, LLC PUD Agreement #215 to allow a modification to the sign criteria on property located at 1485 Pole Line Road East, as described, and conditions placed by the Planning and Zoning Commission.

The motion was seconded by Councilperson Munn.

-Clarification of the motion

Councilperson Lanting stated his intent for the motion would include the use of flag pole and pennant signs; and,

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Magic Valley Mall, LLC PUD Agreement #215; 2014 Amendment, as approved by the City Council, prior to development of this site.

Roll call vote showed that all members present voted in favor of the motion. Approved 6 to 0.



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
January 28, 2014 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo “Tato” Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

<u>Present</u>	<u>Absent</u>
Derricott	Boyd
Frank	Sharp
Grey	Tatum
Munoz	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
Woods	DeVore

CITY COUNCIL LIAISON(S):

CITY STAFF: Spendlove, Strickland

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 6:26 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): [January 14, 2014-Public Hearing](#)
2. Approval of Findings of Fact and Conclusions of Law:
 - Pickett (SUP 01-14-14)

Motion:

Commissioner Woods made a motion to approve the consent calendar, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. A Preliminary Presentation for the Commission to consider a request for a PUD Agreement Amendment to amend the Magic Valley Mall PUD Agreement to allow a modification to the sign criteria on property located at 1485 Pole Line Road East c/o David Thibault, EHM Engineers on behalf of Magic Valley Mall, LLC (app. 2612)

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc., representing the applicant stated this PUD Amendment includes a modification of their sign criteria for monument signs and exterior advertisement at the Magic Valley Mall the proposal is to amend the current PUD and allow for the pennant signs which are kind of place holder and place identification signs out at the mall. They have built monuments

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that are approximately 3-4 feet tall and about 3-4 feet square with a pole that has a pennant sign that has the word food displayed on it, they have different themes. The amendment would allow for 30 of those signs to be built on the property and it currently allows for those 30 to be there, the amendment is to negate the rest of the sign criteria that is established in the rest of the PUD and adopt the current City signs ordinance and follow that regulation with the exception of the pennant signs that are currently allowed. The poles are similar to the fancier light poles that are downtown with the hanging baskets. The mall has developed a theme in hopes to maintain their sense of place, they want to conform with the current City regulations for future signage.

Commissioner Questions/Comments:

- Commissioner Frank: Would the signs be strictly internal to the mall property and not along the frontages of the property.
- Mr. Thibault: The signs would be on the property included in the PUD and it would include portions of the frontage. There is a big sign by the Taco Bell and one located at Pole Line & Blue Lakes Boulevard that would fall under this change.

Staff Presentation:

- Planner I Spendlove stated this is a request to amend the PUD Agreement to refer back to the City Code which has been updated since some of these PUD Agreements were adopted with the allowance for the pennant signs described in the presentation. Tonight is just a preliminary presentation only there will not be a staff analysis presented or recommendations. The public hearing for this item will be scheduled for February 11, 2014.

Commissioner Questions/Comments:

- Commissioner Woods stated the sign code for the City of Twin Falls is probably very different than the MV Mall PUD criteria. He was wondering if this change will create a bad picture or present a problem with lighting in an open area like the mall, will that be evaluated.
- Planner I Spendlove explained at the next presentation these types of things will be reviewed. If the question is about existing signs, if the sign code applies to them and they don't meet the current City Code requirements the signs become non-conforming signs, until the times comes that the applicant wants to change them or take them down they can continue to be there.
- Commissioner Woods asked if there is anything in the City sign code that would allow the businesses in the mall to put up new signs that would be bolder and create light problem.
- Planner I Spendlove stated any new signs will have to comply with the current City Code requirements.

Public Comment: [Open & Closed](#)

Planner I Spendlove reminded the Commission that the public hearing for this requested is scheduled for the February 11, 2014 meeting.

Planning & Zoning Public Hearing Is Scheduled For February 11, 2014

2. A Preliminary Presentation for the Commission to consider a request for a PUD Agreement Amendment to amend the WS&V PUD Agreement #263-A to allow a mixed use development; consisting of professional office and residential uses, on the remaining undeveloped lots within the WS&V First Amended Subdivision-A PUD, consisting of lots 2-5 Block 1 and totaling 16 (+/-) acres, located west of the 1000 block of Fieldstream Way and southwest of Cheney Drive West, extended c/o John O Fitzgerald, II on behalf of WS&V, LLC (app. 2614)

Applicant Presentation:

John Fitzgerald, II representing the applicant stated he knows this request has been in front of the Commission and Council on several occasions. He wants to emphasize that he is not here to rehash things but he is here to address some of the issues that have been addressed previously and to clarify the objectives are to meet the previously stated objections. In the staff report there is a comment under the analysis that this request is to allow for the development of an apartment complex on 5 (+/-) acres of property. That is not what the applicant is requesting; the applicant wants to correct errors, conflict and ambiguity in the PUD Agreement and to amend the development approval process without diminishing the intended governmental oversight. In the packet is included a letter dated Nov. 4, 2013 articulating what the application is for and what the objectives are for the request. For example, the PUD agreement had doctor's offices as a permitted use and as a use that required a special use permit. They would like to correct that and place doctor's offices under permitted uses. Another clarification is to define accessory buildings as being detached. One of the big items is the multi-family dwelling units set at 6 as a permitted use, the applicant would like to change that to 8 units as a permitted use, the 8 units is consistent with the original application by WS&V with the Devon Project located at the corner of Locust Street and North College Road, that was part of the concept presented by WS&V. The other portion of the request would allow through a special use permit process dwellings of more than 8 units up to a maximum of 12 units. The next items to address the approval process; any time the project moves forward and wants to change the applicant has to come back through for an amendment. What the applicant is proposing is that rather than having to go through an amendment is that the special use permit process be built into the PUD Agreement allowing the governmental oversight as well as the public input through the public hearing process. The comment was made that WS&V is looking for carte blanche to do whatever they want to do with the property, this is not the intention. The development is interesting because it was set up as a PUD but the traditional PUD Agreement states this is the concept and it is concrete. This particular project is not concrete it is intended to be fluid and flexible relative to what potential buyers want to do with the property. WS&V does not want carte blanche; they want the flexibility to have the proposed projects come in through the Special Use Permit process to allow for public input and review.

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Staff Review & Analysis:

Planner I Spendlove reviewed the exhibits on the overhead and some of the history. He stated a preliminary PUD presentation is required for an amendment prior to the public hearing. The purpose of this presentation is to allow both the Commission and the public to hear from the developer what type of development is being planned. Staff will provide further analysis at the public hearing scheduled for February 11, 2014.

Public Comment: [Open & Closed](#)

Planner I Spendlove reminded the Commission that the public hearing for this requested is scheduled for the February 11, 2014 meeting.

[Planning & Zoning Public Hearing Is Scheduled For February 11, 2014](#)

IV. PUBLIC HEARINGS: [NONE](#)

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)

1. Work Session- [Wednesday, February 5, 2014 P.M.](#)
2. Public Hearing-[Tuesday, February 11, 2014 6:00 P.M.](#)

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:48 PM

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3. Subject to Council approval of an Ordinance for the vacation of the dedicated public rights-of-way and easements consisting of 2.7 (+/-) acres located within a portion of the Fieldstone Subdivision located south of the 900-1100 blocks of Cheney Drive West, undeveloped and east of the 1350-1450 blocks of Fields Stream Way.
4. Subject to Council approval and recordation of the Fieldstone Professional P.U.D. R-4 Professional Planned Unit Development Agreement.
5. Subject to no building permits being issued for Lots 1 through 5, Block 1, Fieldstone Professional Subdivision, until Cheney Drive West, extended, has been constructed.
6. Subject to road right-of-way being dedicated to the City of Twin Falls from the Twin Falls Reformed Church, Inc. for their portion of Cheney Drive West, extended.
7. Subject to Twin Falls Canal Company approval of the relocation of Lateral #43 and the dedication of necessary easements.

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation on a request for a PUD Agreement Amendment to amend the Magic Valley Mall, LLC PUD Agreement #215 to allow a modification to the sign criteria on property located at 1485 Pole Line Road East c/o David Thibault, EHM Engineers, Inc. on behalf of Magic Valley Mall. (app. 2612)

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc., representing the applicant stated this PUD Agreement was created in the mid 80's and has had several amendments subsequently as the Mall has grown. The request is that the PUD be amended to include language that would make the mall subject to the updated City Sign Code ordinance. The PUD would read that all signs constructed or installed on the subject property shall meet the applicable provisions of the Twin Falls City Code with no other restriction being placed on signs permitted under this agreement. They want to play by the same rules and the Mall has discovered that as they have tried to erect and construct signs for their property that trying to ensure compliance with the PUD Agreement has been laborious for their contractors to sift through their PUD requirements. The one exception to this change would be the pennant signs; the Mall has recently remodeled some of the entrances and added pennant signs previously called out in the PUD Agreement, they would ask that those remain in the PUD Agreement and permitted as allowed through the PUD Agreement. These signs don't necessarily advertise for specific stores or products they are more decorative and gives the customer a sense of place and location. The mall is a destination and these signs assist the customers.

Staff Analysis:

Planner I Spendlove displayed the exhibits on the over heads and reviewed the staff analysis of the request. He stated this request is for the Commission to consider an amendment to the Magic Valley Mall PUD Agreement to allow a modification to the sign criteria on property located at 1485 Pole Line Road East. The modification would allow future signage at the Magic Valley Mall to follow current and revised City Code 10-9; Sign Regulation standards. At the preliminary presentation there was a question from the Commissioners about the change this impact will have on sign for the property. The staff report tried to address the question but essentially there are too many variables to give a specific yes or no answer. The will have to comply with the current city sign code and without a plan with dimensions or locations there is no way of knowing the answer.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of the request, as presented, staff recommends the following conditions:

**Planning & Zoning Commission Minutes
February 11, 2014**

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Magic Valley Mall, LLC PUD Agreement #215; 2014 Amendment, as approved by the City Council, prior to development of this site.

PZ Questions/Comments:

- Commissioner Tatum asked if this is approved will this set precedence for other PUD Agreements to change their sign criteria and would that open things up for detracting from the development.
- Planner I Spendlove stated an applicant can always come in and request a PUD Amendment as fro detraction is they wanted to come through and change the construction design if it is removed they would have to comply with city code if there are deficiencies in the city code that might be a place to asked whether or not the amendment is adequate.
- Commissioner Sharp clarified that this will bring their requirements into alignment with the City Sign Code.
- Commissioner Woods asked if a sign could be built along the Bridgeview corridor with bright lights next to sleeping quarters.
- Planner I Spendlove stated that if he is referring to message center signs there are provisions for how bright those can be specifically, it does not preclude any certain areas where they can or can't be except for in commercially zone properties. There are size requirements and conditions that have to be met.
- Commissioner Woods states so message center signs would be allowed.
- Planner I Spendlove stated if he saw a plan he could be more specific but Bridgeview could also be able to have the same type of sign pointed towards the mall property, it is a possibility both properties are commercially zoned.
- Commissioner Woods asked if there are lighting considerations when the sign is next to sleeping quarters.
- Commissioner Frank asked if the current PUD Agreement prohibited message center signs.
- Planner I Spendlove stated he is not sure but he does know that the City Sign Code addresses message center signs and has provisions to address the brightness of the sign, frequency of messages; there are conditions that have to be met.
- Commissioner Woods stated we are here to protect the adjacent properties and while Bridgeview may be commercial it is still somewhat residential and people may be trying to sleep.
- Planner I Spendlove explained if the sign code is deficient in addressing this situation maybe that needs to be discussed.
- Zoning & Development Manager Carraway stated the City has not heard any concerns from the adjacent property owners. Bridgeview was notified through this process if they had concerns she believes they would have been here.

Public Hearing: [Open](#)

Public Hearing: [Closed](#)

**Planning & Zoning Commission Minutes
February 11, 2014**

Deliberations Followed:

- Commissioner Munoz stated that he reviewed the sign code and what is allowed currently. The sign code makes enforcement easier and rather than studying a massive PUD to make sure it meets the PUD Agreement criteria. The current sign code is much more restrictive than what is in the PUD Agreement. It won't fix signs that are not in currently in compliance but it will be much easier to enforce in the future.

Motion:

Commissioner Tatum made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL, AS PRESENTED, WITH STAFF RECOMMENDATIONS

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Magic Valley Mall, LLC PUD Agreement #215; 2014 Amendment, as approved by the City Council, prior to development of this site.

