

COUNCIL MEMBERS:

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



AGENDA
Meeting of the Twin Falls City Council
Monday, November 10, 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: None

GENERAL PUBLIC INPUT

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the Accounts Payable for November 4, 2014 – November 10, 2014.

Purpose:

Action

By:

Sharon Bryan

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to approve and adopt the Collective Bargaining Agreement between the City of Twin Falls and Twin Falls Firefighters Local 1556.
2. Consideration of a request to reject all bids for the 2014 Modifications to the Canyon Springs Valve Project.
3. Presentation by Police, Public Information, and Information Services on implementation of emergency mass notification system.
4. Public input and/or items from the City Manager and City Council.

Purpose:

Action

By:

Susan Harris

Action

Jon Caton

Presentation

Josh Palmer
 Craig Stotts
 Tami Lauda

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. Request for Annexation of 4.75 (+/-) acres of undeveloped land for proposed development of a municipal water storage facility on property located at 2951 Marie Avenue for the City of Twin Falls.

Public Hearing

Jonathan Spendlove

V. ADJOURNMENT:

1. Executive Session 67:2345 (1) (e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

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

Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
 3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor.
 4. A City Staff Report shall summarize the application and history of the request.
 - The City Council may ask questions of staff or the applicant pertaining to the request.
 5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the mayor. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
 7. The Mayor shall close the Public Hearing. The City Council shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor.



Date: November 10, 2014
To: Honorable Mayor and City Council
From: Susan Harris, Human Resources Director

Request: Approval and adoption of the Collective Bargaining Agreement between the City of Twin Falls and Twin Falls Firefighters Local 1556.

Time Estimate: Approximately 10-15 minutes to review changes and respond to any questions.

Background: The Collective Bargaining Agreement was last adopted in 2012 and renews automatically thereafter unless either party makes a request to open the negotiation process. The Executive Board of Local 1556 recently submitted a request to open negotiations for the purpose of reviewing several contract items and updating the current Collective Bargaining Agreement.

DRAFT revisions to the contract are noted by a line drawn through existing text, which will be deleted upon adoption, followed by the new recommended language, which is highlighted in red.

There are relatively few changes to this document. Those included either reflect a date reference (2012-14 to 2014-16), clarification of existing policy changes, or the removal of verbiage that is no longer applicable, such as HazMat Pay.

Two new changes were added to this CBA, Section 12 (e) - Portal to Portal and Section 21-Disability Insurance.

Approval Process: This DRAFT has been reviewed and approved by both negotiating teams.

Formal adoption by the City Council is required to ratify the Agreement.

Budget Impact: No budgetary impact.

Regulatory Impact: None

Conclusion: The City and Local 1556 have enjoyed an excellent relationship for many years. It is the recommendation of City Staff, Chief Clark and the Union Executive Board that this agreement be formally adopted by the City Council.

Attachments: Draft Collective Bargaining Agreement

CITY OF TWIN FALLS
AND
TWIN FALLS FIRE FIGHTERS LOCAL 1556

Collective Bargaining Agreement

October 1, 2012 2014 to September 30, 2014 2016

TABLE OF CONTENTS

SECTION 1 – FORMAL RECOGNITION 1

SECTION 2 – ASSOCIATION MEMBERSHIP/DISCRIMINATION 1

SECTION 3 – MANAGEMENT RIGHTS..... 1

SECTION 4 – PREVAILING RIGHTS 2

SECTION 5 – PERSONNEL REGULATIONS 2

SECTION 6 – PAYROLL DEDUCTIONS OF DUES 2

SECTION 7 –ASSOCIATION BUSINESS 2

SECTION 8 – TRAVEL EXPENSES 3

SECTION 9 – BULLETIN BOARDS 3

SECTION 10 – FAIR LABOR STANDARDS ACT..... 3

SECTION 11 – WORK PERIOD – HOURLY RATE 3

SECTION 12 – EXTRA DUTY PAY 4

SECTION 13 – VACATION AND HOLIDAYS..... 5

SECTION 14 – SICK LEAVE 6

SECTION 15 – FAMILY MEDICAL COVERAGE PROGRAM..... 7

SECTION 16 – LONGEVITY PAY 7

SECTION 17 – ACCIDENT LEAVE 7

SECTION 18 – BEREAVEMENT LEAVE 8

SECTION 19 – RETIREMENT FUND 8

SECTION 20 – SOCIAL SECURITY 8

SECTION 21 – DISABILITY INSURANCE 9

SECTION 22 - MANNING OF COMPANIES 9

SECTION 23 – SHIFT ASSIGNMENTS 9

SECTION 24 – TRADING OF SHIFTS..... 9

SECTION 25 – VACANCIES – PROMOTIONS 9

SECTION 26 – PERSONNEL REDUCTION..... 10

SECTION 27 – DISCIPLINE PROCEDURE 11

SECTION 28 – GRIEVANCE PROCEDURE..... 11

SECTION 29 – RESIDENCY REQUIREMENT 11

SECTION 30 – SAFETY PROGRAM..... 11
SECTION 31 – CLOTHING ALLOWANCE..... 11
SECTION 32 – EMPLOYEE GOLF RATES..... 12
SECTION 33 – PARKING..... 12
SECTION 34 – SAVING CLAUSE..... 12
SECTION 35 – APPENDICES AND AMENDMENTS..... 12
SECTION 36 – DURATION OF AGREEMENT 12
APPENDIX A..... 15
APPENDIX B 17
APPENDIX C..... 19

DRAFT

AGREEMENT (~~2012—2014~~ 2014 - 2016)

This Agreement is entered into by and between the CITY OF TWIN FALLS, IDAHO, hereinafter referred to as the EMPLOYER, and LOCAL 1556 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, hereinafter referred to as the ASSOCIATION.

It is the purpose of this Agreement to achieve and maintain harmonious relations between the employer and the Association:

- a) to maintain and increase individual productivity and quality of services;
- b) to express the complete agreement between the parties on wages, hours and conditions of employment;
- c) to prevent any interruptions of work and interference with the efficient operation of the Fire Department; and,
- d) to confirm an orderly procedure for the resolution of grievances.

SECTION 1 – FORMAL RECOGNITION

The Employer recognizes the Association as the exclusive bargaining agent for all employees of the Fire Department except the Fire Chief, Battalion Chiefs, **Fire Marshal**, and Administrative Assistant, pursuant to the terms of Idaho Code Sections 44-1801 through 44-1811, inclusive. The Association recognizes the City Manager and the City Council, acting through their appointed committees, as the only legal and binding authority of the Employer.

SECTION 2 – ASSOCIATION MEMBERSHIP/DISCRIMINATION

Membership in the Association is voluntary and is governed by Association by-laws. The Employer agrees not to discriminate against any employee for his/her activity in behalf of, or membership in, or non-membership in the Association. The Employer and the Association agree that there shall be no discrimination against any employee because of race, creed, color, national origin, gender, religion, physical limitation, or sexual orientation.

SECTION 3 – MANAGEMENT RIGHTS

It is further recognized by the Association that, except as expressly stated herein, the Employer shall retain whatever rights and authority are necessary for it to operate and direct the affairs of the Fire Department in all of its various aspects including, but not limited to, the right to direct the working forces; to plan, direct and control all the operations and services; to determine the methods, means, organization and number of personnel by which such operations and services are to be conducted, to assign and transfer employees, to schedule working hours and to assign overtime; to determine whether goods or services should be made or purchased, to hire, promote, demote, suspend, discipline, discharge or relieve employees due to lack of work or other legitimate reasons; to make and enforce reasonable rules and regulations; and to change or eliminate existing methods, equipment or facilities. The Employer reserves the right to contract for any or all fire related services; however, the Employer agrees not to implement a contract for

suppression services without written notification to the Association at least 160 calendar days prior to the beginning of a fiscal year.

SECTION 4 – PREVAILING RIGHTS

All written and agreed upon rights, privileges, and working conditions enjoyed by the employees at the present time, and are not included in this Agreement, shall remain in full force, unchanged and unaffected in any matter, during the term of this Agreement unless changed by mutual consent of the Employer and the Association. In the event a right, privilege or working condition is inadvertently omitted or cannot be mutually agreed upon, it may be subject to the grievance procedure. If a prevailing right conflicts with a provision of the Fair Labor Standards Act, as regulated by the Department of Labor or interpreted by the courts, the standard established by the Fair Labor Standards Act shall prevail.

SECTION 5 – PERSONNEL REGULATIONS

The Association agrees that its members shall comply in full with all Fire Department rules and regulations as currently in effect and as may be modified by the Chief during the term of this Agreement. Modifications to the Rules and Regulations shall be reviewed with the Association, and the Association shall be given an opportunity to offer suggestions prior to the implementation. The Association may submit at any time recommendations for rules and regulations modifications to the Employer's authorized agent for their evaluation, review and consideration for adoption. Changes in the rules and regulations during the term of this agreement shall be subject to the grievance process.

The provisions of City of Twin Falls Resolution #1897, as amended from time to time by the City Council, shall apply except where there is a conflict with the provisions of this agreement. In the case of a conflict, the terms and conditions of this agreement shall prevail.

SECTION 6 – PAYROLL DEDUCTIONS OF DUES

The Employer agrees to deduct, once each month, dues only, in the amount certified to be current by the Secretary-Treasurer of the Association from the pay of those employees who individually request in writing that such deductions be sent to the Treasurer of the Association.

The Association agrees to indemnify and hold the Employer harmless against any and all claims, suits, orders or judgments brought or issued against the Employer as a result of any action taken or not taken by the Employer under the provisions of this article.

SECTION 7 – ASSOCIATION BUSINESS

Employees elected to Association office shall be granted reasonable time off to perform their local Association functions with the Employer. In addition, as many as three (3) members of the negotiating team shall be allowed time off up to six (6) shifts per person for all meetings which shall be mutually agreed upon by the Employer and the Association. Upon mutual agreement, further time for negotiations may be allowed.

The members of the Association may take approved hours off for Association business authorized by Association officers, in accordance with the departmental regulations. This time will be paid back at the end of each quarter year from an equal allotment of vacation hours from each Association member. With the approval of the Fire Chief, the Association may use the main fire station for Association business meetings, subject to a maximum of 15 meetings per year.

SECTION 8 – TRAVEL EXPENSES

All members of the Association who are authorized to travel on official City business shall be reimbursed ~~travel expenses as established by administrative memorandum~~ for actual expenses incurred in the course of conducting the business in accord with the policies established by the City's travel policy. Entertainment or other personal expenses not directly involved in the conduct of City business are not reimbursable.