SCHEDULE FOR PUBLIC HEARING WITH CITY COUNCIL MARCH 10, 2014

2. Request for the Commission's recommendation on a request for a PUD Agreement Amendment to amend the WS&V PUD Agreement #263 to allow a mixed use development; consisting of professional office and residential uses, on the remaining undeveloped lots within the WS&V First Amended Subdivision-A PUD, consisting of lots 2-5 Block 1 and totaling 16 (+/-) acres, located west of the 1000 block of Field Stream Way and southwest of Cheney Drive West, extended c/o John O Fitzgerald, II on behalf of WS&V, LLC (app. 2614)

Applicant Presentation:

John Fitzgerald, II, representing the applicant, stated they are here to request an amendment that will help to move the process forward with some clarification. He reviewed the area on the overhead and what is surrounding the property. The property to the east of this development has been rezoned to R-4 PRO through a PUD Agreement. The first amendment is a clarification making

Dr. Office's an allowed use without a Special Use Permit process. The second amendment is a clarification that detached accessory buildings be allowed without a Special Use Permit if less than 1000 sq. ft in size. The next amendment is an amendment to the land use regulations the PUD is written presently it provides for 6 units per building. The applicant is asking that this be amended to allow for 8 units per building as a permitted use. This is in line with the concept initially presented; the Devon Senior Housing project would be the concept that they have for the development. Part of the problem with this project in and of itself is that it is conceptual in nature. This is not a typical PUD in which a master development plan is presented. What they are looking for is to provide a list of permitted uses and special uses consistent with the concept of how the property would be marketed and developed. To be consistent with that concept is amending the PUD Agreement allowing 8 units which would be consistent with the Devon Senior Housing project. The next amendment #4 is a clarification associated with detached accessory building larger than 1000 sq. ft. associated with residential carports and clubhouses. The next item in conjunction with taking 6 units up to 8 units they would like to allow anything about 8 units to a maximum of 12 units be allowed by Special Use Permit. In the previous hearings there has been objection associated with



Date: Monday, April 21, 2014
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Consideration of a request to accept the Street, Curb and Gutter Improvement Deferral Agreement for the purpose of improvements along Highland Avenue extended, on the property located at 3450 Kimberly Road.

Time Estimate:

This item is scheduled for the consent agenda, so no presentation is planned.

Background:

3450 Kimberly Road

This deferral is for the Chobani Wastewater Equalization System located on Kimberly Road between Hankins Road and 3300 East. City Code 10-11-5 (B) 3 states the City Engineer may defer construction if the improvement would create a traffic hazard or unusual drainage problem. Staff believes construction of this curb and gutter would present a drainage problem for the property.

Budget Impact:

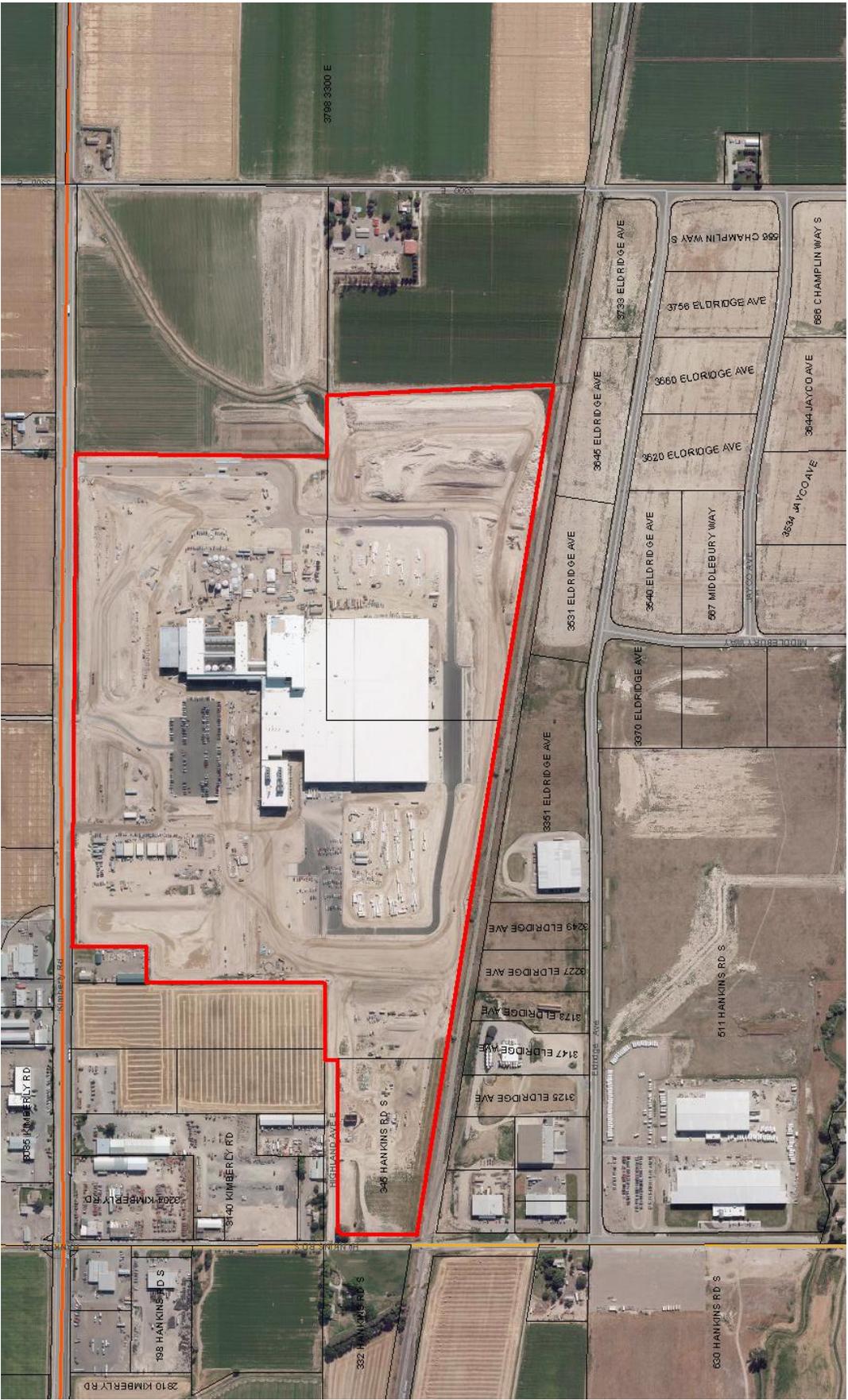
There is no significant budget impact associated with the Council's approval of this request.

Conclusion:

Staff recommends that the Council approve the request and authorize the Mayor to sign the Improvement Deferral Agreement.

Attachments:

1. Aerial Photo
2. Street, Curb, and Gutter Deferral Agreement.



3798 3300 E

3738 ELDRIDGE AVE

3758 ELDRIDGE AVE

3660 ELORIDGE AVE

3620 ELORIDGE AVE

3648 ELDRIDGE AVE

3607 MIDDLEBURY WAY

3534 JAYCO AVE

3445 ELDRIDGE AVE

3351 ELDRIDGE AVE

3249 ELDRIDGE AVE

3227 ELDRIDGE AVE

3178 ELDRIDGE AVE

3147 ELDRIDGE AVE

3125 ELDRIDGE AVE

3070 ELDRIDGE AVE

511 HANKINS RD S

530 HANKINS RD S

346 HANKINS RD S

340 KIMBERLY RD

332 HANKINS RD S

2810 KIMBERLY RD

198 HANKINS RD S

2209 KIMBERLY RD

3055 KIMBERLY RD

STREET, CURB GUTTER AND APPROACH IMPROVEMENT DEFERRAL AGREEMENT
(Wastewater Equalization System)

This Agreement made and entered into this ____ day of _____, 2014, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City", and Chobani Idaho, LLC, hereinafter called "Developer", for the purpose of constructing certain improvements on property sought to be developed at 3450 Kimberly Road.

WHEREAS, Developer certifies that it is the owner in fee simple or the authorized agent of the owner in fee simple of the real property described on the attached Exhibit "A"; and,

WHEREAS, there is attached hereto and incorporated herein as if the same were set out in full, a certified copy of the deed to the above described real property, marked Exhibit "A", showing ownership of said real property to be in Developer, or, as the case may be, there is attached hereto and incorporated herein as if the same were set out in full, a copy of the deed to the above described real property showing ownership in fee simple in someone other than Developer together with a notarized authorization, signed by the real property owner, authorizing Developer to act on behalf of said real property owner; and,

WHEREAS, Developer desires to develop said real property in the following manner: Construct Chobani Wastewater Equalization System; and,

WHEREAS, the Developer is obligated to construct certain improvements, namely streets, curb, gutter and approach on Highland Avenue East extended, as generally described on Exhibit "B" attached hereto and incorporated herein, pursuant to Title 10, Chapter 11 and 12 of the Twin Falls City Code; and,

WHEREAS, the City is authorized, pursuant to Twin Falls City Code Section 10-11-1 to defer said improvements; and,

WHEREAS, the City Council on April 21, 2014 agreed to defer construction of the aforementioned improvements,

WITNESSETH, that for and in consideration of the mutual promises, conditions and covenants contained herein, the parties agree as follows:

I.

City agrees: 1) to defer construction of the required street, curb, gutter and approach along Highland Avenue East, extended, as generally described on Exhibit "B" until such time as the obligation of street, curb and gutter construction on adjacent property or properties allows the City Engineer to require construction under the conditions specified in City Code Section 10-11-5(B)2.

II.

Developer agrees to: 1) complete construction of street, curb, gutter and approach on the real property described above when required by the City Council in accordance with Paragraph I above.

III.

Developer further agrees that in the event the Developer fails to complete the aforementioned construction, the City may, after reasonable written notice of default and opportunity to cure, complete the construction at the City's expense and may file a lien against the aforementioned property for expenses incurred by the City in said construction.

IV.

Developer agrees to pay the total actual cost of all materials, labor and equipment necessary to completely construct all of the improvements required herein and to construct or contract for the construction of all such improvements. The Development Agreement between the Developer, the City, and the Urban Renewal Agency for the City of Twin Falls, as it may be amended from time to time, provides for tax increment funding for the construction of public improvements of the subject real property, which could include funding of the public improvements required by this Agreement. The City understands and agrees that Developer may request that the costs and expenses of these improvements be paid from tax increment funds, to the extent such funds are available and the costs and expenses are approved by the Twin Falls Urban Renewal Agency ("URA"), all as more particularly described in the said Development Agreement. The City agrees to cooperate and assist the Developer in obtaining URA approval.

V.

Developer agrees to request in writing that the City Engineer and any other required department of the City make the following inspections and to not proceed with construction until the required inspection is complete and the work has been approved in writing by the City Engineer or his authorized inspector. All such inspections shall be scheduled fifteen (15) days prior to beginning work and the request for an inspection shall be made one working day before the required inspection. Developer agrees to apply all costs resulting from his failure to properly schedule and request a required inspection or from proceeding with work before receiving approval to proceed. Developer agrees to remove or correct any rejected, unapproved or defective work or materials all as required by the City Engineer.

VI.

The Developer agrees to: 1) allow the City full and complete access to the construction; 2) provide all materials necessary to conduct all tests; and 3) provide the equipment and perform or have performed any testing of manufactured materials required by the City Engineer.

VII.

Developer agrees to obtain any necessary permits from the Twin Falls Highway District or the State of Idaho Department of Highways prior to construction improvements on their respective rights-of-way if said permits are required by the aforementioned agencies. A certified copy of said permit or the original of said permit shall be submitted to the City prior to beginning construction thereon.

This Agreement shall not be recorded; provided however, if the obligations of Developer have not been satisfied prior to the time that Developer sells and conveys the property described in Exhibit A, the Developer agrees to cause this Agreement to be recorded immediately prior to such conveyance. This Agreement and the obligations herein shall run with the land and shall bind the parties hereto, their heirs, successors in interest, and lawful assigns. Developer shall have no personal liability under this Agreement unless Developer fails to record this Agreement prior to a conveyance as set forth above.

In the event of a breach of this Agreement, or should legal action of any kind be taken to enforce the provisions hereof, the prevailing party shall be entitled to reasonable attorney fees and cost awarded by the Court.

CITY OF TWIN FALLS, IDAHO

BY _____
Mayor

DEVELOPER

Chobani Idaho, LLC, an Idaho limited liability company,

By: _____
Its: _____

STATE OF IDAHO

On this __day of _____, 20__, before me a notary public in and for said State, personally appeared _____

known to me to be the person who name subscribed to the within instrument, and acknowledged to me that _____ executed the same.

Notary Public
Residing in _____
Expires _____

STATE OF IDAHO

On this __day of _____, 20 , before me a notary public in and for said State, personally appeared _____

known to me to be the person who name subscribed to the within instrument, and acknowledged to me that _____ executed the same.

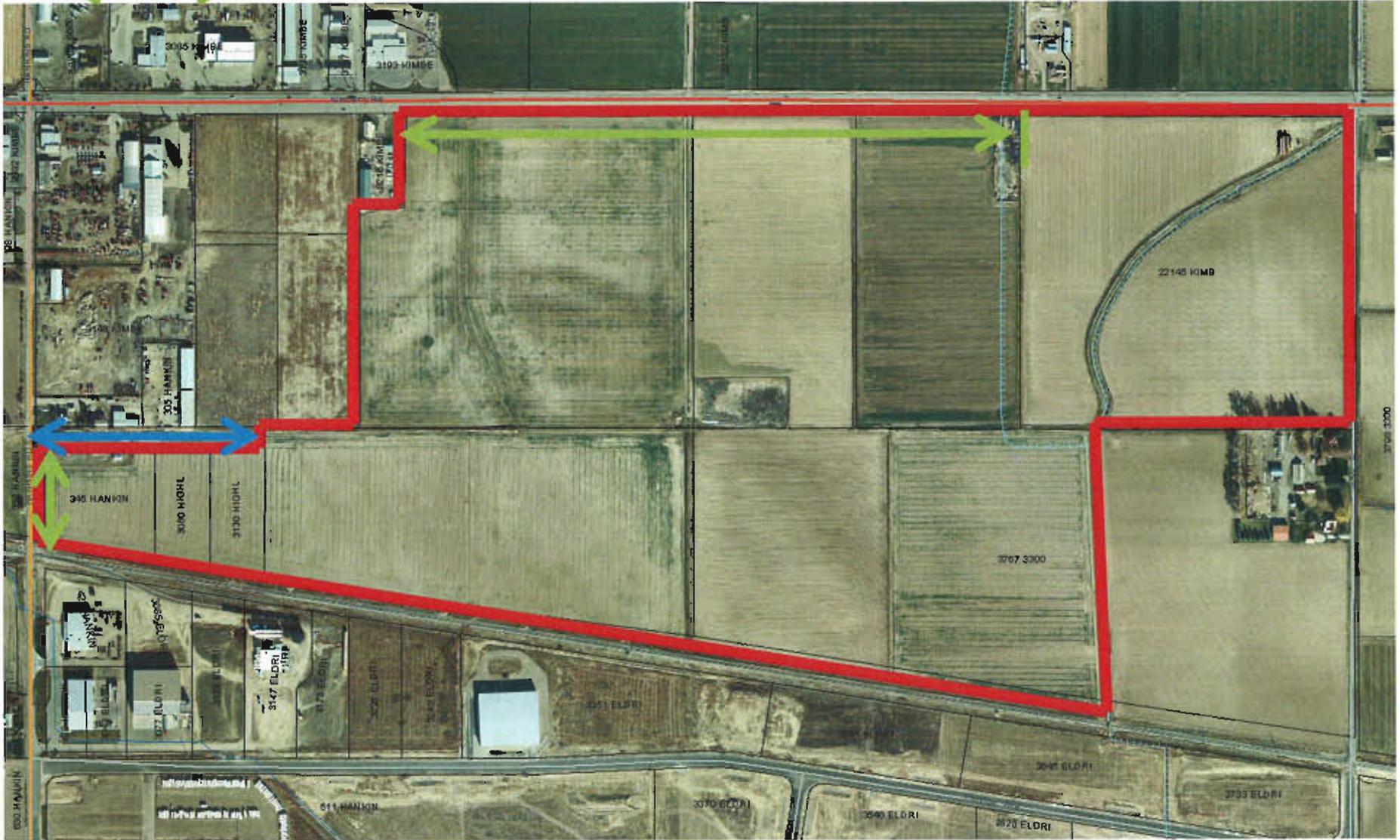
Notary Public
Residing in _____
Expires _____

Exhibit A – Deed
Exhibit B – Description of Improvements



Equalization Tank Permit

Plant Permit



62564SM

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

TWIN FALLS COUNTY

Recorded for:
TITLEFACT
2:58:55 PM 11-30-2011
2011-022261
No. Pages:2 Fee: \$ 13.00
KRISTINA GLASCOCK
County Clerk
Deputy: DWRIGHT

WARRANTY DEED

FOR VALUE RECEIVED URBAN RENEWAL AGENCY OF TWIN FALLS, an Independent Public Body Corporate and Politic, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto AGRO-FARMA IDAHO, INC., an Idaho corporation, hereinafter called Grantee, whose address is: 147 State Highway 320, Norwich, New York 13815, the following described premises, in Twin Falls County, Idaho, to-wit:

PARCEL NO. 1

Lots 1, 2, and 3, Block 1, MAGIC VALLEY BUSINESS PARK SUBDIVISION NO. 1, Twin Falls County, Idaho, according to the official plat thereof recorded in Book 19 of Plats, page 10, records of Twin Falls County, Idaho.

PARCEL NO. 2

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho
Section 24: A parcel of land located in a portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$, being more particularly described as follows:
COMMENCING at the Northwest corner of Section 24; said point lies North 89°46'12" West 2638.84 feet from the North quarter corner of said Section 24;
THENCE South 00°00'24" East 1319.86 feet along the West boundary of Section 24 to the Northwest corner of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 24;
THENCE South 89°48'18" East 938.24 feet along the North boundary of "Magic Valley Business Park Subdivision No. 1" to the Northeast corner thereof, and being the REAL POINT OF BEGINNING;
THENCE South 89°47'18" East 1702.41 feet along the North boundary of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 24 to the Northeast corner thereof;
THENCE South 00°05'08" East 864.41 feet along the East boundary of said S $\frac{1}{2}$ NW $\frac{1}{4}$ to the Northerly boundary of the Railroad right of way;
THENCE North 80°44'21" West 1728.37 feet along said Railroad right of way to the Southeast corner of "Magic Valley Business Park Subdivision No. 1;"
THENCE North 00°12'29" East 592.56 feet along the East boundary of said Subdivision to the REAL POINT OF BEGINNING.

PARCEL NO. 3

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho
Section 24: A parcel of land located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ being more particularly described as follows:
COMMENCING at the Northeast corner of Section 24; said point lies North 00°27'29" East 2635.15 feet from the East quarter corner of said Section 24;
THENCE South 00°27'29" West 1317.58 feet along the East boundary of Section 24 to the Northeast corner of the S $\frac{1}{2}$ NE $\frac{1}{4}$;
THENCE North 89°49'59" West 1047.92 feet along the North boundary of the S $\frac{1}{2}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING.
THENCE South 02°39'05" East 1134.38 feet along the centerline of a Twin Falls Canal Company lateral to a point on the Northerly right of way boundary of a railroad mainline;
THENCE North 80°47'45" West 1710.09 feet along said Northerly right of way to a point on the West boundary of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 24;
THENCE North 00°08'34" West 864.41 feet along the West boundary of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 24 to the Northwest corner thereof;
THENCE South 89°49'59" East 1637.75 feet along the North boundary of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 24 to the REAL POINT OF BEGINNING.

PARCEL NO. 4

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho
Section 24: A parcel of land located in the NW $\frac{1}{4}$ more particularly described as follows:
COMMENCING at the North one-quarter corner of said Section 24 from which the Northwest Section corner of said Section 24 bears South 89°48'00" West 2638.80 feet;
THENCE South 00°31'07" East along the East boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 24 for a distance of 50.00 feet to a point on the Southerly right of way of U.S. Highway 30 and being the TRUE POINT OF BEGINNING;

THENCE continuing South 00°31'07" East along the East boundary of the NE¼NW¼ of said Section 24 for a distance of 1269.01 feet to the Southeast corner of the NE¼NW¼ of said Section 24;
THENCE South 89°46'46" West along the South boundary of the NE¼NW¼ of said Section 24 for a distance of 1320.34 feet to the Southwest corner of the NE¼NW¼ of said Section 24;
THENCE continuing South 89°46'46" West along the South boundary of the NW¼ of said Section 24 for a distance of 6.39 feet;
THENCE North 00°12'00" West for a distance of 2.39 feet to a found ¼" rebar;
THENCE continuing North 00°12'00" West for a distance of 890.83 feet to a found ¼" rebar;
THENCE South 89°43'47" East for a distance of 181.24 feet;
THENCE North 00°39'29" East for a distance of 377.78 feet to a point on the Southerly right of way of U.S. Highway 30;
THENCE North 89°48'00" East parallel with the North boundary of the NE¼NW¼ of said Section 24 and along the Southerly right of way of U.S. Highway 30 for a distance of 1132.79 feet to the TRUE POINT OF BEGINNING.
SUBJECT TO Highway District right of way.

PARCEL NO. 5

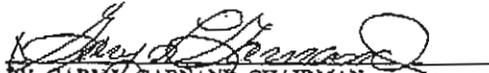
Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho
Section 24: A parcel of land located in the N½NE¼ of said Section 24, being more particularly described as follows:

COMMENCING at the Northeast corner of Section 24; said point lies North 00°27'29" East 2635.15 feet from the East quarter corner of said Section 24;
THENCE South 00°27'29" West 50.04 feet along the East boundary of the N½NE¼ of Section 24 to a point on the Southerly right of way of U.S. Highway 30, Project No. F-2361(14) and being the REAL POINT OF BEGINNING;
THENCE continuing South 00°27'29" West 1267.54 feet along the East boundary of said N½NE¼ to the Southeast corner thereof;
THENCE North 89°49'59" West 2685.67 feet along the South boundary of said N½NE¼ to the Southwest corner thereof;
THENCE North 00°08'34" West 1269.01 feet along the West boundary of said N½NE¼ to a point on the Southerly right of way of U.S. Highway 30 Project No. F-2361(14);
THENCE South 89°49'32" East 2216.77 feet along said right of way to a point of curvature 50.00 feet right of Highway Station 153+50.76;
THENCE along a curve right:
Δ - 00°14'28"
R - 114,542.46 feet
A - 482.19 feet
C - 482.19 feet
LCB - South 89°41'38" East to the REAL POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including, but not limited to, all water rights, water and canal shares and similar rights, and ditches and ditch rights, unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant and warrant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all liens, claims and encumbrances except all easements of record as of the date hereof, and that Grantor will warrant and defend the same.

Dated: November 30, 2011

URBAN RENEWAL AGENCY OF TWIN FALLS


BY: GARY L. GARNAND, CHAIRMAN

STATE OF IDAHO
County of Twin Falls

On this 30th day of November, 2011, before me, a Notary Public in and for said State, personally appeared Gary L. Garnand, known or identified to me to be the Chairman of the Urban Renewal Agency of the city of Twin Falls Idaho, and subscribed that he signed the foregoing document as Chairman of the agency and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and date first so written.

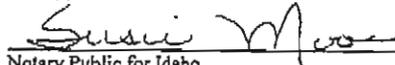

Notary Public for Idaho
Residing at Twin Falls
Commission expires: 11-28-2014



Exhibit "B"

Deferral Agreement Detail

Plant Permit:

Kimberly Road:

Curb-gutter: 2531 feet approximately
Sidewalk: 2531 feet long approximately, 5 feet wide
Street Improvement: Approaches

Hankins Road South:

Curb-gutter: 380 feet approximately
Sidewalk: 380 feet approximately
Street Improvement: Approach

Improvements are not required along 3300 East Rd. or along Kimberly Road adjacent to the northeast parcel since no building activity is happening on that parcel at this time.

Equalization Tank Permit:

Highland Avenue East (extended):

Curb-gutter: 932 feet approximately
Street Improvement: Approach
Full street, 932 feet long approximately, 50 feet wide



Date: Monday, April 21, 2014
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Consideration of a request to accept the Street, Curb and Gutter Improvement Deferral Agreement for the purpose of improvements along Kimberly Road and Hankins Road, on the property located at 3450 Kimberly Road.

Time Estimate:

This item is scheduled for the consent agenda, so no presentation is planned.

Background:

3450 Kimberly Road

This deferral is for the Chobani Yogurt Plant located on Kimberly Road between Hankins Road and 3300 East. City Code 10-11-5 (B) 3 states the City Engineer may defer construction if the improvement would create a traffic hazard or unusual drainage problem. Staff believes construction of this curb and gutter would present a drainage problem for the property.