SECTION 9 – BULLETIN BOARDS

The Employer agrees to furnish space for one suitable bulletin board to be supplied by the Association in a convenient place in each fire station. The Association shall limit its posting of notices and bulletins to such bulletin boards for the purpose of posting notices of Association meetings, Association elections, Association election returns, Association appointments to office and Association recreational or social affairs. Such notices shall first be approved by the Association officers. The Association agrees to limit the posting of such notices to its bulletin board space. It is specifically understood that no notices of a political or inflammatory nature shall be posted.

SECTION 10 – FAIR LABOR STANDARDS ACT

It is recognized by both parties that the Employer must comply with the requirements of the Fair Labor Standards Act. Unless otherwise covered by this agreement, it is the intention of the employer to comply with the minimum standards required by the law.

SECTION 11 – WORK PERIOD – HOURLY RATE

Both parties covered by this agreement have elected to establish an alternative work period as allowed under Section 7(K) of the Fair Labor Standards Act.

Each work period shall commence at 8:00 A.M. and end twenty-seven (27) days later. The work period selected for Section 7(K) purposes is not to be confused with the pay period or tour of duty. The term work period simply refers to the 27-day period used to compute the overtime due under Section 7(K).

After an initial training period, the regular tour of duty for suppression personnel shall be one (1) rotating twenty-four (24) hour on-duty shift followed by forty-eight (48) hours off duty.

In order to assure compliance with the Fair Labor Standards Act, time sheets will be provided by the Employer and completed by the employee on a daily basis. Time sheets shall reflect all hours worked and all hours paid but not worked, such as sick leave or vacation.

Appendix A to this agreement shall set forth the F.Y. ~~2012-2013~~ **2014-2015** Pay Schedule. The Pay Schedule shall be placed into effect ~~November 1, 2012~~ **October 1, 2014**. The salary shown in Appendix A shall include straight time pay for 243.33 hours.

The monthly pay shall be adjusted to reflect all hours worked or not worked which occurred during the preceding 27 day work period. Hourly rates for each position classification shall be calculated by dividing the monthly salary by 243.33* for the calculation of overtime. The regular hourly rate for each employee shall be adjusted to reflect longevity pay and/or certification pay.

SECTION 12 – EXTRA DUTY PAY

- a. Overtime. All overtime shall be administered in accordance with the Fair Labor Standards Act. The salary stated in Appendix A shall include straight time pay for 216 hours in a 27-day work period. A premium payment of ½ times the regular hourly rate shall be paid for all hours worked between 204 hours and 216 hours in a 27-day work period. Hours worked in excess of 216 hours in a 27-day work period shall be compensated at 1 ½ times the regular hourly rate. All absences from work, except excused hours, vacation, and bereavement leave, shall be excluded from the sum of hours worked for the purpose of calculating overtime.
- b. Emergency Call Back Pay. Employees called to emergency duty, as determined by the Chief, or his designee, ~~due to an emergency~~, shall be paid at a rate equal to 1.5 times their normal hourly rate for a minimum of four (4) hours.
- c. Hold-over Pay. Employees held on shift extension shall be paid for actual hours worked in accordance with Section 12(a).
- d. Working Out of Classification. Any person covered by this agreement meeting the specified department requirements for working out of class will have their salary adjusted according to the salary table in Appendix A. Those individuals shall be required to accept the responsibilities and carry out the duties of a position or rank above that which he/she normally holds when assigned.
- e. ~~HazMat. It is recognized that some fire fighters of the Twin Falls Fire Department are also members of the Idaho Hazardous Materials Response Team. During incidents in which these fire fighters are required to respond with the State Response Team, the City agrees to compensate these fire fighters according to the schedule below. These hours will be exempt from the total hours worked and will not be included in the computation for overtime purposes. The City will then submit a cost recovery form to the State for reimbursement, to include hours worked and benefit costs incurred by the~~

* (365 days/year; 27-day work periods = 13.5185 work periods/year; 13.5185 work periods/year x 216 hours/work period = 2919.996 hours worked/year; 2919.996 hours worked/year 12 pay periods/year = 243.33 hours/month)

~~City. These fees apply when the fire fighters respond off duty as authorized within the guidelines of the Idaho Hazardous Materials Response Team protocol:~~

~~HazMat Team Leader – \$60.00 per hour
HazMat Technician – \$50.00 per hour
Operations Team Member – \$40.00 per hour~~

~~If the State reimbursement rate should change while the CBA is in effect, the rates shall change accordingly.~~

e. **Portal to Portal.** Any employee who is detailed out on contracted work including but not limited to Department of Lands, U.S. Forest Service, BLM, State of Idaho, etc., shall be compensated, portal to portal.

SECTION 13 – VACATION AND HOLIDAYS

Each regular, full-time fire fighter working a 27 day, 216 hour work period shall earn vacation leave based on the monthly accrual rate shown in Table II. The monthly accrual rate shall be determined according to the hours of accumulated sick leave held by each fire fighter on the first day of each calendar month. Fire fighters working a 40-hour work week shall earn and use sick leave in accordance with the provisions of Resolution #1897, as amended.

Accrued Sick Leave Hours	Annual Vacation Rate		Monthly Equivalent	
	Shifts	Hours	Shifts	Hours
0 - 864	6	144	0.50	12
865 – 1,440	7	168	0.583	14
1,441 – 1,800	8	192	0.667	16
1,801 – 2,159	9	216	0.75	18
2,160	10	240	0.834	20

A new employee's vacation shall start to accrue on the first day of the calendar month that is nearest to his/her date of starting full-time regular employment.

No employee is entitled to use vacation until completion of the sixth month of employment unless otherwise approved by the Chief, or his designee.

Regular days off shall not be computed as full working days when falling within any continuous vacation period. If an employee is eligible for the holiday benefit, holidays falling within the vacation will not be counted as part of the vacation.

The maximum vacation accrual shall be 10 shifts. Vacation accruals in excess of 10 shifts shall be converted to accumulated sick leave subject to the maximum accumulation provision. Once the maximum accumulation of sick leave is achieved, vacation balances in excess of the maximum shall expire. Emergency personnel regularly assigned holiday duty may accrue vacation and holiday time to a total of 12 shifts (288 hours). Each employee's vacation accrual

record shall be reviewed for compliance with this section as of his/her annual anniversary date. Carry-over of excess vacation hours may be granted by the City Manager when work requirements do not allow vacation to be used prior to the employee's anniversary date.

Employees may utilize their allowance of annual leave on the basis of an application approved by their department head subject to the right of the department head to plan the work under his/her control and to authorize absences only at such time as the employee can best be spared. Vacation shall be deducted from the employee's accrued balance, based on the hours of vacation used during the work period. If an employee's vacation balance is not sufficient to cover the leave, Payroll shall deduct monies from their paycheck in an amount equal to the deficiency. The use of vacation prior to its accrual shall be viewed as abuse and subject to disciplinary action.

When leaving the services of the City, an employee shall be paid for accrued vacation time not taken.

Holidays shall be New Year's Day, Dr. Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Friday following Thanksgiving Day, Christmas Day, and Christmas Eve when Christmas Eve falls on a Monday, Tuesday, Wednesday or Thursday. When Christmas Eve falls on a Friday, Saturday or Sunday, the holiday shall not be granted. In lieu of the holiday benefit, fire fighters shall be credited 12 hours of additional vacation leave per holiday. Additional holidays granted to other City employees shall be compensated at the hourly equivalent per holiday (one-half day = 6 hours, full day = 12 hours).

SECTION 14 – SICK LEAVE

Each regular, full-time fire fighter working a 27 day, 216 hour work period will earn sick leave based on monthly accrual rates shown in Table I. Fire fighters working a 40-hour work week shall earn and use sick leave benefits in accordance with the provisions of Resolution #1897, as amended. The monthly accrual rate shall be determined according to the hours of accumulated sick leave held by each fire fighter on the first day of each calendar month.

Accrued Sick Leave Hours	Annual Sick Leave Rate		Monthly Equivalent	
	Shifts	Hours	Shifts	Hours
0 – 864	12	288	1.0	24
865 – 1,440	10	240	0.834	20
1,441 - 1,800	8	192	0.667	16
1,801 – 2,159	6	144	0.5	12
2,160	*4	*96	*0.334	*8

*Once an employee has reached his/her maximum sick leave accrual, the excess hours will continue to accrue in a dedicated account. Upon retirement, the employee may use the time exclusively for the purchase of health care coverage until the account is depleted or the age of 65. Once the employee qualifies for Medicare, the benefit terminates.

An employee shall be considered as having completed a month of service if he/she appears on the payroll nine or more working shifts in a month. For the purpose of this section, each shift on duty in the Fire Department will be considered as one working day. A new employee's sick leave shall start to accrue on the first day of the calendar month nearest to the date of starting full-time regular employment.

For the purposes of this agreement, sick leave shall be defined as the absence from work of an employee due to personal illness, or the serious illness of an immediate family member requiring the employee's attendance. Immediate family shall be defined as spouse, children, parents of the employee and employee's spouse.

As a matter of policy, the sick leave benefit shall be considered a privilege rather than a right of employment. Sick leave may be used as allowed in this agreement, but for no other purpose. Any abuse of the sick leave benefit shall result in strict disciplinary action and potential termination.

When an employee finds it necessary to use the sick leave privilege, the employee shall report the fact to the department head or supervisor in accordance with departmental policy. The department head shall require a doctor's release prior to allowing an employee to return to work or prior to the authorization of sick leave pay for time not worked, when the employee's sick leave record indicates a health problem, susceptibility to recurring illness or frequent serious illness in the employee's family.

Any member of the Association who is temporarily incapacitated as a result of a non-work related illness or injury and who has a limited-duty statement from his/her doctor may be allowed to return to work to perform duties as assigned by the Chief.

Sick leave may be accumulated if not used during the year earned, subject to a maximum accrual of 90 shifts.

Sick leave may not be taken in advance of the period earned. Leave of absence without pay may be allowed as provided in Section V-7 of the Employee Resolution outlining general terms and conditions of employment for City employees.

Sick leave may not be used for lost time resulting from work-related injuries.

SECTION 15 – FAMILY MEDICAL COVERAGE PROGRAM

Family medical coverage shall be provided in accordance with the program described in Resolution #1897.

SECTION 16 – LONGEVITY PAY

Section 2 of Appendix A describes the longevity pay.

SECTION 17 – ACCIDENT LEAVE

Whenever a member of the Fire Department sustains a work-related injury, the Accident Leave benefit, in accordance with Section V-6 of Resolution #1897, may apply.