Budget Impact:

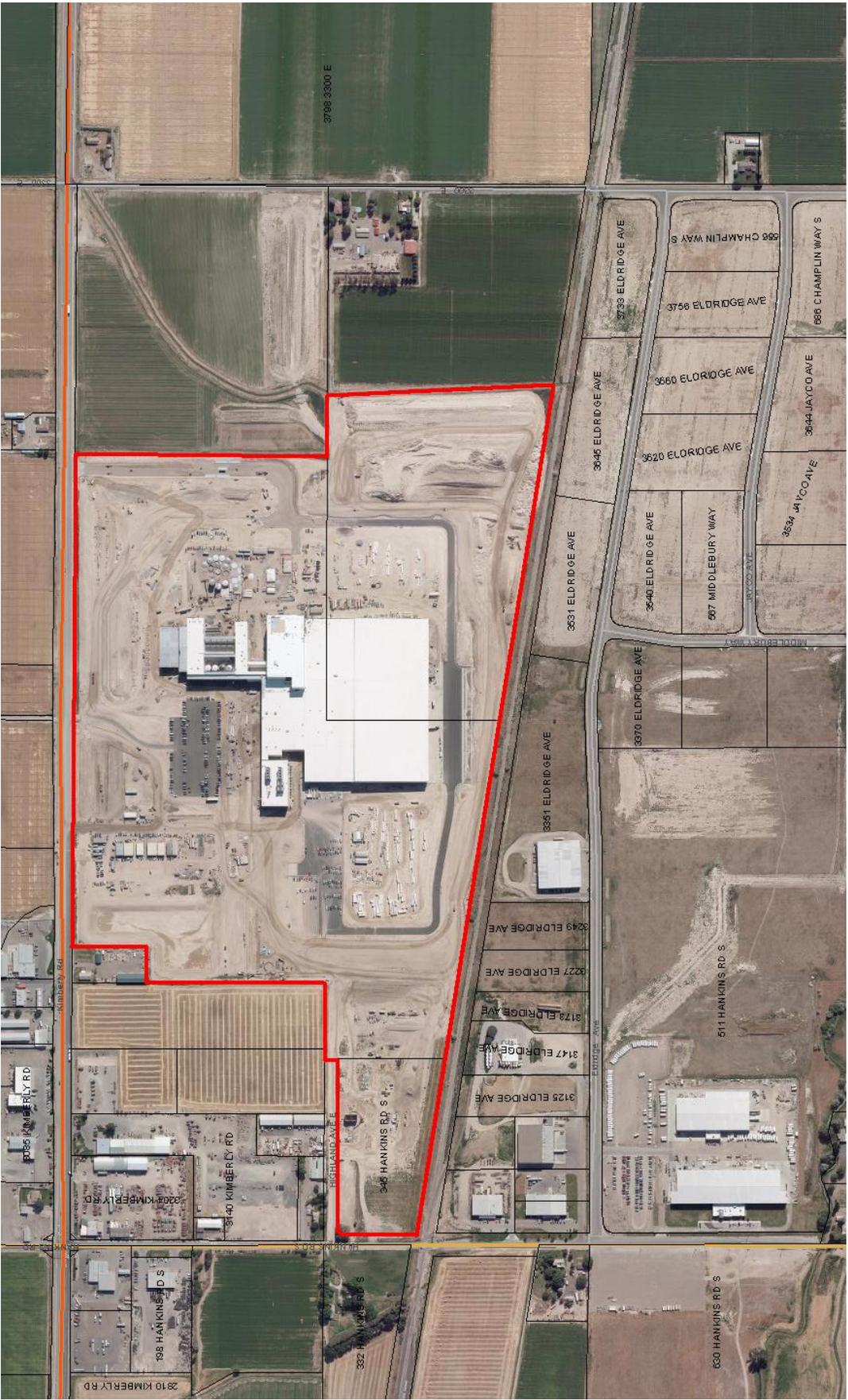
There is no significant budget impact associated with the Council's approval of this request.

Conclusion:

Staff recommends that the Council approve the request and authorize the Mayor to sign the Improvement Deferral Agreement.

Attachments:

1. Aerial Photo
2. Street, Curb, and Gutter Deferral Agreement.



STREET, CURB GUTTER AND APPROACH IMPROVEMENT DEFERRAL AGREEMENT
(Yogurt Factory)

This Agreement made and entered into this ____ day of _____, 2014, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City", and Chobani Idaho, Inc., hereinafter called "Developer", for the purpose of constructing certain improvements on property sought to be developed at 3450 Kimberly Road.

WHEREAS, Developer certifies that it is the owner in fee simple or the authorized agent of the owner in fee simple of the real property described on the attached Exhibit "A"; and,

WHEREAS, there is attached hereto and incorporated herein as if the same were set out in full, a certified copy of the deed to the above described real property, marked Exhibit "A", showing ownership of said real property to be in Developer, or, as the case may be, there is attached hereto and incorporated herein as if the same were set out in full, a copy of the deed to the above described real property showing ownership in fee simple in someone other than Developer together with a notarized authorization, signed by the real property owner, authorizing Developer to act on behalf of said real property owner; and,

WHEREAS, Developer desires to develop said real property in the following manner: Construct Chobani Yogurt Factory; and,

WHEREAS, the Developer is obligated to construct certain improvements, namely streets, curb, gutter and approach on Kimberly Road and Hankins Road, as generally described on Exhibit "B" attached hereto and incorporated herein, pursuant to Title 10, Chapter 11 and 12 of the Twin Falls City Code; and,

WHEREAS, the City is authorized, pursuant to Twin Falls City Code Section 10-11-1 to defer said improvements; and,

WHEREAS, the City Council on April 21, 2014 agreed to defer construction of the aforementioned improvements,

WITNESSETH, that for and in consideration of the mutual promises, conditions and covenants contained herein, the parties agree as follows:

I.

City agrees: 1) to defer construction of the required street, curb, gutter and approach along Hankins Road and Kimberly Road, as generally described on Exhibit "B" until such time as the obligation of street, curb and gutter construction on adjacent property or properties allows the City Engineer to require construction under the conditions specified in City Code Section 10-11-5(B)2.

II.

Developer agrees to: 1) complete construction of street, curb, gutter and approach on the real property described above when required by the City Council in accordance with Paragraph I above.

III.

Developer further agrees that in the event the Developer fails to complete the aforementioned construction, the City may, after reasonable written notice of default and opportunity to cure, complete the construction at the City's expense and may file a lien against the aforementioned property for expenses incurred by the City in said construction.

IV.

Developer agrees to pay the total actual cost of all materials, labor and equipment necessary to completely construct all of the improvements required herein and to construct or contract for the construction of all such improvements. The Development Agreement between the Developer, the City, and the Urban Renewal Agency for the City of Twin Falls, as it may be amended from time to time, provides for tax increment funding for the construction of public improvements of the subject real property, which could include funding of the public improvements required by this Agreement. The City understands and agrees that Developer may request that the costs and expenses of these improvements be paid from tax increment funds, to the extent such funds are available and the costs and expenses are approved by the Twin Falls Urban Renewal Agency ("URA"), all as more particularly described in the said Development Agreement. The City agrees to cooperate and assist the Developer in obtaining URA approval.

V.

Developer agrees to request in writing that the City Engineer and any other required department of the City make the following inspections and to not proceed with construction until the required inspection is complete and the work has been approved in writing by the City Engineer or his authorized inspector. All such inspections shall be scheduled fifteen (15) days prior to beginning work and the request for an inspection shall be made one working day before the required inspection. Developer agrees to apply all costs resulting from his failure to properly schedule and request a required inspection or from proceeding with work before receiving approval to proceed. Developer agrees to remove or correct any rejected, unapproved or defective work or materials all as required by the City Engineer.

VI.

The Developer agrees to: 1) allow the City full and complete access to the construction; 2) provide all materials necessary to conduct all tests; and 3) provide the equipment and perform or have performed any testing of manufactured materials required by the City Engineer.

VII.

Developer agrees to obtain any necessary permits from the Twin Falls Highway District or the State of Idaho Department of Highways prior to construction improvements on their respective rights-of-way if said permits are required by the aforementioned agencies. A certified copy of said permit or the original of said permit shall be submitted to the City prior to beginning construction thereon.

This Agreement shall not be recorded; provided however, if the obligations of Developer have not been satisfied prior to the time that Developer sells and conveys the property described in Exhibit A, the Developer agrees to cause this Agreement to be recorded immediately prior to such conveyance. This Agreement and the obligations herein shall run with the land and shall bind the parties hereto, their heirs, successors in interest, and lawful assigns. Developer shall have no personal liability under this Agreement unless Developer fails to record this Agreement prior to a conveyance as set forth above.

In the event of a breach of this Agreement, or should legal action of any kind be taken to enforce the provisions hereof, the prevailing party shall be entitled to reasonable attorney fees and cost awarded by the Court.

CITY OF TWIN FALLS, IDAHO

BY _____
Mayor

DEVELOPER

Chobani Idaho, LLC, an Idaho limited liability company,

By: _____
Its: _____

STATE OF IDAHO

On this __day of _____, 20__, before me a notary public in and for said State, personally appeared _____

known to me to be the person who name subscribed to the within instrument, and acknowledged to me that _____ executed the same.

Notary Public
Residing in _____
Expires _____

STATE OF IDAHO

On this __day of _____, 20 , before me a notary public in and for said State, personally appeared _____

known to me to be the person who name subscribed to the within instrument, and acknowledged to me that _____ executed the same.

Notary Public
Residing in _____
Expires _____

Exhibit A – Deed
Exhibit B – Description of Improvements



Equalization Tank Permit

Plant Permit



62564SM

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

TWIN FALLS COUNTY

Recorded for:
TITLEFACT
2:58:55 PM 11-30-2011
2011-022261
No. Pages:2 Fee: \$ 13.00
KRISTINA GLASCOCK
County Clerk
Deputy: DWRIGHT

WARRANTY DEED

FOR VALUE RECEIVED URBAN RENEWAL AGENCY OF TWIN FALLS, an Independent Public Body Corporate and Politic, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto AGRO-FARMA IDAHO, INC., an Idaho corporation, hereinafter called Grantee, whose address is: 147 State Highway 320, Norwich, New York 13815, the following described premises, in Twin Falls County, Idaho, to-wit:

PARCEL NO. 1

Lots 1, 2, and 3, Block 1, MAGIC VALLEY BUSINESS PARK SUBDIVISION NO. 1, Twin Falls County, Idaho, according to the official plat thereof recorded in Book 19 of Plats, page 10, records of Twin Falls County, Idaho.

PARCEL NO. 2

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho
Section 24: A parcel of land located in a portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$, being more particularly described as follows:
COMMENCING at the Northwest corner of Section 24; said point lies North 89°46'12" West 2638.84 feet from the North quarter corner of said Section 24;
THENCE South 00°00'24" East 1319.86 feet along the West boundary of Section 24 to the Northwest corner of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 24;
THENCE South 89°48'18" East 938.24 feet along the North boundary of "Magic Valley Business Park Subdivision No. 1" to the Northeast corner thereof, and being the REAL POINT OF BEGINNING;
THENCE South 89°47'18" East 1702.41 feet along the North boundary of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 24 to the Northeast corner thereof;
THENCE South 00°05'08" East 864.41 feet along the East boundary of said S $\frac{1}{2}$ NW $\frac{1}{4}$ to the Northerly boundary of the Railroad right of way;
THENCE North 80°44'21" West 1728.37 feet along said Railroad right of way to the Southeast corner of "Magic Valley Business Park Subdivision No. 1;"
THENCE North 00°12'29" East 592.56 feet along the East boundary of said Subdivision to the REAL POINT OF BEGINNING.

PARCEL NO. 3

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho
Section 24: A parcel of land located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ being more particularly described as follows:
COMMENCING at the Northeast corner of Section 24; said point lies North 00°27'29" East 2635.15 feet from the East quarter corner of said Section 24;
THENCE South 00°27'29" West 1317.58 feet along the East boundary of Section 24 to the Northeast corner of the S $\frac{1}{2}$ NE $\frac{1}{4}$;
THENCE North 89°49'59" West 1047.92 feet along the North boundary of the S $\frac{1}{2}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING.
THENCE South 02°39'05" East 1134.38 feet along the centerline of a Twin Falls Canal Company lateral to a point on the Northerly right of way boundary of a railroad mainline;
THENCE North 80°47'45" West 1710.09 feet along said Northerly right of way to a point on the West boundary of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 24;
THENCE North 00°08'34" West 864.41 feet along the West boundary of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 24 to the Northwest corner thereof;
THENCE South 89°49'59" East 1637.75 feet along the North boundary of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 24 to the REAL POINT OF BEGINNING.

PARCEL NO. 4

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho
Section 24: A parcel of land located in the NW $\frac{1}{4}$ more particularly described as follows:
COMMENCING at the North one-quarter corner of said Section 24 from which the Northwest Section corner of said Section 24 bears South 89°48'00" West 2638.80 feet;
THENCE South 00°31'07" East along the East boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 24 for a distance of 50.00 feet to a point on the Southerly right of way of U.S. Highway 30 and being the TRUE POINT OF BEGINNING;

THENCE continuing South 00°31'07" East along the East boundary of the NE¼NW¼ of said Section 24 for a distance of 1269.01 feet to the Southeast corner of the NE¼NW¼ of said Section 24;
THENCE South 89°46'46" West along the South boundary of the NE¼NW¼ of said Section 24 for a distance of 1320.34 feet to the Southwest corner of the NE¼NW¼ of said Section 24;
THENCE continuing South 89°46'46" West along the South boundary of the NW¼ of said Section 24 for a distance of 6.39 feet;
THENCE North 00°12'00" West for a distance of 2.39 feet to a found ¼" rebar;
THENCE continuing North 00°12'00" West for a distance of 890.83 feet to a found ¼" rebar;
THENCE South 89°43'47" East for a distance of 181.24 feet;
THENCE North 00°39'29" East for a distance of 377.78 feet to a point on the Southerly right of way of U.S. Highway 30;
THENCE North 89°48'00" East parallel with the North boundary of the NE¼NW¼ of said Section 24 and along the Southerly right of way of U.S. Highway 30 for a distance of 1132.79 feet to the TRUE POINT OF BEGINNING.
SUBJECT TO Highway District right of way.

PARCEL NO. 5

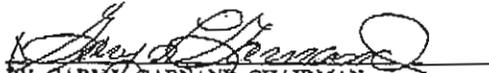
Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho
Section 24: A parcel of land located in the N½NE¼ of said Section 24, being more particularly described as follows:

COMMENCING at the Northeast corner of Section 24; said point lies North 00°27'29" East 2635.15 feet from the East quarter corner of said Section 24;
THENCE South 00°27'29" West 50.04 feet along the East boundary of the N½NE¼ of Section 24 to a point on the Southerly right of way of U.S. Highway 30, Project No. F-2361(14) and being the REAL POINT OF BEGINNING;
THENCE continuing South 00°27'29" West 1267.54 feet along the East boundary of said N½NE¼ to the Southeast corner thereof;
THENCE North 89°49'59" West 2685.67 feet along the South boundary of said N½NE¼ to the Southwest corner thereof;
THENCE North 00°08'34" West 1269.01 feet along the West boundary of said N½NE¼ to a point on the Southerly right of way of U.S. Highway 30 Project No. F-2361(14);
THENCE South 89°49'32" East 2216.77 feet along said right of way to a point of curvature 50.00 feet right of Highway Station 153+50.76;
THENCE along a curve right:
Δ - 00°14'28"
R - 114,542.46 feet
A - 482.19 feet
C - 482.19 feet
LCB - South 89°41'38" East to the REAL POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances, including, but not limited to, all water rights, water and canal shares and similar rights, and ditches and ditch rights, unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant and warrant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all liens, claims and encumbrances except all easements of record as of the date hereof, and that Grantor will warrant and defend the same.

Dated: November 30, 2011

URBAN RENEWAL AGENCY OF TWIN FALLS


BY: GARY L. GARNAND, CHAIRMAN

STATE OF IDAHO
County of Twin Falls

On this 30th day of November, 2011, before me, a Notary Public in and for said State, personally appeared Gary L. Garnand, known or identified to me to be the Chairman of the Urban Renewal Agency of the city of Twin Falls Idaho, and subscribed that he signed the foregoing document as Chairman of the agency and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and date first so written.

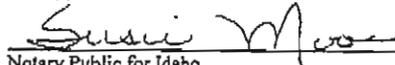

Notary Public for Idaho
Residing at Twin Falls
Commission expires: 11-28-2014



Exhibit "B"

Deferral Agreement Detail

Plant Permit:

Kimberly Road:

Curb-gutter: 2531 feet approximately
Sidewalk: 2531 feet long approximately, 5 feet wide
Street Improvement: Approaches

Hankins Road South:

Curb-gutter: 380 feet approximately
Sidewalk: 380 feet approximately
Street Improvement: Approach

Improvements are not required along 3300 East Rd. or along Kimberly Road adjacent to the northeast parcel since no building activity is happening on that parcel at this time.

Equalization Tank Permit:

Highland Avenue East (extended):

Curb-gutter: 932 feet approximately
Street Improvement: Approach
Full street, 932 feet long approximately, 50 feet wide



Monday April 21, 2014
To: City Council
From: Mayor Don Hall

Request:

Consideration of a request to confirm the appointment of Christopher Reid and the reappointment of Jody Tatum to the Planning & Zoning Commission.

Time Estimate:

The presentation will take approximately 5 minutes. Following the presentation, additional time may be necessary for questions.

Background:

Chuck Sharpe recently completed his term on the Planning & Zoning Commission. Chuck was a valuable commissioner and will be missed. Chuck was one of the seven Commissioners who live in City limits. The P&Z by-laws require seven members from within the City limits and two from the Area of Impact. Therefore, Chuck's replacement needs live in the City limits.

Jody Tatum also recently completed a partial term on the Commission. Jody is eligible for and has requested reappointment to the Commission. Jody has had great attendance and has been a valuable contributor to the Commission. Jody is also one of the seven Commissioners from within the City limits.

City staff posted a vacancy notice for these positions. Staff received applications from six individuals with an interest in serving on the Planning & Zoning Commission. An interview panel consisting of P&Z Chairman Tom Frank, P&Z Liaison Rebecca Mills Sojka, Zoning & Development Manager Renee Carraway, and I interviewed these six individuals. A majority of the panel recommended that Christopher Reid be appointed to the Commission. In addition to appointing Chris, I would like to reappoint Jody Tatum to her second term on the Commission. These appointments would be for three years beginning retroactively in March 2014 and ending in February 2017.

Approval Process:

City Code 10-17-2 says that the City limit Planning & Zoning Commissioners are appointed by the Mayor and confirmed by the City Council.

Budget Impact:

None

Regulatory Impact:

Approval of this request will maintain full membership on the Planning & Zoning Commission.

Conclusion:

I request that the Council confirm my appointment of Christopher Reid and reappointment of Jody Tatum to 3-year terms on the Planning & Zoning Commission.

Attachment:

Letter of interest from Christopher Reid

Mitch Humble,

I am submitting this letter of Interest for the openings on the Twin Falls Planning & Zoning Commission. I have listed my contact information below if you have any questions.

Thank you,

Christopher A. Reid



Monday April 21, 2014 City Council Meeting

To: Honorable Mayor and City Council

From: Mandi Thompson, Grant Writer

Request:

Consideration of a request to seek direction from the Twin Falls City Council on the process of awarding the Municipal Powers Outsource Grant (MPOG) funding for the current 2014 fiscal year.

Time Estimate:

Approximately 5 minutes followed by time for City Council discussion.

Background:

The purpose of this agenda item is to discuss the process that the Twin Falls City Council would like to follow in awarding the \$100,000 in Municipal Powers Outsource Grants for the current 2014 Budget Year.

The processes followed by the Council for the 2013 MPOG involved submission of an application by interested parties. These applications were evaluated by City Attorney Fritz Wonderlich to verify eligibility for grant funds. Eligible entities were then allowed a brief five-minute presentation to Council, during which time Council members were to fill out a scoring matrix and ask questions. All scores were compiled, averaged and applications were ranked, all during a recess of the City Council meeting.

It is the suggestion of City staff that members of Council receive all eligible applications five days prior to the May 19th City Council meeting, along with a scoring matrix for each application. Council members will score each applicant based on the information provided in the application and return to staff on Monday, May 19th by noon, in order that scores can be compiled, averaged and applications can be ranked prior to the City Council meeting. Council member will be able to change their scoring during the presentations, and these changes will be factored into the application rankings during a short recess. By ranking the applications prior to the City Council meeting, Council members will be able to thoughtfully rank each application.

A suggested timeline –

April 22 – Media release with instruction for submitting application for grant funds.

May 2 – Applications due by this date (Friday) at 4:00 PM.

May 5 – Applications submitted to City Attorney Fritz Wonderlich to determine eligibility for the MPOG funds.

May 12 – Eligibility determinations will be submitted to City staff by the City Attorney; City staff will notify eligible applicants and submit an agenda item for the May 19th Twin Falls City Council meeting to hear presentations from the eligible applicants.

May 19 – City Council hears presentations and awards MPOG funds.

Approval Process:

There is no approval process.

Budget Impact:

There is no budget impact. The current 2014 Budget has \$100,000 budgeted for MPOG Grants.

Regulatory Impact:

There is no regulatory impact.

Attachments:

Copy of MPOG scoring matrix used in 2013 MPOG process.

Grant No.		0	1	2	3	4	Score	
		Does Not Meet	Marginally Meets	Meets	Strongly Meets	Exceeds		
Demonstration of Need	Clearly establishes a compelling problem statement and/or needs assessment							
	Demonstrates cost benefit or cost avoidance							
	Provides a service that the community does not have							
	Importance of City Funding to the specific organization's mission.							
	Comments							
	Work Plan	Contains a realistic schedule or timeline						
		Comments						
	Budget	Contains a detailed budget						
		States specifically how money will be used						
		Budget contains realistic costs for materials and services						
		Budget numbers are correct						
	Comments							
	Staffing Plan	Contains a proposed staffing plan which supports the scope of the project						
		Comments						
	Budget Sustainability	Operational needs: Budget must show ongoing sustainability						
One-time project: Project provides something the community does not have or is outdated								
Comments								
Services	Provides a new service or improves access to existing services related to the City's Mission Statement .							
	Provides a benefit to the citizens of Twin Falls.							
Comments								

<u>Funding Priorities</u>	Need relates to the City of Twin Falls' Strategic Plan and is a service the city would otherwise provide.						
	Comments						
<u>Population Focus</u>	Services primarily Twin Falls residents						
	Comments						
<u>Collaboration</u>	Shows a high level of involvement with other community services/agencies						
	Comments						
<u>Priority Management</u>	Overall, demonstrates a clear need for the services, project, or equipment						
	Comments						
<u>Demonstration of Outcomes</u>	Does applicant demonstrate outcomes?						
	Objectives are measurable						
	Comments						
Overall score: 80 points possible _____							
<u>Overall Comments</u>	Comments						

Chapter 3 of Title 50 of the Idaho Code describes municipal powers, which may be exercised directly by the municipality, or indirectly by the municipality through other entities.



MONDAY APRIL 21, 2014

To: Honorable Mayor Hall and City Council

From: Mitch Humble, Community Development Director

ITEM II-

REQUEST:

Consideration of a request to adopt Ordinance 3069 to vacate a portion of a 23' +/- platted utility, drainage, access and irrigation easement on property located at 1662 Park View Drive for Castle Twin Falls, LLC.

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.

APPROVAL PROCESS for a Vacation:

Idaho Code: 50-1324(2)

And

City Code: 10-16-1: PETITION PROCEDURE:

(F) Action by Council: The Council, prior to approving, modifying or denying the vacation, shall conduct a public hearing using the same notice and hearing procedures as the Commission.

BUDGET IMPACT:

Approval of this request will not impact the City budget.

REGULATORY IMPACT:

The Council's adoption of the ordinance will allow for the vacation of public right-of-way which will allow for the property owner to redevelop the site.

HISTORY:

On **February 25, 2014** the Commission held a public hearing on the request for the Vacation of a portion of a 23' +/- platted utility, drainage, access and irrigation easement on property located at 1662 Park View Drive. The request was unanimously recommended for approval as presented subject to the following conditions:

- 1) Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

- 2) Subject to requirements recommended by applicable utility companies.

On **March 31, 2014** the request for the Vacation of a portion of a 23' +/- platted utility, drainage, access and irrigation easement on property located at 1662 Park View Drive was unanimously approved by the City Council as presented subject to the following conditions:

- 1) Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
- 2) Subject to letters submitted and requirements recommended by applicable utility companies being met prior to adoption of an ordinance.

CONCLUSION:

On March 31, 2014 the City Council unanimously approved the request to vacate a portion of the easement as presented and directed staff to prepare and present an ordinance. Staff recommends the City Council adopt the draft ordinance so it can be published and codified.

ATTACHMENTS:

1. Ordinance
2. Attachments

ORDINANCE NO. _____

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

WHEREAS, Gerald Martens for EHM Engineers, Inc. has made application for vacation of property located at 1662 Park View Drive in the City of Twin Falls; 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 **25th day of February, 2014**, to consider the vacation 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 **31st day of March, 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 be and the same is hereby VACATED:

SEE ATTACHMENT "A"

SECTION 2. That title to the real property by this Ordinance vacated be divided among the adjoining property owners in the portions here below described to the persons named below:

NAME: CASTLES TWIN FALLS, LLC.
ADDRESS: PO BOX 98, CAREY, IDAHO 83320

PROPERTY: **SEE ATTACHMENT "A"**

SECTION 3. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's Office for indexing and recording, in the same manner as other instruments affecting the title to real property, as required by Idaho Code 50-1324(2).

PASSED BY THE CITY COUNCIL

, 2014

SIGNED BY THE MAYOR

, 2014

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday,

, 2014

ATTACHMENT "A"

The South 6.0 feet of the East 196.62 feet of the North 22.97 feet of Lot 1, Block 1 "North Haven Subdivision No. 2", according to the official plat thereof recorded as Instrument No.2009-027541 in the records of Twin Falls County, Idaho.

Except the East 50.00 feet thereof.