Any member of the Association who is eligible to receive compensation from the State Insurance Fund and receives a limited-duty statement from their physician may be expected to return to work to perform duties as assigned. The temporary reassignment may be in another department and may include a change in the regular tour of duty. Refusal to accept bona fide limited-duty work may be cause for the State Insurance Fund to discontinue Workman's Compensation benefits.

Accident Leave granted during the time a fire fighter is unable to perform his/her duties until he/she begins to receive benefits from the Fire Fighter's Retirement Fund, shall not exceed a period of twelve (12) months. It shall consist of full City pay less any compensation paid under the Workman's Compensation laws. Said Accident Leave time shall not be deducted from an employee's sick leave.

SECTION 18 – BEREAVEMENT LEAVE

In the event of a death in the immediate family of an employee, the employee may be granted up to three (3) shifts off with pay, subject to the approval of the Chief. The immediate family shall be defined as spouse, children of the member, grandparents, mother, father, brother, sister of the member and those of the member's spouse.

SECTION 19 – RETIREMENT FUND

The City shall pay the Employer's contribution as established by the retirement system. Mandatory increases in the Employer's retirement rate set during the term of the agreement shall be paid by the City.

SECTION 20 – SOCIAL SECURITY

Following the Referendum B vote of July 16, 2012, which was held in accordance with 42 U.S.C 418(d), where a majority of the members of the Twin Falls fire fighters voted to withdraw from the Social Security Act, the City of Twin Falls has agreed with Twin Falls Fire Fighter's Local 1556, to the following:

- 1) ~~Employer One-time or irregular contributions~~—The entire amount refunded by the Internal Revenue Service for past social security deposits made by the City, less fees associated with the transaction, will be contributed into a PERSI Choice 401(K) plan on behalf of each currently employed Twin Falls Fire Fighter.
- 2) ~~Employer Matching contributions~~—The City of Twin Falls **that it** shall, in lieu of paying Social Security employer contributions to the Internal Revenue Service on behalf of each employee, contribute the equivalent amount (currently 6.2%), as calculated for all other

employees of the City of Twin Falls, into the PERSI Choice Plan as long as each fire fighter contributes a matching contribution of a minimum of one percent (1%).

- ~~3) Should the Internal Revenue Service request reimbursement of any portion of the returned funds at some future date, bargaining unit members shall be solely responsible for remitting payment of any refund received, including any penalties and/or interest that may be assessed.~~

SECTION 21 – DISABILITY INSURANCE

Should the City of Twin Falls discontinue offering Standard long-term disability insurance, or an equivalent long-term disability benefit as is currently provided to all employees, the City agrees to provide a minimum ninety (90) day notice to the Association, at which time its members can elect to use a portion of their rebated Social Security premium to offset the costs.

SECTION 22 - MANNING OF COMPANIES

Every reasonable effort will be made to staff eleven (11) personnel (excluding the Battalion Chief) on each shift for emergency response.

SECTION 23 – SHIFT ASSIGNMENTS

Shift assignments are made at the discretion of the Fire Chief. When possible, a 30-day notice of shift change will be provided to all affected employees. Station assignments will be made at the discretion of the Battalion Chief.

SECTION 24 – TRADING OF SHIFTS

For purposes of this agreement, trading of shifts (time trades) shall be considered a prevailing right, subject to several restrictions established by the Fair Labor Standards Act.

- 1) Employees who trade time must voluntarily agree to the trade. It cannot be initiated or mandated by the employer.
- 2) All shift trading will require prior approval.
- 3) The trade must be between two employees who have the same type of job; that is, the two employees must be employed in the same capacity.

As a result of the 1985 Amendments, if two employees trade hours pursuant to Section 7(p)(34) of the FLSA, each employee will be credited as if he or she had worked his or her normal work schedule. If the employee designated to work an approved time trade fails to report for duty for any reason, the employee who is to receive credit as if he or she had worked their normal work schedule will, instead, have the hours deducted from their vacation balance.

SECTION 25 – VACANCIES – PROMOTIONS

When a regular full-time vacancy occurs in any position covered by this agreement, the Employer shall review the position in accordance with its responsibilities as stated in Section 3 (Management Rights) and the status of the fiscal year budget. If the decision is made to fill the position, then it shall be filled in a reasonable period of time. Filling of vacancies shall be accomplished in accordance with the department standard operating procedure (S.O.P.).

SECTION 26 – PERSONNEL REDUCTION

If the Employer finds it necessary to reduce Fire Department positions, the employee with the least service time shall be the first discharged in accordance with procedure outlined below.

If positions within a division other than the lowest ranked position are designated for reduction, the following procedure shall apply:

- a) The employee(s) with the least seniority within the position (as opposed to seniority within the division) shall be designated for lay-off;
- b) An employee so designated may elect to bump to the last position previously held, assuming continued satisfactory performance. The employee(s) to have last attained the position within this classification shall then be designated for lay-off. This election shall be made in writing to the Chief within five (5) days of receiving the lay-off notice.
- c) Affected employees shall be entitled to restoration to the lost position whenever a vacancy in such position is available, assuming continued satisfactory performance.
- d) Affected employees later restored to the last position shall receive full credit for actual time served in that position, even though the terms of service may not be consecutive.

Employees bumped in accordance with Paragraph (b) shall have the benefit of the procedure outlined in Paragraphs (a) – (d).

In the event that forced reductions or bumping affects two or more employees promoted to a particular position on the same day, the following procedure shall apply:

- a) If applicable under the promotional procedures, the employee with the highest test scores in the testing for the particular position shall be deemed to have the superior seniority;
- b) If both, seniority in the position and test scores are equal, then the employee with the most seniority in the division shall be deemed to have the superior seniority. If test scores are not utilized as part of the promotional criteria, then seniority within the division shall be the sole determining factor.

An employee who is laid off because of reduction in force shall be given first opportunity for reemployment if:

- a) The employee is qualified to hold the available position; and,
- b) The employee has maintained a personal record which would not discredit the Department or the employer.

The laid-off employee shall be notified of the vacancy by certified mail and be given a period of seven (7) calendar days to reply. The notification shall be mailed to the last known address of the former employee. It shall be the former employee's responsibility to notify the Personnel Director of any change of address.

Opportunity for reemployment shall be offered in inverse order of lay-off, so that the last person laid off shall have the first opportunity for reemployment.

Offers of reemployment shall be limited to one (1) opportunity. If the laid-off employee fails to respond to said notification within the time permitted or refuses the offer for reemployment, all rights and privileges under this policy shall terminate.

Individuals restored to employment under provision of Section 24 shall retain sick leave and seniority for time in service accrued prior to lay off. Individuals shall also retain all rights and interests to retirement benefits as provided in State law and retirement system regulations.

SECTION 27 – DISCIPLINE PROCEDURE

Appendix B to this Agreement describes the accepted discipline procedure.

SECTION 28 – GRIEVANCE PROCEDURE

Appendix C to this Agreement describes the accepted grievance procedure.

SECTION 29 – RESIDENCY REQUIREMENT

All employees covered by this Agreement hired on or after October 1, 1992, shall live within eighteen (18) miles of Twin Falls city center, as defined as the intersection of Main and Shoshone Streets. Residency is required within three (3) months following completion of the introductory period. Employees covered by this agreement hired prior to 10-1-92 shall be exempt from this requirement.

SECTION 30 – SAFETY PROGRAM

The Association may submit through standard channels of communications to the Fire Chief reports, investigations, suggestions, recommendations and review of all accidents, deaths, injuries or illness pertinent to the fire service. The Chief shall evaluate such communications and forward to the City Manager.

SECTION 31 – CLOTHING ALLOWANCE

All uniforms, protective clothing or protective devices required of employees in the performance of their duties shall be furnished without cost to the employees by the Employer.

SECTION 32 – EMPLOYEE GOLF RATES

In order to promote physical fitness, the Employer agrees to establish employee rates for golf course use. The employee rate shall be equal to one-half (1/2) the regular rate – either on a daily basis or for a season pass. The discounted rate for daily greens fees shall apply to City employees only. A reduced rate will be allowed on individual, couple and family season passes.

SECTION 33 – PARKING

The Employer shall provide, without cost to employees on duty, adequate parking space on City property in the vicinity of fire stations and work sites.

SECTION 34 – SAVING CLAUSE

If any provision of the Agreement, or the application of such provision, should be rendered or declared invalid by any court action or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of this Agreement shall remain in full force and effect.

SECTION 35 – APPENDICES AND AMENDMENTS

All appendices and amendments to this Agreement shall be numbered (or lettered), dated and signed by all responsible parties and shall be subject to all the provisions of this Agreement.

SECTION 36 – DURATION OF AGREEMENT

This Agreement shall be effective as of the first day of October ~~2012~~ 2014, and shall remain in full force and effect until the 30th day of September 2014 2016. It shall automatically be renewed from year to year hereafter, unless either party shall have notified the other in writing of the section within the agreement desired by either party to negotiate changes, at least one hundred and twenty (120) days prior to the annual anniversary date that it desires to modify the Agreement.

In the event that such notices are given, negotiations shall begin no later than ninety (90) days prior to the anniversary date.