Castle's Corner, 1662 Park View Dr

17261 PARK

1724 PARK

1730 PARK

Easement Vacation Exhibit

Reference Only

NORTH

Approximate Location Of Existing Easements

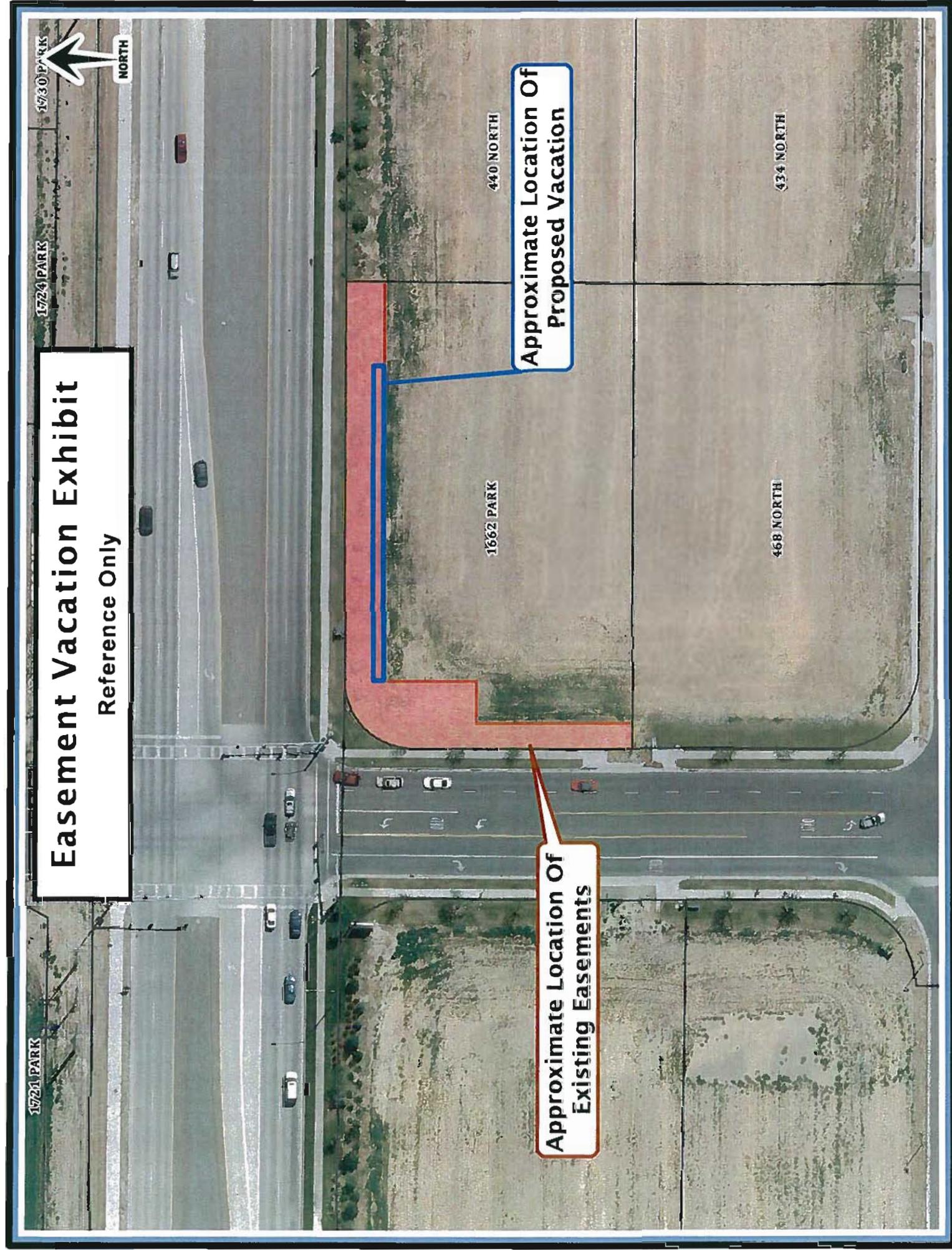
Approximate Location Of Proposed Vacation

1662 PARK

440 NORTH

468 NORTH

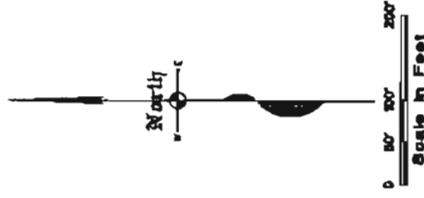
434 NORTH



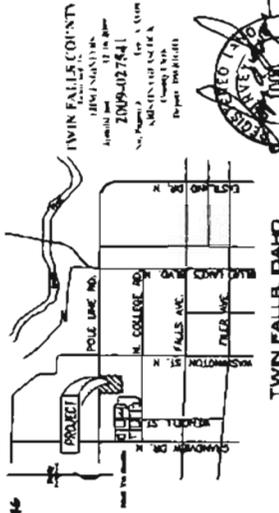
North Haven Subdivision No. 2

Located in
Gov't. Lot 2

Section 5,
T. 10 S., R. 17 E., B.M.
Twin Falls County, Idaho
2009

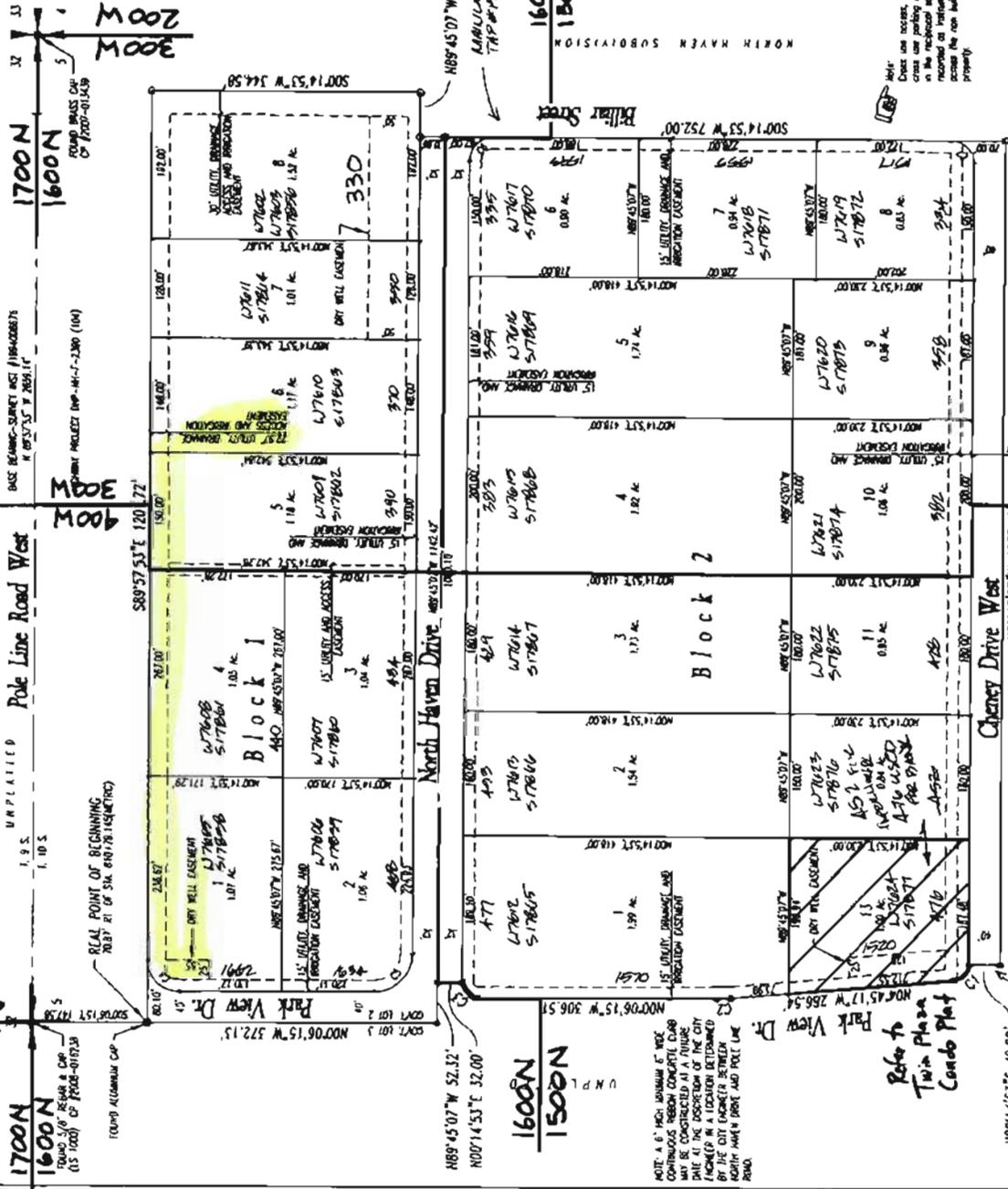


- LEGEND**
- Subdivision Boundary Line
 - Lot Line
 - Roadway Center Line
 - Easement Line
 - Found 5/8" Rebar & Cap (LS1000)
 - Set 5/8" x 24" Rebar & Cap (LS1000)
 - Set 1/2" x 24" Rebar & Cap (LS1000)
 - Found Monument as Noted



Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

North Haven #2
SHEET 1 OF 3 - 063-DMP81-N#2



Note: Check on access, utility, drainage and cross over parking easement etc. and verify the recorded monument placement. recorded on instrument #2009-0237896. Access the non-subdivided portions of the property.

CURVE	DELTA	LENGTH	RADIUS	TANGENT	CHORD	CHORD BRG.
C1	89°33'	26.0	18.33	17.00	17.00	N47°15'17"
C2	4°10'30"	13.68	118.00	8.85	17.89	N87°25'48"
C3	82°13'00"	20.12	20.00	20.12	29.37	N45°31'18"
C4	89°33'00"	22.97	60.00	40.10	54.64	N45°31'18"
C5	89°33'00"	78.23	50.00	48.68	70.49	N45°31'18"
C6	89°33'00"	17.12	30.00	20.00	42.43	N45°31'18"
C7	89°33'00"	17.12	30.00	20.00	42.43	S45°31'18"

Health Certificate

Secondary restrictions as required by Idaho Code Title 25, Chapter 12 have been determined based on the ESD approval of the design plans and specifications and the conditions imposed on the developer by the conditions of the subdivision. The developer has agreed to the conditions of the subdivision and the conditions of the ESD. The developer has agreed to the conditions of the subdivision and the conditions of the ESD. The developer has agreed to the conditions of the subdivision and the conditions of the ESD.

DATE: 02/29/2009

DR: [Signature]

NOTE: A 6" HIGH MINIMUM FENCE CONTIGUOUS REBORN CONCRETE CURB MAY BE CONSTRUCTED AT A FUTURE DATE AT THE DISCRETION OF THE CITY ENGINEER IN A LOCATION DETERMINED BY THE CITY ENGINEER BETWEEN ADJACENT LOTS TO BE ADJACENT TO THE ROAD.

MORIN, POINTELL
RACHA SUBD. NO. J

Health Department, INC.
Date:



MONDAY April 21, 2014
To: Honorable Mayor and City Council
From: Mitchel Humble, Community Development Director

Request:

A presentation regarding potential private property improvement encroachments onto City properties.

Time Estimate:

A staff presentation will take approximately 10 minutes. Time will be needed for discussion and questions.

Background:

At their December 23, 2013 meeting, the Council received a request to purchase a portion of a City owned retention lot from the adjacent private property owner. A previous property owner had constructed improvements (a fence and a parking space) partially located on the City's retention lot. The current owner was trying to clear up the encroachment prior to selling the home. While the City did not sell the property to the adjacent owner, the City did dedicate an easement to her legitimizing the encroachments.

At that December meeting, a point was made that this scenario is not unique and that the City owns several properties with probable private improvement encroachments. The Council asked staff to report back on how many properties the City owns that have private improvement encroachments. Staff researched these properties and has been able to identify several additional properties where it is likely that we have private improvement encroachments on City properties. We have prepared a series of aerial photo maps that show each of the identified properties.

It is important to note that the attached exhibits are not of survey level accuracy. When we overlay a two dimensional drawing on top of the Earth's three dimensional surface, there is distortion between the two layers that increases as we look farther away from the center point. So, while they are close, there is a difference between the aerial photos and the parcel boundaries. Therefore, the exhibits are useful to identify areas where we believe encroachments have occurred, but they cannot prove an encroachment exists or identify the exact extent of an encroachment. A property survey will need to be completed on each one to determine if an encroachment exists and to what extent.

The first exhibit is the property that was discussed in December. In this case, the City has addressed the encroachment by dedicating an easement to the adjacent property owner. We will show and discuss the other exhibits at the meeting.

Process:

There is no approval process is necessary.

Budget Impact:

There is no associated budget impact.

Regulatory Impact:

There is no associated regulatory impact.

Conclusion:

This agenda item is simply a presentation and discussion. No action is necessary.

Attachments:

Aerial photo maps of the potential encroachments

Paintbrush Drive - West Retention

#1

Reference Only



This encroachment previously resolved by granting an easement.