**CITY OF TWIN FALLS (Bi-weekly Payroll)
FISCAL YEAR 2010-2011**

Mayor \$16,920

Council \$13,920

\$651/pp from Jan 2008-Sept 2008

\$535/pp from Jan 2008-Sept 2008

Grade	Part I						Part II						Part III			Part IV		
	A		B		C		D		E		E		E			G		
18	\$2,803	\$2,804 to \$2,917	\$2,918 to \$3,035	\$3,036 to \$3,158	\$3,159 to \$3,229	\$3,230 to \$3,393	\$3,394 to \$4,140											
17	\$2,549	\$2,550 to \$2,652	\$2,653 to \$2,760	\$2,761 to \$2,872	\$2,873 to \$2,936	\$2,937 to \$3,085	\$3,086 to \$3,763											
16	\$2,316	\$2,317 to \$2,410	\$2,411 to \$2,508	\$2,509 to \$2,610	\$2,611 to \$2,669	\$2,670 to \$2,804	\$2,805 to \$3,421											
15	\$2,106	\$2,107 to \$2,191	\$2,192 to \$2,280	\$2,281 to \$2,373	\$2,374 to \$2,427	\$2,428 to \$2,550	\$2,551 to \$3,110											
14	\$1,915	\$1,916 to \$1,993	\$1,994 to \$2,074	\$2,075 to \$2,158	\$2,159 to \$2,206	\$2,207 to \$2,318	\$2,319 to \$2,828											
13	\$1,741	\$1,742 to \$1,812	\$1,813 to \$1,885	\$1,886 to \$1,962	\$1,963 to \$2,006	\$2,007 to \$2,107	\$2,108 to \$2,571											
12	\$1,583	\$1,584 to \$1,647	\$1,648 to \$1,714	\$1,715 to \$1,783	\$1,784 to \$1,824	\$1,825 to \$1,916	\$1,917 to \$2,337											
11	\$1,465	\$1,466 to \$1,524	\$1,525 to \$1,586	\$1,587 to \$1,651	\$1,652 to \$1,688	\$1,689 to \$1,774	\$1,775 to \$2,164											
10	\$1,356	\$1,357 to \$1,411	\$1,412 to \$1,469	\$1,470 to \$1,529	\$1,530 to \$1,563	\$1,564 to \$1,642	\$1,643 to \$2,004											
9	\$1,257	\$1,258 to \$1,308	\$1,309 to \$1,361	\$1,362 to \$1,416	\$1,417 to \$1,448	\$1,449 to \$1,521	\$1,522 to \$1,856											
8	\$1,163	\$1,164 to \$1,210	\$1,211 to \$1,260	\$1,261 to \$1,311	\$1,312 to \$1,340	\$1,341 to \$1,408	\$1,409 to \$1,717											
7	\$1,077	\$1,078 to \$1,121	\$1,122 to \$1,165	\$1,167 to \$1,213	\$1,214 to \$1,241	\$1,242 to \$1,303	\$1,304 to \$1,590											
6	\$997	\$998 to \$1,038	\$1,039 to \$1,080	\$1,081 to \$1,123	\$1,124 to \$1,149	\$1,150 to \$1,207	\$1,208 to \$1,473											
5	\$924	\$925 to \$961	\$962 to \$1,000	\$1,001 to \$1,041	\$1,042 to \$1,064	\$1,065 to \$1,118	\$1,119 to \$1,364											
4	\$855	\$856 to \$890	\$891 to \$926	\$927 to \$963	\$964 to \$985	\$986 to \$1,035	\$1,036 to \$1,262											
3	\$791	\$792 to \$823	\$824 to \$857	\$858 to \$891	\$892 to \$912	\$913 to \$958	\$959 to \$1,169											
2	\$733	\$734 to \$762	\$763 to \$793	\$794 to \$826	\$827 to \$844	\$845 to \$887	\$888 to \$1,082											
1	\$679	\$680 to \$706	\$707 to \$735	\$736 to \$765	\$766 to \$782	\$783 to \$822	\$823 to \$1,002											

Police Department Salary Table

Grade	Part I						Part II						Part III			Part IV		
	A		B		C		D		E		E			G				
SS	\$1,662	\$1,663 to \$1,729	\$1,730 to \$1,800	\$1,801 to \$1,872	\$1,873 to \$1,915	\$1,916 to \$2,012	\$2,013 to \$2,454											
SG	\$1,538	\$1,539 to \$1,601	\$1,602 to \$1,666	\$1,667 to \$1,734	\$1,735 to \$1,772	\$1,773 to \$1,862	\$1,863 to \$2,272											
DT	\$1,420	\$1,421 to \$1,478	\$1,479 to \$1,538	\$1,539 to \$1,601	\$1,602 to \$1,637	\$1,638 to \$1,719	\$1,720 to \$2,097											
PO	\$1,319	\$1,320 to \$1,372	\$1,373 to \$1,428	\$1,429 to \$1,486	\$1,487 to \$1,519	\$1,520 to \$1,596	\$1,597 to \$1,948											

Fire Department Salary Table-Positions Covered by Collective Bargaining Agreement (Monthly Payroll)

Grade	Part I						Part II						Part III			Part IV		
	A		B		C		D		E		E			G				
14	\$4,149	\$4,150 to \$4,318	\$4,319 to \$4,493	\$4,494 to \$4,675	\$4,676 to \$4,780	\$4,781 to \$5,022	\$5,023 to \$6,128											
11a	\$3,238	\$3,239 to \$3,370	\$3,371 to \$3,506	\$3,507 to \$3,649	\$3,650 to \$3,731	\$3,732 to \$3,920	\$3,921 to \$4,782											
11	\$3,174	\$3,175 to \$3,303	\$3,304 to \$3,437	\$3,438 to \$3,577	\$3,578 to \$3,658	\$3,659 to \$3,843	\$3,844 to \$4,688											
9a	\$2,778	\$2,779 to \$2,890	\$2,891 to \$3,008	\$3,009 to \$3,130	\$3,131 to \$3,200	\$3,201 to \$3,362	\$3,363 to \$4,102											
9	\$2,723	\$2,724 to \$2,834	\$2,835 to \$2,949	\$2,950 to \$3,068	\$3,069 to \$3,137	\$3,138 to \$3,296	\$3,297 to \$4,022											
8b	\$2,570	\$2,571 to \$2,675	\$2,676 to \$2,783	\$2,784 to \$2,896	\$2,897 to \$2,962	\$2,963 to \$3,112	\$3,113 to \$3,796											
8a	\$2,545	\$2,546 to \$2,649	\$2,650 to \$2,756	\$2,757 to \$2,868	\$2,869 to \$2,933	\$2,934 to \$3,081	\$3,082 to \$3,759											
8	\$2,520	\$2,521 to \$2,622	\$2,623 to \$2,729	\$2,730 to \$2,840	\$2,841 to \$2,903	\$2,904 to \$3,050	\$3,051 to \$3,721											

CITY OF TWIN FALLS (BI-WEEKLY Rates)					
Fiscal Year 2014-2015					
Minimum		Midpoint		Maximum	
\$4,101	to	\$4,921	to	\$5,905	19
\$3,661	to	\$4,394	to	\$5,272	18
\$3,269	to	\$3,923	to	\$4,708	17
\$2,919	to	\$3,502	to	\$4,203	16
\$2,606	to	\$3,127	to	\$3,753	15
\$2,327	to	\$2,792	to	\$3,350	14
\$2,077	to	\$2,493	to	\$2,991	13
\$1,889	to	\$2,266	to	\$2,720	12
\$1,717	to	\$2,061	to	\$2,473	11
\$1,561	to	\$1,873	to	\$2,247	10
\$1,419	to	\$1,703	to	\$2,044	9
\$1,326	to	\$1,591	to	\$1,909	8
\$1,239	to	\$1,487	to	\$1,785	7
\$1,159	to	\$1,390	to	\$1,668	6
\$1,083	to	\$1,299	to	\$1,559	5
\$1,012	to	\$1,214	to	\$1,457	4
\$945	to	\$1,134	to	\$1,361	3
\$884	to	\$1,061	to	\$1,273	2
\$826	to	\$991	to	\$1,189	1

POLICE DEPARTMENT SALARY TABLE					
2184 hrs Yrly, 84 hrs Per Pay Period					
\$1,983	to	\$2,380	to	\$2,856	SS
\$1,803	to	\$2,164	to	\$2,597	SG
\$1,490	to	\$1,788	to	\$2,146	Patrol
\$1,392	to	\$1,671	to	\$2,005	Recruit

MONTHLY					
FIRE DEPT. SALARY TABLE - Positions Covered by CBA					
2920 hrs Yrly, 243.33 hrs Per Pay Period					
\$5,041	to	\$6,049	to	\$7,259	14
\$3,794	to	\$4,553	to	\$5,463	11a (2%)
\$3,721	to	\$4,465	to	\$5,358	11
\$3,137	to	\$3,764	to	\$4,517	9a (2%)
\$3,074	to	\$3,689	to	\$4,427	9
\$2,932	to	\$3,519	to	\$4,222	8b (1%)
\$2,902	to	\$3,482	to	\$4,179	8a (1%)
\$2,873	to	\$3,448	to	\$4,138	8

APPENDIX A

- a) Positions covered by this agreement have been assigned the following grades:

Relief Battalion Chief	Grade 11a
Captain	Grade 11
Relief Captain	Grade 9a
Driver	Grade 9
Relief Driver	Grade 8b
Tender Driver	Grade 8a
Fire Fighter	Grade 8

- b) The base salary figures shown above for employees covered by this agreement represent straight time pay for 243.33 hours.
- c) Hourly rates shall be calculated by dividing the monthly salary by 243.33 hours.
- d) Hours worked between 204 and 216 shall be paid at one-half (1/2) the hourly rate. Hours worked beyond 216 hours in a 27-day work period shall be paid at one and one-half times the hourly rate. All absences from work, except excused hours, vacation and bereavement leave, shall be excluded from the sum of hours worked for the purpose of calculating overtime.
- e) Starting compensation for new employees will be the minimum shown in the salary range for the position of fire fighter. Promoted employees will be assigned from their current salary to the next highest salary within their new pay range with the following minimums:

Fire Fighter to Driver	5.0% 7%
Driver to Captain	7.5% 10%

- f) All salary adjustments are subject to budget authorization and Council approval. Employees within their first year of employment who have a favorable performance evaluation, and who are still within their original assigned pay grade will be eligible for an increase on their anniversary date. Employees who are beyond their first year and who have a favorable performance evaluation will be granted an increase effective October 1st subject to Council authorization and budget approval.
- 2) Longevity Pay:
Longevity shall be paid at the rate of \$4.00/month for each full year of service, commencing on the employee's anniversary date of the sixth consecutive year of service.

EXAMPLE

Monthly Base Pay Increase	During These Years of Service
\$24.00	6 th year
28.00	7 th year
32.00	8 th year
100.00	25 years is maximum accrual time

3) Certification Pay:

Certification Pay shall be awarded as follows:

- * Level II TFFD Fire Fighter Certification \$50.00
- * Level III TFFD Fire Fighter Certification \$50.00
- * Combination consisting: \$50.00

- Current Driver Certification,
- Current Fire Inspector, and

- 12 college credits (6 credits specifically related to Human Relations courses. In general, this includes classes in supervisory and management skills, leadership, team building, psychology and communications.) Applicable credits are those credits earned as a result of independent study from an accredited college or university during tenure of employment with the City. Training programs provided by the City shall not count towards the total. Subject to manning levels, job demands and the Chief's approval, employees covered by this agreement may request authorization to attend job-related, accredited college classes during on-duty evening hours.

The maximum certification pay shall be \$150.00/month.

No employee covered by this agreement shall forfeit certification pay authorized under the former program.

DATED

EMPLOYER

ASSOCIATION

Mayor ~~Greg Lanting~~ **Don Hall**
Edward F. Morris, President

City Manager Travis P. Rothweiler
President

~~Brian K. Rice~~ **Rick D. Hatridge**, Vice

~~Scott D. Wyatt~~ **Jesse L. Bowman**, Secretary/Treasurer

APPENDIX B

EMPLOYEE DISCIPLINE

The purpose underlying this discipline policy is to establish a consistent procedure for maintaining suitable behavior and a productive working environment. Disciplinary action may include oral reprimand, written reprimand, suspension without pay, probation, demotion, reduction in pay, and termination. Disciplinary action need not be progressive in nature.

- A) Procedure: A supervisor who has cause to believe that disciplinary action may be necessary shall make a reasonable effort to ascertain all relevant facts prior to proposing or taking disciplinary action. The supervisor shall document evidence on the matter in a way that may be easily reviewed and understood by someone unfamiliar with the matter. The disciplinary action taken should reflect consideration of the severity of the offense or performance problem, previous performance problems or offenses of a similar type and the period of time between occurrences, overall work record, and treatment of other employees under similar circumstances.
- 1) Oral Reprimand: An oral reprimand occurs when a supervisor verbally admonishes an employee for an offense, and impresses the need for corrective action. The purpose is to eliminate misunderstandings and to set and maintain desired standards of conduct and performance. Although the supervisor should note the date and content of the warning for future reference, it is not recorded in the employee's personnel file at the time of the warning. An oral reprimand may not be appealed.
 - 2) Written Reprimand: A written reprimand occurs when a supervisor placed the employee on official notice that performance or conduct must improve. The written reprimand must clearly describe the unacceptable performance and/or conduct, the corrective action(s) required, and the time frame involved. A written reprimand is initiated by the completion of a "Notice of Proposed Disciplinary Action" on a form from the Personnel Office. The employee shall meet with the supervisor within seven (7) calendar days of receipt of the "Notice" to discuss the proposed disciplinary action. The original written reprimand shall be forwarded to the Personnel Office for placement in the employee's personnel file.
 - 3) Suspension Without Pay, Salary Reduction, Demotion or Dismissal: These forms of disciplinary action may be taken where less severe forms have failed to improve performance, or where the violations or offenses are more severe. An employee may be suspended with pay pending imposition of any proposed disciplinary action. Discipline is initiated by completion of the "Notice of proposed Disciplinary Action" on a form from the Personnel Office. The "Notice" shall first be approved by the City Manager and then hand-delivered to the employee by the Department Head. The "Notice" shall be signed by the Department Head and the employee must acknowledge receipt of the "Notice" by signing the form. The employee shall be provided with a copy of the "Notice" along with copies of all documents upon which the proposed disciplinary action is based. A meeting shall be scheduled with the Department head and City Manager within seven (7) calendar days at which time the employee may respond to the allegations and/or the proposed disciplinary action. This meeting shall be informal in nature. The disciplinary action may thereafter be implemented, unless the department head wishes to

alter the proposed disciplinary action, in which case the City Manager shall be consulted prior to implementing the decision.

- B) Appeal: An employee may appeal the decision of a department head where the disciplinary action includes a written reprimand, suspension without pay, salary reduction, demotion or dismissal. An appeal must be initiated within seven (7) calendar days of receipt of the disciplinary action by submitting a “Notice of Appeal” to the personnel Office on a form provided by that office. All appeals of disciplinary action shall be submitted for mandatory mediation and binding arbitration. The employee and the City shall each have the right to disqualification of one mediator and one arbitrator. If mediation fails, the decision of the arbitrator shall be final.

DATED

EMPLOYER

Mayor ~~Greg Lanting~~ Don Hall

City Manager Travis P. Rothweiler
President

ASSOCIATION

Edward F. Morris, President

~~Brian K. Rice~~ Rick D. Hatridge, Vice

Scott D. Wyatt Jesse L Bowman, Secretary/Treasurer

APPENDIX C

GRIEVANCE PROCEDURE

A grievance shall be defined as a dispute or disagreement raised by an employee against the employer involving the interpretation or application of specific conditions of the employee resolution, ordinances, contracts or regulations of the City of Twin Falls including an allegation of constructive discharge, but excluding disciplinary action.

An aggrieved employee or former employee has from the beginning of the alleged problem fourteen (14) calendar days in which to file the grievance. The filing period may be extended if both parties are working informally to resolve the problem. The extension should be in written form, signed by both parties. If the issue cannot be resolved, either party should notify the other that impasse has been reached. The filing period will commence with the date of impasse. An aggrieved employee shall first submit the grievance in writing on a form provided by the Personnel Office. The submittal shall include all pertinent facts as determined by the employee, the basis for the grievance expressed in terms of the specific rules or regulations alleged to be misinterpreted and the action the employee believes the City should take as a result of the grievance filing.

The department head shall make a written report on his findings and decision concerning any such grievance, which report shall be submitted to the City Manager within two (2) working days of receipt of the written grievance or as soon thereafter as possible.

The City Manager shall review the department head's decision and may interview all interested parties and then shall make his decision concerning said grievance. The City Manager shall provide his decision in writing to the aggrieved employee within five (5) working days of receipt of the department head's report or as soon as possible.

If either the department head or the City Manager is unable to respond to the grievance within the prescribed time frame, notification including an approximate complete date will be provided to the grievant.

An employee may appeal the City Manager's decision by requesting a hearing before the City Council. Said request must be made in writing to the Personnel Office within seven (7) calendar days following receipt of the City Manager's decision. The matter will be placed on the Council agenda, either as a regular agenda item or as a special meeting.

DATED
EMPLOYER

ASSOCIATION

Mayor ~~Greg Lanting~~ Don Hall

Edward F. Morris, President

City Manager, Travis P. Rothweiler

~~Brian K. Rice~~ Rick D. Hatridge, Vice President

~~Scott D. Wyatt~~ Jesse L. Bowman, Secretary/Treasurer



DATE: November 10, 2014 City Council Meeting

To: Honorable Mayor and City Council

From: Jon Caton, P.E., Public Works Director

Request:

Request to reject all bids for the 2014 Modifications to the Canyon Springs Valve Project.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background: This year we planned to replace an existing valve at the Canyon Springs Booster station. We bid the project in September 2014 and received two bids: 1) RSCI in the amount of \$208,400 and 2) PSI in the amount \$320,639. According to Idaho Statute 67-2805 we can either accept the lowest bid or reject all bids.

Approval Process:

This agenda item will require council approval.

Budget Impact: This is a planned expenditure for which we budgeted \$100,000.00.

Regulatory Impact: NA

Conclusion: I recommend that Council reject these bids and allow staff to either rebid this project or investigate the opportunity to contract this project on the open market for less cost.

Attachments: JUB Letter Dated Oct. 27, 2014



J·U·B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

October 27, 2014

Jon Caton, P.E.
Public Works Director
119 South Park Avenue West
Twin Falls, ID 83301

RE: City of Twin Falls 2014 Modifications to Canyon Springs Valves Bid Review

Dear Jon,

Bids for the City of Twin Falls 2014 Modifications to Canyon Springs Valves project were received and opened from two Bidders on September 11, 2014. Attached is a Bid Tabulation summarizing the unit prices and total Bid amount from each Bidder. Following is a summary of the Bid results:

Contractor	Bid
RSCI	\$208,400.00
Performance Systems, Inc.	\$370,639.00

Bid amounts are greater than originally budgeted and greater than anticipated for this work.

According to the Instructions to Bidders Article 19 (Document 00200), and Idaho Statute 67-2805 the Owner can choose to award to the lowest responsive Bidder or reject all Bids. Based on our discussions with you, it is our understanding that the City desires to reject all Bids.

If the city desires to complete this work, two options for moving forward include:

1. Rebid the project
2. Consider if the project can be performed more economically on the open market, and, if so, pass a resolution to declare this fact (IC 67-2805(3)(a)(viii)).

Upon City Council rejection of the bids, these next options can be considered further. If you have any questions or need additional information, please contact me at 733-2414.

Sincerely,

J-U-B ENGINEERS, Inc.



Gary M. Haderlie, P.E.

Enclosures:

- Bid Tabulation

Cc: Rob Bohling, Water System Superintendent

PROJECT: City of Twin Falls
 Modifications to Canyon Spring Valves

BID DATE: September 11, 2014

ENGINEER: J-U-B Engineers, Inc.
 115 Northstar Ave.
 Twin Falls, Idaho 83301

PAY ITEM REFERENCE	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	RSCI		Performance Systems, Inc.	
				Boise, ID		Meridian, ID	
ISPWC 2010.4.1.A.1	Mobilization and Demobilization	1	LS	\$6,600.00	\$6,600.00	\$14,631.00	\$14,631.00
SP-2125.1.5.A	Valve Relocation and Thrust Block	1	LS	\$161,300.00	\$161,300.00	\$285,511.00	\$285,511.00
SP-2125.1.6.A	Air Vacuum/Air Release Valves	1	LS	\$12,600.00	\$12,600.00	\$29,262.00	\$29,262.00
SP-2125.1.8.A	Pressure Relief Valves	1	LS	\$27,900.00	\$27,900.00	\$40,235.00	\$40,235.00
Total Bid:					\$208,400.00		\$370,639.00

Note:

1. This table is a tabulation of the unit prices and total prices received from Bidders during the bidding process. It does not indicate nor convey the responsiveness of the Bid.



November 10, 2014, City Council Meeting

To: Honorable Mayor and City Council

From: Joshua Palmer, Public Information Office; Craig Stotts, Twin Falls Police Department; Tami Lauda, Information Services

Request: Presentation by Police, Public Information, and Information Services on implementation of emergency mass notification system.

Time Estimate: The presentation will take approximately 15 minutes, with additional time for questions and comments.

Background: In September, council requested that staff identify a tool that could reach a large number of citizens in a timely manner during an emergency. Incidents, such as a 'boil order' in September and a Declaration of Emergency in 2012, demonstrated that there was a need for a more robust mass notification system.

Staff identified the Everbridge Critical Communication system as a potential tool to inform and protect citizens during life/safety emergencies. The system is widely used among local, regional, state and federal agencies across the United States, and has a proven track record of reliability and effectiveness.

The City has been using the system on a limited basis through a shared license agreement that is superintended by Southern Idaho Regional Communication (SIRCOMM), which was paid for by a federal grant to cover the South Central Idaho region. However, by purchasing a dedicated license for the City, as well as additional features that address the growing number of mobile phone users, and by implementing internal processes to deliver mass notifications, the City of Twin Falls would be better prepared to reach a large number of citizens during emergencies.

If approved, the service would equip the City with a tool to send emergency notifications to all landlines. The system would also enable the City to reach specific landlines, in the event that an emergency impacts only a specific part of the community. The system can send voice, text and email notifications to cell phones whose users have opted into the service. But with the addition of a 'cell tower override' add-on, the City would have the ability to deliver notifications to all cell phones within the region – regardless of whether, or not, the user has opted into the service.