Legend
Potential Encroachment

20 0 20 Feet



Paintbrush Drive - East Retention

#2

Reference Only



2706 4TH A

2691 PAINT

2713 PAINT

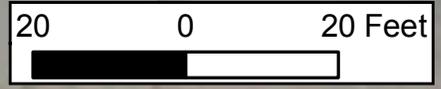
2727 PAINT

TROTTER DR

PAINTBRUSH DR

Legend

 Potential Encroachment



Shoshone Falls Area

#3

Reference Only

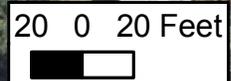


SHOSHONE FALLS RD

4139 SHOSH

Legend

 Potential Encroachment



Shoshone Falls Area

Reference Only

#4



SHOSHONE FALLS RD

CHAMPLIN PL

DIERKES RD

4146 SHOSH

4142 SHOSH

4139 SHOSH

Legend

 Potential Encroachment

20 0 20 Feet



Cascade/Candy Cane Park

#5

Reference Only



1946 GRANA

1952 GRANA

731 SUNRIS

1943 STADI

711 SUNRIS

SUNRISE BLVD N

STADIUM BLVD

Legend

 Potential Encroachment

20 0 20 Feet



Cascade/Candy Cane Park

#6

Reference Only



731 ALTURA

717 ALTURA

707 ALTURA

ALTURAS DR

718 ALTURA

704 ALTURA

STADIUM BLVD

20 0 20 Feet

Legend

 Potential Encroachment



Fairway Estates Area

Reference Only



1050 WE #7

516 GRANDV

WELCH LN

PING CT

CALLAWAY CT

525 COBRA

975 WELCH

947 WELCH

935 WELCH

521 CALLAW

547 COBRA

546 PING C

545 PING C

544 CALLAW

543 CALLAW

569 COBRA

568 PING C

567 PING C

566 CALLAW

565 CALLAW

591 COBRA

590 PING C

589 PING C

588 CALLAW

587 CALLAW

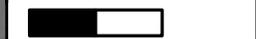
608 CALLAW

607 CALLAW

Legend

 Potential Encroachment

20 0 20 Feet



Morning Sun Trail Area

Reference Only

#8



656 CARRIA

645 MORNIN

644 MORNIN

MORNING SUN DR

627 MORNIN

626 MORNIN

628 CARRIA

Legend

 Potential Encroachment

20 0 20 Feet



2681 SUNDA

STADIUM BLVD

Morning Sun Trail Area

Reference Only

#9



692 CARRIA

699 MORNIN

MORNING SUN DR

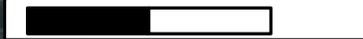
681 MORNIN

674 CARRIA

Legend

 Potential Encroachment

20 0 20 Feet IN



Morning Sun Trail Area

#10

Reference Only



MORNING SUN DR

760 CARRIA

747 MORNIN

742 CARRIA

729 MORNIN

Legend

 Potential Encroachment

20 0 20 Feet



711 MORNIN

Morning Sun Trail Area

#11

Reference Only



779 MORNIN

MORNINGSUN DR

778 CARRIA

763 MORNIN

760 CARRIA

747 MORNIN

Legend

 Potential Encroachment

20 0 20 Feet



742 CARRIA

Morning Sun Trail Area

Reference Only

#12



2620 FALLS

796 GARRIA

795 MORNIN

MORNING SUN DR

779 MORNIN

778

Legend

 Potential Encroachment

20 0 20 Feet



Morning Sun Trail Area

#13

Reference Only



2620 FALLS

813 MORNIN

796 CARRIA

795 MORNIN

MORNING SUN DR

Legend

 Potential Encroachment

20 0 20 Feet



Morning Sun Trail Area

Reference Only

#14



MORNIN

2620 FALLS

825 MORNIN

MORNING SUN DR

813 MORNIN

Legend

 Potential Encroachment

20 0 20 Feet



Morning Sun Trail Area

#15

Reference Only



841 MORNIN

2620 FALLS

833 MORNIN

MORNING SUN DR

842 MORNIN

Legend

 Potential Encroachment

20 0 20 Feet

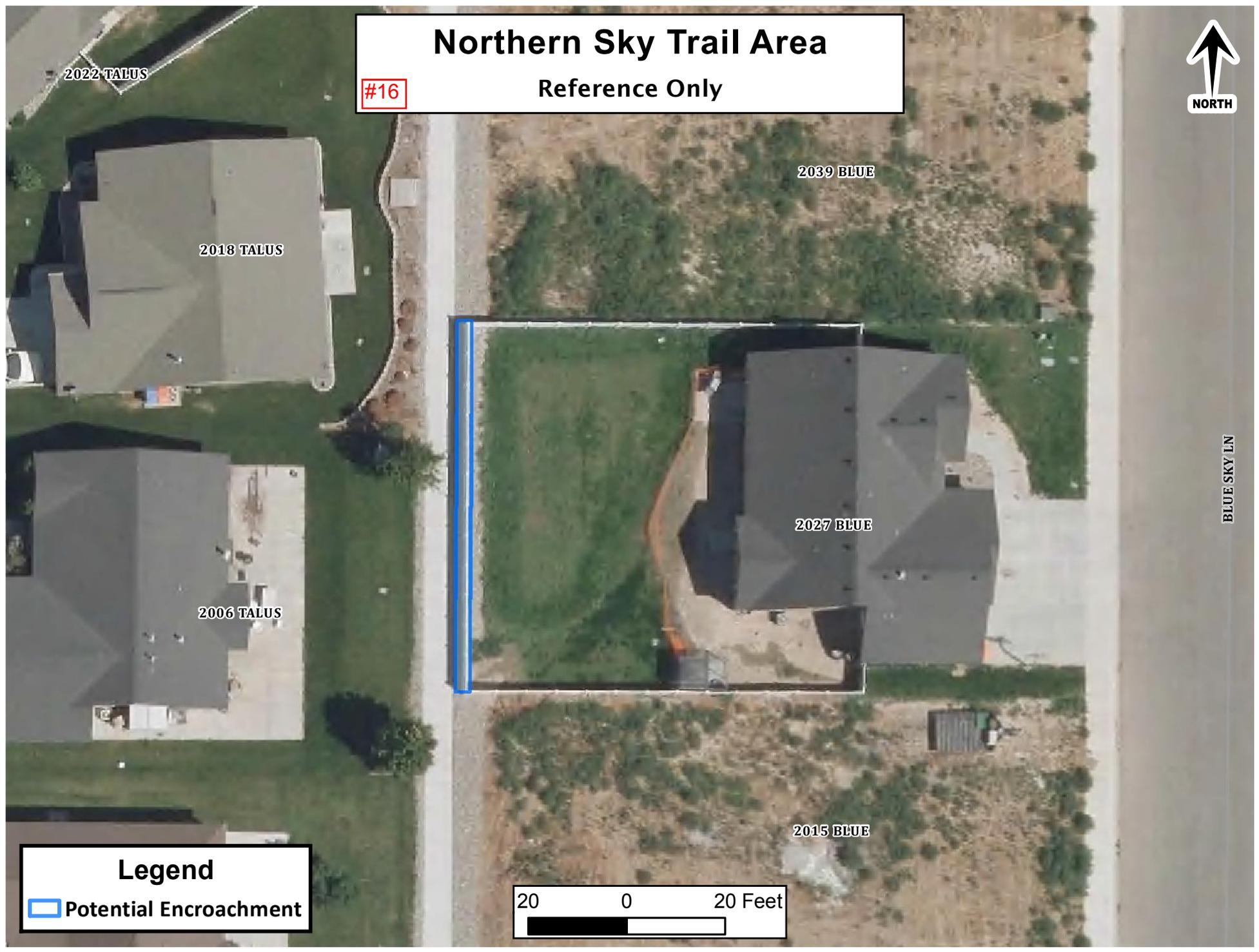


Northern Sky Trail Area

Reference Only



#16



Legend

 Potential Encroachment



Perrine Coulee Trail Area

Reference Only

1863 HARRI



18

#17

1849 HARRI

1840 CANYO

CANYON CREST DR

1826 CANYO

1784 CANYO

Legend

 Potential Encroachment

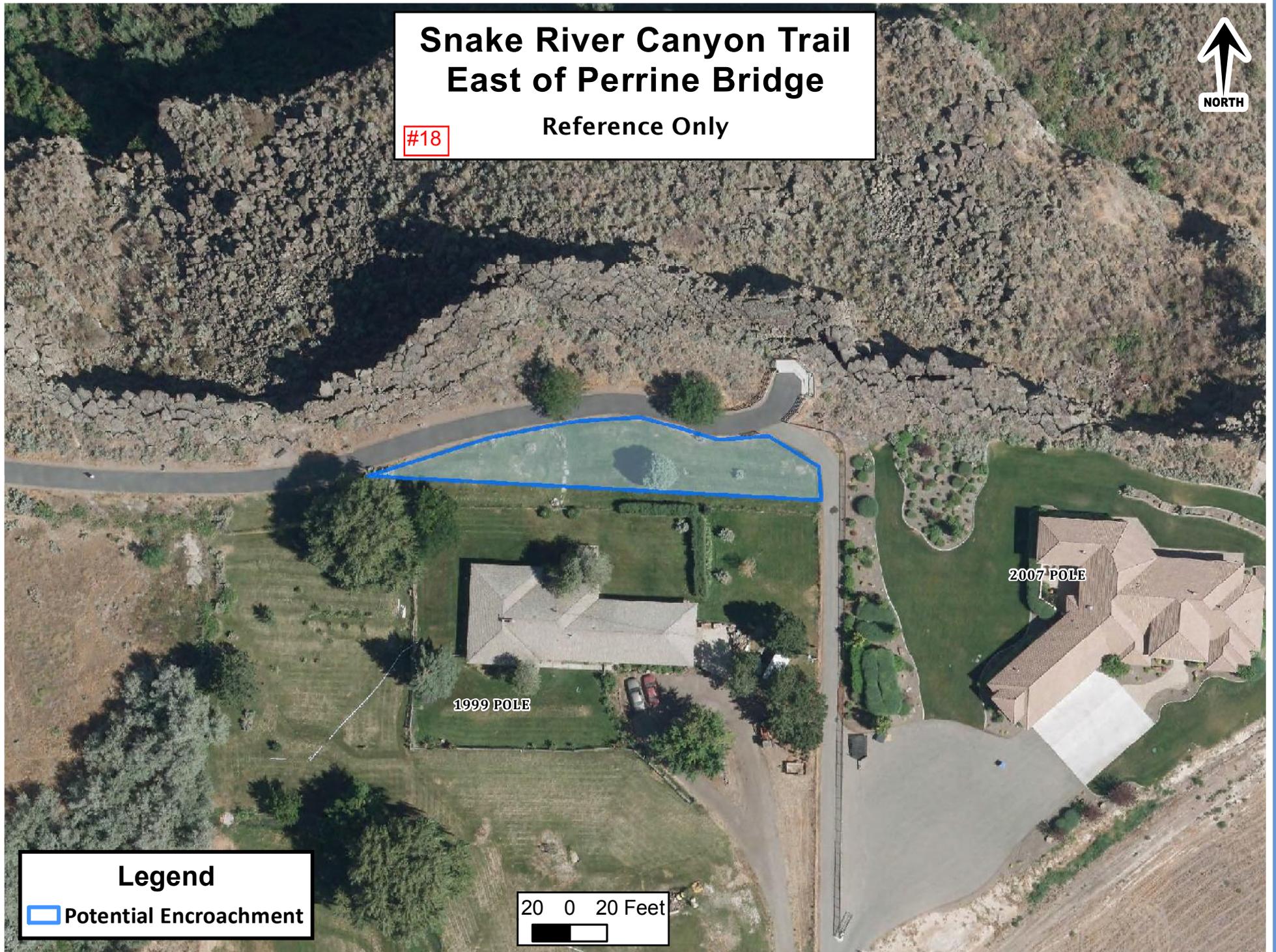
20 0 20 Feet



Snake River Canyon Trail East of Perrine Bridge

#18

Reference Only



Legend

 Potential Encroachment

20 0 20 Feet





Date: Monday, April 21, 2014
To: Honorable Mayor and City Council
From: Travis Rothweiler, City Manager

Request:

Consideration of an amendment to Amended Transparency Resolution 1912.

Time Estimate:

The presentation will take approximately 5 minutes in addition to time needed for answering questions.

Background:

On December 2, 2013, the City Council of the City of Twin Falls adopted Resolution 1912. The purpose of the Resolution is to "...declare a policy of transparency and openness in City Government in order to promote accountability, to enhance dissemination of public information, and to encourage citizen participation in city government."

On April 14, 2014, Council discussion followed on the Amended Transparency Resolution 1912 requirement, "The City will stream and video record all Council and commission meetings."

The following is a proposed amendment:

Section 4: The Idaho Open Meeting Law requires only the keeping of summary minutes of the City Council and commission meetings. This information is insufficient to provide full transparency and openness to the citizens of the legislative and administrative process of the City. The City will stream and video record all Council and commission meetings (excepting: Council executive sessions, a quorum of the City Council attending a meeting held by another entity, Airport Advisory Commission meetings, Economic Development Ready Team, and Youth Council), with hyperlinks to agendas and staff reports for the next upcoming meetings, as well as agendas, staff reports and minutes of past meetings, on the City's website (www.tfid.org). This will provide real time as well as recorded access to public meetings by those citizens who are unable to attend in person, or who would prefer to view the meeting at a later time.

Approval Process:

Approval requires a simple majority vote of the City Council members present on the direction to be taken.

Budget Impact:

There is no budget impact associated with this request.

Regulatory Impact:

There are no regulatory impacts associated with this request.

Attachments

1. Amended Transparency Resolution 1912
2. Second Amended Transparency Resolution 1912

AMENDED RESOLUTION NO. 1912

TRANSPARENCY IN CITY GOVERNMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING A POLICY OF TRANSPARENCY AND OPENNESS IN CITY GOVERNMENT IN ORDER TO PROMOTE ACCOUNTABILITY, TO ENHANCE DISSEMINATION OF PUBLIC INFORMATION, AND TO ENCOURAGE CITIZEN PARTICIPATION IN CITY GOVERNMENT.

WHEREAS, The Twin Falls City Council finds that transparency in government promotes accountability and provides information to its citizens regarding the business of the City; and,

WHEREAS, The Twin Falls City Council finds that information regarding the activities of City government must be widely dispersed in order to encourage public engagement and to improve the quality of its decisions; and,

WHEREAS, The Twin Falls City Council finds that collaboration and communication between City government and its citizens is enhanced through the use of well-designed web technologies; and

WHEREAS, The policy consideration underlying the Idaho Open Meeting Law is to ensure transparency of the legislative and administrative process within state and local governments (Idaho Open Meeting Law Manual, p. 3); and,

WHEREAS, The Idaho Code sets forth only minimum requirements for all local governments in order to promote transparency and openness in government, including the Idaho Open Meeting Law, the Idaho Public Records Law, and other statutes; and,

WHEREAS, The City Council acknowledges that, in the past, ad hoc volunteer groups have formed without the authority of statute, ordinance, or other legislative act, and without authorization to make decisions or recommendations. The Idaho Supreme Court in *Safe Air for Everyone v. Idaho Dept. Agriculture*, 145 Idaho 164, 177 P.3d 378 (Idaho 2008), in interpreting the requirements of the Idaho Open Meeting Law, held that, where there is no statute, ordinance or other legislative act creating a subagency and granting the authority to make decisions for or recommendations to a public agency regarding a matter, the Idaho Open Meeting Law requirements are inapplicable. The City Council finds that the existence of these groups may create the feeling by some that they are being excluded from public participation in City government; and,

WHEREAS, The Twin Falls City Council finds that the minimum requirements of the Idaho Open Meeting Law, the Idaho Public Records Law, and other statutes, are inadequate to provide the transparency and openness that it finds should be provided to its citizens in order to permit them to constructively engage with City government; and,

WHEREAS, The Twin Falls City Council intends, with this resolution, to establish a policy of additional government transparency and openness, over and above the minimum requirements of the Idaho Open Meeting Law, the Idaho Public Records Law, and other

applicable statutes, to encourage and enhance information, participation and collaboration between City government and the citizens of the City of Twin Falls.

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

Section 1: The City Council of the City of Twin Falls, and all commissions and committees created by statute, ordinance or other legislative act shall always comply with all requirements of the Idaho Open Meeting Law, the Public Records Law, and all other applicable statutes.

Section 2: The Idaho Open Meeting Law requires only physical posting of the notice and agenda for public meetings in a prominent place at the City's principal place of business. This notice is insufficient to provide full transparency to the citizens of the legislative and administrative processes of the City. The City will include a hyperlinked calendar showing Council and commission meetings as well as community events on the main page of its website (www.tfid.org), in order to provide not only more accessible notice of public meetings, but also hyperlinks to agendas and staff reports, in order to provide a much more useful and meaningful notification to its citizens regarding the City's business.

Section 3: The Idaho Open Meeting Law applies only to meetings of the governing board of a public agency or subagency which is created by statute, ordinance, or other legislative act, with the authority to make decisions for or recommendations to a public agency regarding any matter. The Idaho Attorney General, in the Idaho Open Meeting Law Manual, states that "the Open Meeting Law does not apply to voluntary, internal staff meetings *if the group is not created by or pursuant to statute, ordinance or other legislative act*, even though the discussions may lead to recommendations to the governing body." A subcommittee is a creation of, and is responsible to, the agency that created it.

In order to provide more transparency in City government, neither the Twin Falls City Council nor any of its commissions will permit the formation of ad hoc volunteer groups intended to report back to the City Council or commission, unless that group is formed as a committee or commission, created by a vote of the City Council or commission. Notwithstanding the foregoing, the Mayor may request the Council Liaison, commission chairman, department head, and/or such other persons deemed appropriate, to participate in the interviews for commission vacancies, without posting notices or agendas, and without opening such interviews to the public. Members of the Historic Preservation Commission may provide school and civic education programs without posting notices, agendas, and without opening the education programs to the public. No more than two elected City Council persons may serve on any committee, including ad hoc groups and subcommittees created by statute, ordinance, or other legislative act. The City Council, and its committees and commissions, shall always comply with all requirements of the Idaho Open Meeting Law.

Section 4: The Idaho Open Meeting Law requires only the keeping of summary minutes of the City Council and commission meetings. This information is insufficient to provide full transparency and openness to the citizens of the legislative and administrative process of the City. The City will stream and video record all Council and commission meetings (excepting Council executive sessions, Airport Advisory Commission meetings, which meets at the Airport, and the Youth Council), with hyperlinks to agendas and staff reports for the next upcoming meetings, as

well as agendas, staff reports and minutes of past meetings, on the City's website (www.tfid.org). This will provide real time as well as recorded access to public meetings by those citizens who are unable to attend in person, or who would prefer to view the meeting at a later time.

Section 5: The Idaho Public Records Law requires only that the City make public records available for inspection and copying at the location of the custodian of those public records. This access to public records is insufficient to provide full transparency and openness to the citizens of the legislative and administrative process of the City. The City will provide access to the annual budget, monthly financial reports, accounts payable, financial dashboard, the Comprehensive Plan and Future Land Use Map, the Transportation Plan, the Water Plan, the Strategic Plan, the Twin Falls City Code, the Zoning Map, the Subdivision Map, the Pressure Irrigation Map, the Garbage Pickup and Recycling Map, the Flood Plain Map, and such other documents as the Council or City Manager deems important for public dissemination, on the City's website (www.tfid.org).

Section 6: The Idaho statutes have no requirements for contact information for public officials. This access is insufficient to provide full transparency to the citizens of the legislative and administrative process of the City. The City will provide hyperlinked email addresses for all City Council members, the City Manager, and all City departments, as well as mailing addresses, telephone numbers, fax numbers, on the City's website (www.tfid.org).

Section 7: The Idaho Statutes have no requirement for the posting of information on job opportunities, and requires only newspaper publication for public bidding projects. This notification is totally insufficient to provide adequate notice to potential employees and bidders of the job and project opportunities in the City. The City will post current bidding and job opportunities on the City's website (www.tfid.org) so that this information is available to its citizens as well as those potential job applicants and project bidders, wherever they may be.

Section 8: The Idaho Open Meeting Law does not require that citizens have the opportunity to be notified automatically of legislative and administrative matters of the City, on a regular and ongoing basis. The City will provide, on its website at (www.tfid.org), the opportunity for citizens to subscribe to notifications, alerts, job openings, news, and meetings, so that the information is emailed or sent via text message directly to the subscriber on a regular basis.

Section 9: The City Council finds that the Idaho statutes relating to the conduct of the business of local government have fallen far behind the technology currently available to provide greater transparency and openness to the legislative and administrative process of local government. The City will endeavor to work with its legislative representatives, the Association of Idaho Cities, and other interested parties, to update those statutes affecting the conduct of local government, in order to provide greater transparency and openness to all citizens in this state.

PASSED BY THE CITY COUNCIL

SIGNED BY THE MAYOR

April 7, 2014.
April 7, 2014.

MAYOR

ATTEST:


DEPUTY CITY CLERK

SECOND AMENDED RESOLUTION NO. 1912

TRANSPARENCY IN CITY GOVERNMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING A POLICY OF TRANSPARENCY AND OPENNESS IN CITY GOVERNMENT IN ORDER TO PROMOTE ACCOUNTABILITY, TO ENHANCE DISSEMINATION OF PUBLIC INFORMATION, AND TO ENCOURAGE CITIZEN PARTICIPATION IN CITY GOVERNMENT.

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WHEREAS, The Twin Falls City Council finds that collaboration and communication between City government and its citizens is enhanced through the use of well-designed web technologies; and

WHEREAS, The policy consideration underlying the Idaho Open Meeting Law is to ensure transparency of the legislative and administrative process within state and local governments (Idaho Open Meeting Law Manual, p. 3); and,

WHEREAS, The Idaho Code sets forth only minimum requirements for all local governments in order to promote transparency and openness in government, including the Idaho Open Meeting Law, the Idaho Public Records Law, and other statutes; and,

WHEREAS, The City Council acknowledges that, in the past, ad hoc volunteer groups have formed without the authority of statute, ordinance, or other legislative act, and without authorization to make decisions or recommendations. The Idaho Supreme Court in *Safe Air for Everyone v. Idaho Dept. Agriculture*, 145 Idaho 164, 177 P.3d 378 (Idaho 2008), in interpreting the requirements of the Idaho Open Meeting Law, held that, where there is no statute, ordinance or other legislative act creating a subagency and granting the authority to make decisions for or recommendations to a public agency regarding a matter, the Idaho Open Meeting Law requirements are inapplicable. The City Council finds that the existence of these groups may create the feeling by some that they are being excluded from public participation in City government; and,

WHEREAS, The Twin Falls City Council finds that the minimum requirements of the Idaho Open Meeting Law, the Idaho Public Records Law, and other statutes, are inadequate to provide the transparency and openness that it finds should be provided to its citizens in order to permit them to constructively engage with City government; and,

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Advisory Commission meetings, Economic Development Ready Team, and Youth Council), with hyperlinks to agendas and staff reports for the next upcoming meetings, as well as agendas, staff reports and minutes of past meetings, on the City’s website (www.tfid.org). This will provide real time as well as recorded access to public meetings by those citizens who are unable to attend in person, or who would prefer to view the meeting at a later time.

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PASSED BY THE CITY COUNCIL , 2014.

SIGNED BY THE MAYOR , 2014.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Date: Monday, April 21, 2014
To: Mayor and City Council
From: Travis Rothweiler, City Manager

Request

A presentation by the City Manager followed by a general discussion and public input about the City Council's FY 2015 Budget priorities and philosophies.

Time Estimate

The estimated amount of time this item will take is 30 minutes.

Background

The purpose of this agenda item is to have a general discussion about the City Council's 2015 fiscal year budget. This is the second of three sessions that will occur before the City Manager's recommended budget for the 2015 budget is presented to the members of the City Council for its review and debate in early July.

A budget is more than numbers appearing in a chart of accounts or a spreadsheet. Budgeting is the "life-blood" of government. The City creates a budget that is balanced, fiscally prudent and sustainable and fiscally-sound, protects and keeps our citizens safe, enhances the community's quality of life, increases opportunities in the areas of economic development, and maintains and develops City facilities and infrastructure.

Through the budgeting process funds received from tax collections, user-fees, and other revenues are transformed into tangible goods and services. The City Council sets the goals and the priorities for the upcoming year while being mindful of the future advantages or consequences. Those goals and objectives are contained in the City of Twin Falls 2030 Community Strategic Plan.

The City views its planning and operations in a strategic manner. In 2012, the City began the process of re-engineering its strategic plan. The City spent almost a year listening to our citizen's needs, dreams and their expectations, and reviewing statistical data about our state, region, and the City. We had many external conversations with our citizens and shareholders and internal conversations with employees serving at various levels of the organization. From these conversations we were able to highlight our strengths and opportunities and identify those areas in which we need to improve to develop a comprehensive, vision-setting strategic plan.

We created a series of vision statements that, when viewed collectively, will allow us to create and maintain an accessible, healthy, learning, environmental, responsible, prosperous, and secure community with a strong internal organization designed to meet the needs of our citizens, businesses and visitors. The vision statements will assist the City to plot a course that will enable it to grow, develop and improve in a manner that honors and respects its history and unique characteristics. Realizing our vision will allow the City of Twin Falls to continue to be recognized as a world class community.

The Strategic Plan is divided into eight equally important focus areas: a *Healthy Community*, a *Learning Community*, a *Secure Community*, an *Accessible Community*, an *Environmental Community*, a *Prosperous Community*, a *Responsible Community*, and recognition of the importance of the *Internal Organization*. For each focus area there is a description of the vision for that topic in the year 2030. To review the vision descriptions please see the City of Twin Falls 2030 Strategic Plan.

The strategic plan will be used to guide future budgetary and policy making decisions and recommendations. When the 2030 City of Twin Falls Strategic Plan was adopted, the Council established and set the course to follow. The plan will serve as the guidepost for all future policy and financial decisions in the future. The FY 2014 budget is the first step in the pursuit of our vision. Highlights of this budget's response to the strategic plan are illustrated in each of the department narratives that appear in the subsequent sections of the FY 2014 budget.

Over the course of the past two years the preliminary conversations assisted in guiding previous budget concepts and strategies. From several internal conversations, public informational listening sessions and planning meetings, the City Council developed five goals that served as guideposts the FY 2014 Budget process. Those goals were:

- Implement 2030 City of Twin Falls Strategic Planning goals and objectives to realize outcomes
- Limit tax collections to the statutorily allowed increase and revenues
- Continue with phase II of the City's compensation strategy
- Develop funding solutions for infrastructure systems and enhance Water Redundancy
- Continue to Pursue Innovative Strategies and Find More Effective Outcomes

For FY 2015, the City Manager's goals are:

- Make advances in the City's defined strategic planning objectives
- Build collaborative partnerships with our public, private and other community partners
- Invest in our employees by providing competitive compensation and benefits as well as advanced training opportunities
- Invest in water, waste water and transportation infrastructure as well as our parks, paths and open spaces
- Invest in our facilities and structures
- Continue to pursue innovative strategies that will lead to more efficient and effective outcomes

In our continued pursuit of excellence we will review our processes beyond the budget conversations. The FY 2015 budget will continue to allocate funding to implement the City's new strategic planning objectives, critical infrastructure and facilities and update development and implement a performance measurement and management system as developed by the International City Management Association's Center for Performance Measurement.

Approval

There is no approval process.

Budget Impact:

There are no budgetary or financial impacts from the conversation.

Regulatory Impact:

There is no regulatory impact.

Attachments

1. None.