Approval Process: This is an information item only. No action is required at this time.

Budget Impact: To manage and operate Everbridge in-house and independently from SIRCOM, the City would be required to purchase a dedicated license at a one-time cost of \$16,000 upon implementation. Additionally, the City would be required to pay an annual fee of \$15,000 for maintenance and service. The 'cell tower override' can be purchased for an annual fee of \$1,000.

Regulatory Impact: There is no regulatory impact for this item.

Conclusion: Staff is bringing this item to Council's attention for information purposes, however, staff is also requesting direction from council.

Attachments: None.



Public Hearing: **Monday, NOVEMBER 10, 2014**

To: Honorable Mayor Hall and City Council

From: Jonathan Spendlove, Planner I.

ITEM V-

Request: Request for Annexation of 4.75 (+/-) acres of undeveloped land proposed development of a municipal water storage facility on property located at 2951 Marie Avenue. *c/o City of Twin Falls* (app. 2669)

Time Estimate:

The presentation may take up to ten (10) minutes. Question(s) by the City Council may be an additional five (5) minutes.

Background:

Applicant:	Status: Owner	Size: 4.75 Acres +/-
City of Twin Falls P.O. Box 1907 Twin Falls, ID 83303 208-735-7267	Current Zoning: C-1 in Area of Impact	Requested Zoning: C-1 upon Annexation
	Comprehensive Plan: Commercial Retail	Lot Count: 1 Lot
	Existing Land Use: Agricultural	Proposed Land Use: Municipal Potable Water Storage Facility
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: R-2 & C-1 PUD; undeveloped platted lot, the City Water Facility and an undeveloped commercial lot	East: C-1 in Area of Impact; Hankins Rd, Trucking Facility
	South: C-1 Area of Impact; Agricultural	West: C-1; Residential, Timberlake Apts
	Applicable Regulations: 10-1-4, 10-1-5, 10-15	

Approval Process:

§10-15-2: Annexation

The Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

(B) At least fifteen (15) days prior to the hearing, notice of time and place, and a description of the proposed zoning changes for the unincorporated area shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. Additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred feet (300') of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Zoning Administrator. Notice shall be posted on the premises not less than one week prior to the public hearing. If the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards the proposal with its recommendations to the Council.

Budget Impact:

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

Regulatory Impact:

A recommendation by the Planning & Zoning Commission on the zoning of this site allows the application to be scheduled for the City Council. Approval of this request will allow the applicant to annex the subject property into the City Limits and proceed with the development of a municipal water storage facility.

History:

A Record of Survey and Lot Line Adjustment was completed in December of 2013 so the City could purchase the property for development of a water storage facility. The City Council held a public hearing and approved establishment of the use of a Municipal Potable Water Storage Facility at this location on July 7, 2014. This request is the second process in the development of a Municipal Water Storage Facility at this location.

Analysis:

This request is to annex 4.75 +/- acres with a zoning designation of C-1, Commercial Highway District. During staff analysis it was determined that an extended mailing list was warranted. Currently, the entirety of the property is zoned C-1 Area of Impact (AOI), the majority of which is being utilized as agricultural farm land. The property proposed for annexation is contiguous to City Limits on the west and north boundaries, and thus is able to request annexation. There was a record of survey and lot line adjustment completed so the City could purchase the property for development. The property to the north is owned by the City and is a municipal potable water storage facility.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed. Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and shall be limited to the proposed development plan and zoning changes." The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the published ordinance is sent to the State and the official zoning map is officially amended.

Since the City acquired the property, the property's intended use was for potential expansion of the City's potable water facility. It is appropriate for the City to annex property owned and maintained by the City in order to gain governmental jurisdiction over our own property. Staff recommends the entire +/- 4.75 acres maintain the current zoning designation of C-1.

On October 14, 2014 the Commission unanimously recommended the existing C-1 Zoning designation to be appropriate for the site and consistent with the surrounding area.

Conclusion:

Staff concurs with the Commission's recommendation that C-1 is the appropriate zoning designation and staff supports annexation of the site.

Attachments:

1. Proposed Site Plan
2. Zoning Vicinity Map
3. Future Land Use Map
4. Extended mailing list map
5. Site Photos
6. Minutes of the Oct 14, 2014 P&Z meeting.

Zoning Vicinity Map Reference Only



Area Proposed
For Annexation

City Limit
Boundary Line

Kimberly Rd



Future Land Use Map

Reference Only



NORTH

Rural Residential Designation

Commercial/Retail Designation

Area Proposed for Annexation

Medium Density Designation

City Limit Boundary Line

4TH AVE E

JEANNIE WAY

PATM BRUSH DR

JOELLE

LISA CT

MEADOW

HANKINS RD

VIGOR LN

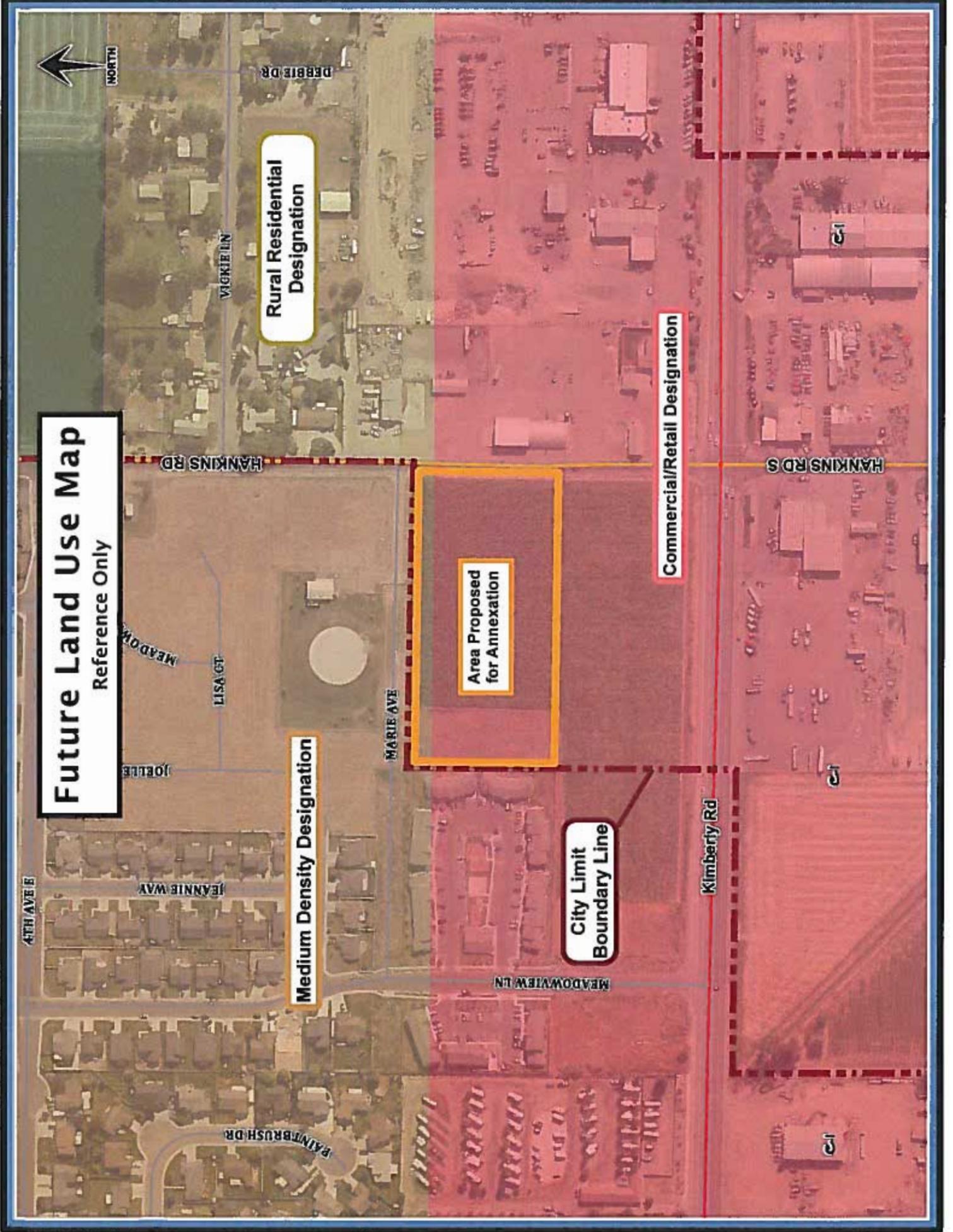
DEBBIE DR

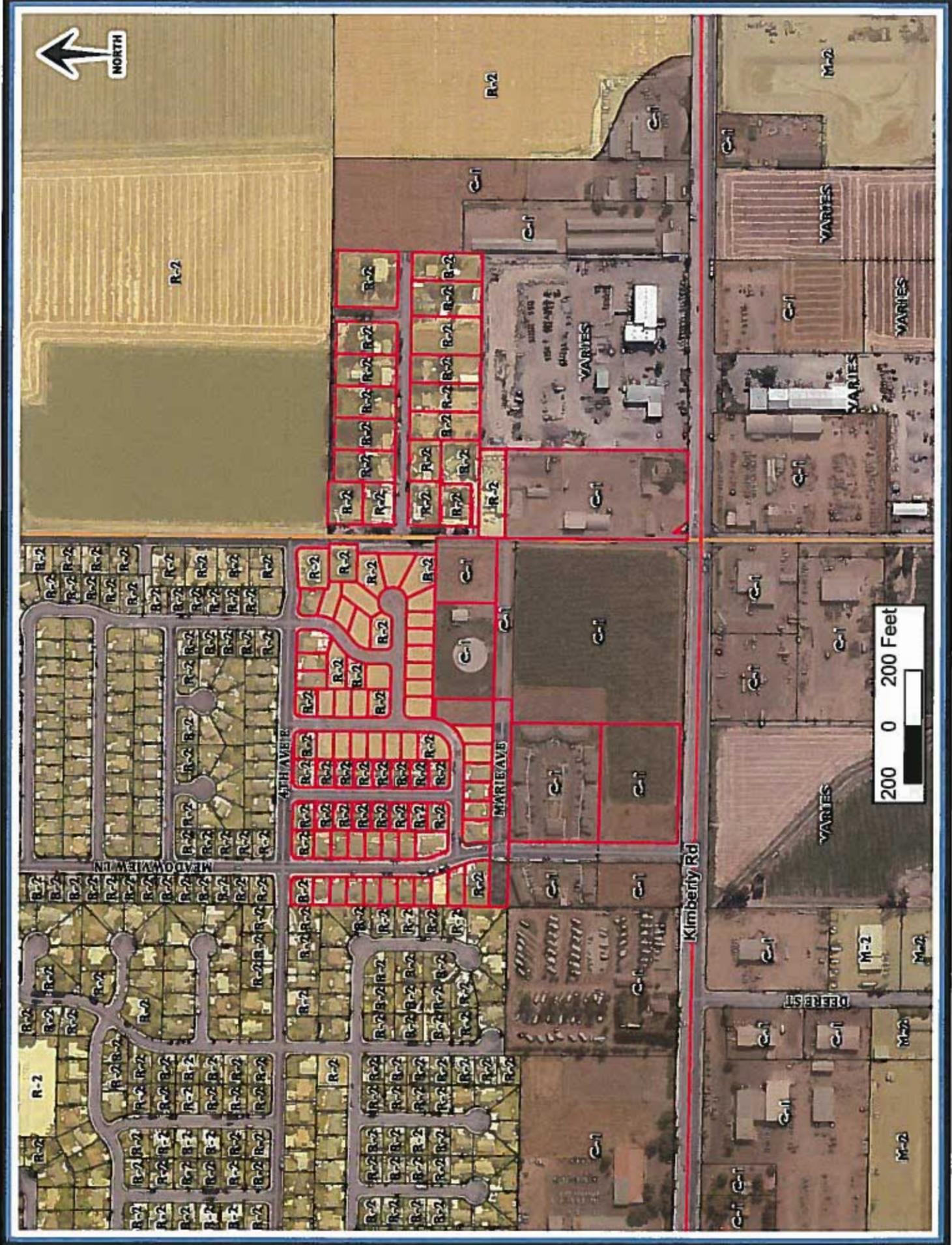
MARIE AVE

MEADOWVIEW LN

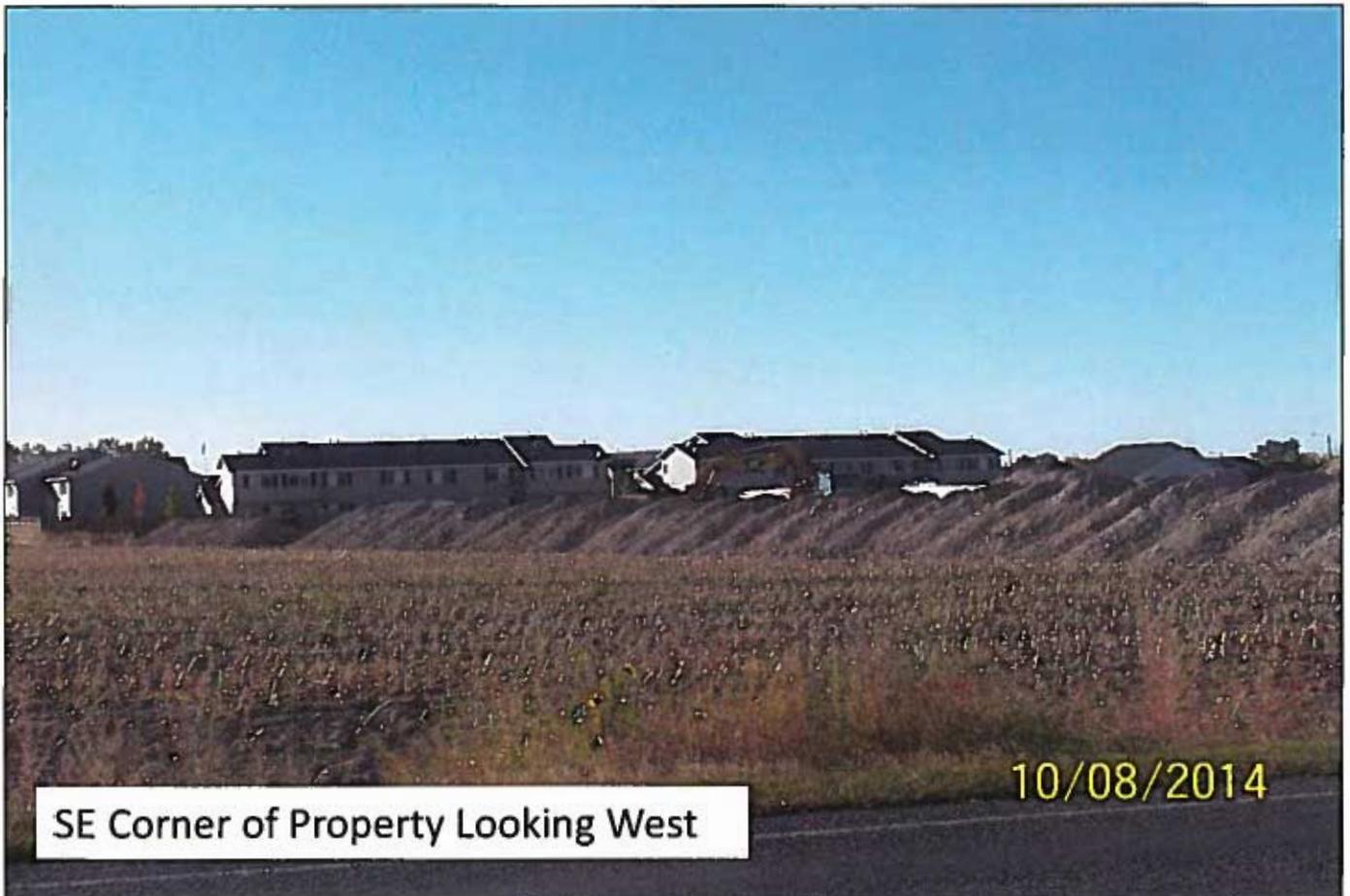
Kimberly Rd

HANKINS RDS

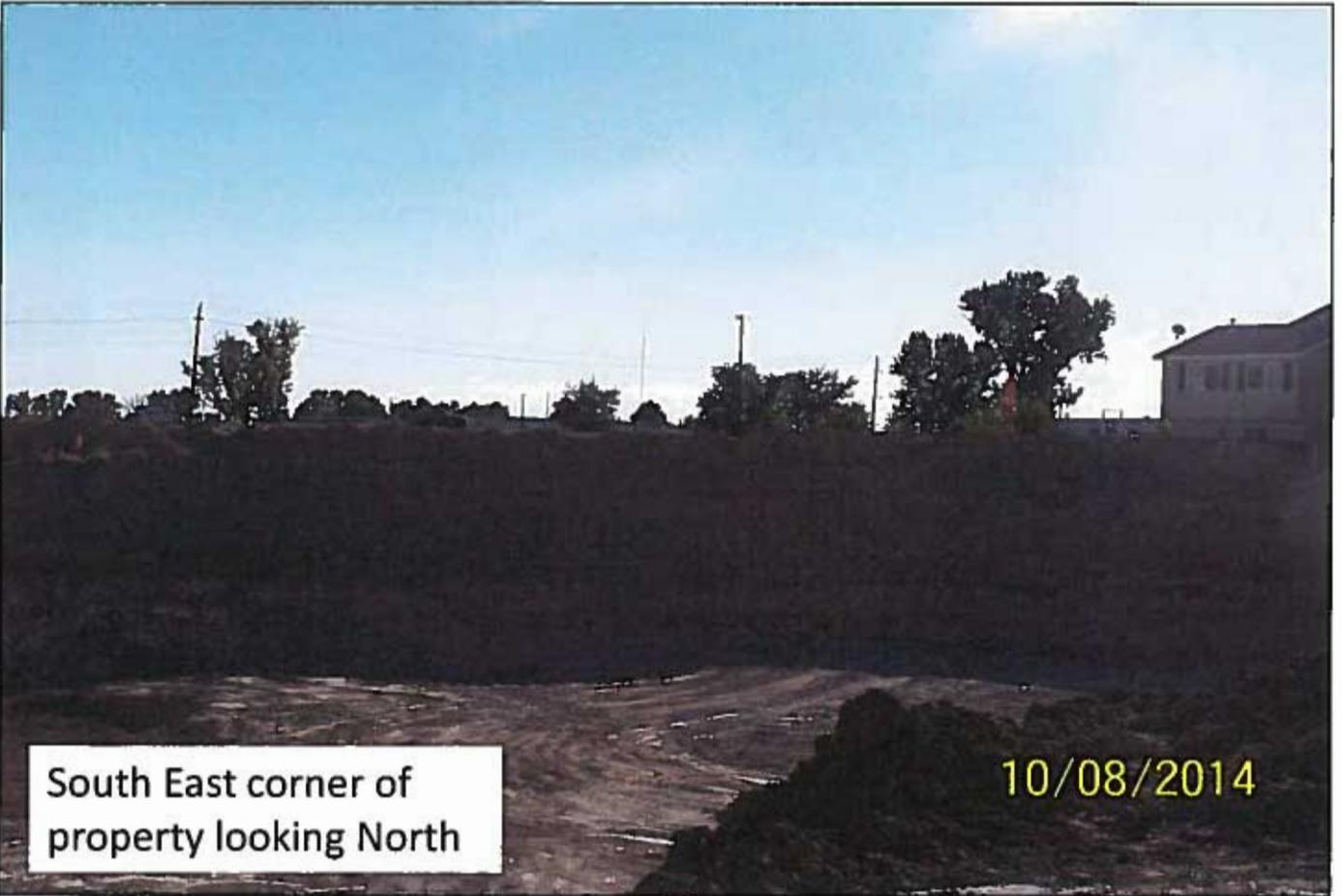




200 0 200 Feet



SE Corner of Property Looking West





MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
October 14, 2014 6:00PM
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 Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

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

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
Higley	
Woods	

CITY COUNCIL LIAISON(S): Hawkins, Mills Sojka

CITY STAFF: Carraway-Johnson, Nope, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 6:00 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 public meeting(s): **September 23, 2014**
2. Approval of Findings of Fact and Conclusions of Law:
 - *Geronimo, LLC-app 2674 (SUP 09-23-14)*
 - *Geronimo, LLC app 2675 (SUP 09-23-14)*

Motion:

Commissioner Grey 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. GENERAL PUBLIC INPUT: NONE

Motion:

Commissioner Munoz made a motion to amend the agenda to allow the Commission to discuss the Request for Qualifications for the Comprehensive Plan Amendment. Commissioner Tatum seconded the motion. All members present voted in favor of the motion

Unanimously Approved

- Zoning & Development Manager Carraway-Johnson explained that in order for the Comprehensive Plan Update to occur a Request for Qualifications (RFQ) needs to be posted. A draft of the RFQ has been created with a list of the items that need to be updated or added to the plan. A recommendation from the Commission to the City Council to approve the RFQ as presented is needed in order for staff move forward.
- Chairman Frank explained that it is time to update the Comprehensive Plan document. This will be an advertisement to request assistance on updating the document. He recommended that anyone interested in being involved in the process to contact staff.
- Commissioner Woods asked why the airport was added to the Comprehensive Plan and asked how the public can be involved in this process.
- Zoning & Development Manager Johnson explained that the Airport section is required to be added to the Comprehensive Plan by new state statute. As for the public being involved they can contact the Planning & Zoning Department if they are interested.
- Commissioner Munoz clarified that specific sections will be updated and the airport section will be added to the plan, the plan is not being totally rewritten.

Motion:

Commissioner Woods made a motion to recommend approval of the RFQ to the City Council. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Unanimously Approved

IV. ITEMS OF CONSIDERATION: NONE

V. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to operate a drive-through coffee business with extended hours of operation on property located at 572 Pole Line Road. *c/o Adam and Mandy Hanby on behalf of Dutch Brothers* (app. 2677)

Applicant Presentation:

Hailey Barnes, EHM Engineers, Inc., representing the applicant, explained the request is for a coffee shop with a drive thru and extended hours. The hours of operation will be from 5am to 11pm with a drive thru. The plans for the building have been submitted and the stacking requirements for the drive through have been met. She explained that parking should not be an issue because there is a cross-use agreement for the development in place allowing customers to use any of the available parking spaces on the property.

Staff Analysis:

On April 23, 2012 the City Council approved the final plat of Pole Line Commercial Subdivision-A PUD with conditions. On April 23, 2012 the City Council approved the Amended C-1 PUD Agreement #220 – Pole Line Commercial PUD. The property is zoned C-1 PUD. The request is to

construct a new drive-through coffee shop at 572 Pole Line Road. The C-1 zone requires a Special Use Permit for any facility to have a drive-through window. The applicant is also requesting to operate from 5:00 am to 11:00 pm, Monday through Sunday. The C-1 zone requires a Special Use Permit to operate outside the hours of 7:00 am to 10:00 pm. The Pole Line Commercial Subdivision 1 & 2 C-1 PUD Agreement does not waive the Special Use Permit process for extended retail hours of operation or the drive-through window.

The applicant submitted a request for an SUP to allow a drive-through window and extended business hours of 5:00 am to 11:00 pm. The applicant anticipates one (1) to six (6) vehicles in the drive-through lanes during the majority of the hours of operation. There will be between two (2) to four (4) employees on the premises during the hours of operation and for cleanup and preparation of opening times. The site is in a commercial area that will serve highway traffic, nearby hotels and other commercial businesses. The applicant does not anticipate any significant impacts to neighboring businesses.

Per City Code 10-4-8.2: Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) AM to ten o'clock (10:00) PM require a Special Use Permit in the Commercial Highway District (C-1). The C-1 Zone is intended to provide commercial activities of various sizes from large retail stores to small specialty shops with residential opportunities for persons wishing to work and live in a unified environment. The C-1 PUD Agreement does not waive the Special Use Permit process for extended retail hours of operation.

Per City Code 10-7-13: Any facility with drive-through windows are required to comply with minimum requirements for vehicle stacking. Fast food restaurants and drive-in banks require nine (9) spaces or such other number as approved by Planning & Zoning Commission, but no less than six (6). All others are required to have six (6) spaces. The proposed site plan is indicating drive through windows on both sides of the building. The drive-through windows will be located on the north and south sides of the building. The stacking lane proposed along the south side of the building indicates three (3) vehicles. The stacking lane proposed along the north side of the building indicates three (3) vehicles, but has room for at least one (1) more. This makes a total of six (6) to seven (7) spaces.

Possible Impacts: The property is located along Pole Line Road which is a high traffic major arterial street. There are currently hotels, commercial retail, and professional offices located in the immediate area. These various businesses may not be greatly impacted by the proposed use and extended hours.

The proposed site plan indicates a parking area to the west of the proposed building site that is shown as "not being constructed at this time". The applicant is proposing outdoor seating to the south of the building. The addition of walk-up customers could impact the parking on the north

side of the DaVita Dialysis building. The subdivision has a cross-use parking and access agreement. Upon review with Troy Vitek, Assistant City Engineer, he felt this parking area should be constructed at this time. The Commission may wish to put a condition on this Special Use Permit that the parking area to the west of the proposed building be constructed prior to issuance of the Certificate of Occupancy.

The required improvements per City Code 10-11-1 thru 8, such as landscaping, parking, etc., will be reviewed for compliance at the time of building permit process.

Planner I Spendlove stated upon conclusion should the Commission grant this request, as presented; city staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to hours of operation being no earlier than 5:00 a.m. and no later than 11:00 p.m.
3. Subject to the parking area with six (6) parking spaces on the west side of the proposed building being constructed prior to issuance of the Certificate of Occupancy.

P&Z Questions/Comments:

- Commissioner Woods asked about the outside seating area and asked about safety concerns for pedestrians crossing the drive through lane. He also asked if there is a requirement for a restroom if outside seating is provided. Is there a plan for trash receptacles for people? The plan shows an exit to Pole Line Road and asked where the entrance to the lot is located.
- Mr. Handy explained that he currently works for a Dutch Brothers and the walk across the driving lane has not been an issue. He also explained that they are not sure they will be providing a patio but have included it in case; there will not be any seating inside the building, so a restroom will not be provided.
- Eric Cornell, Dutch Brothers General contractor explained the location of the entrance and exit to the site and that trash receptacles are provide for customers.
- Commissioner Frank asked about the number of required parking spaces and if that would be an issue.
- Mrs. Handy explained the employees will be parking in the back and that the spaces needed for the customers should be plenty.
- Commissioner Munoz clarified that no inside seating will be provided.
- Commissioner Grey asked for traffic flow clarification through the site.
- Planner I Spendlove explained that traffic flow through the site.

- Commissioner Tatum asked which access is being used by DaVita Dialysis.
- Planner I Spendlove explained there is a cross use agreement for this property and showed the traffic flow to Davita Dialysis.

Public Hearing: Opened

Randy Hansen, from Randy Hansen Automotive stated that the traffic flows through his businesses parking lot. His concern is how to prevent this from happening when the access to the property is very limited and he is also concerned that the exits will be used as entrances by people. The space available now is limited with DaVita Dialysis and the addition of this business is going to make the traffic flow even more difficult for traffic flow and parking.

Public Hearing: Closed

P&Z Questions/Comments:

- Assistant City Engineer Vitek explained ITD negotiated the access to the properties and the development is stuck with the existing plan. The people on Pole Line Road may use the exit as an entrance and staff does not know how to address that issue. The total parking is reviewed at the time of building permit and the cross use agreement documents will be verified.
- Commissioner Grey asked if there is a process for changing the access to the property.
- Assistant City Engineer Vitek, stated changes would require a permit and the property owner would have to petition the state to make any changes.
- Commissioner Boyd stated that currently the area is not as developed and once the property is developed people will have to learn the layout so they can navigate safely through the development.
- Commissioner Munoz explained that we need considering a drive through and extended hours. The traffic flow and access is not something the Commission has the ability to change.

Closing Statement:

Mr. Handy stated this has been a dream for him and his wife for the past three years; they want to be part of a community and thinks this will be a good addition to the community.

Mrs. Handy stated they are willing to educate their customers on traffic flow and they want to be good neighbors.

Deliberations Followed:

- Commissioner Boyd stated she likes the hours when you traveling through the area early or late at night it will be nice to have a place you can get a good cup of coffee.
- Commissioner Munoz agrees he doesn't have any issues with the request. He thinks the applicant and customers can work through the traffic flow concerns and further development of the site will make a difference.
- Commissioner Frank stated if the customer doesn't feel safe approaching the property then they frequent the business.
- Commissioner Tatum stated she is still concerned that this may be hazardous to existing or future neighboring uses. She can foresee that this is going to a popular business in this area with a lot of traffic she thinks it may cause a hazard to the adjacent business.
- Commissioner Munoz explained the cross use agreement allows for the traffic to travel between businesses.
- Commissioner Tatum understood that however without knowing if the cross use agreement is between the two businesses she is not sure that will solve the traffic problems she foresees.
- Planner I Spendlove explained that the code does not require screening between two commercial properties however the code doesn't prevent that from happening either unless there is a cross use agreement between the properties. He is currently not aware of which properties are included in the cross use agreement.
- Assistant City Engineer Vitek explained that originally the properties in question were platted all at one time and later split into two plats with separate ownership. He is not aware of what arrangements have been made for cross use agreements. Cross use agreements are between properties not something the City enforces. The City can only require that access to the property be available. He knows by the design of the subdivision where the applicant want to build that a cross use agreement exists because of the way the access to the property is designed, however he is not sure it that agreement extends to Randy Hansen's property.
- Commissioner Boyd stated that if something develops that is not in the best interest of all of the businesses in this area that they will be willing to work together to resolve any issues that arise.
- Commissioner Munoz explained that a request to consider revocation of the Special Use Permit can be made by anyone if the conditions are not met.

Motion:

Commissioner Boyd made a motion to approve the request, as presented, with staff recommendations. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With The Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
 2. Subject to hours of operation being no earlier than 5:00 a.m. and no later than 11:00 p.m.
 3. Subject to the parking area with six (6) parking spaces on the west side of the proposed building being constructed prior to issuance of the Certificate of Occupancy.
2. Request for the Commission's recommendation on a request for a **Zoning District Change and Zoning Map Amendment** for a 40 (+/-) acre undeveloped parcel from R-1 VAR within the Area of Impact to C-1 PUD/Urban Village-Urban Infill to allow a mixed-use development compatible with the Urban Village/Urban Infill designation on property located at the southwest corner of Pole Line Road East and Eastland Drive North. *c/o Gerald Marten, EHM Engineers on behalf of Northeast Investments, LLC* (app. 2644)

Applicant Presentation

- Gerald Martens, EHM Engineers, Inc. representing the applicant stated real reason for moving this project forward at this time is so that the Bishops Storehouse can begin plans for construction and operation. He explained that the property is located at the southwest corner of Eastland Drive North and Pole Line Road East it consists of 40 acres and has some significant improvement made over the past few years when Eastland Drive North was widened. On the Comprehensive Plan this property has been identified as Urban Village/Urban Infill. There have not been any standards developed for this designation and staff has worked closely with the applicant to try and identify some design criteria. The designation would require a mixed use type of development with design restrictions. He displayed on the overhead a master plan showing the Bishops Storehouse located along the northwest corner of the development just west of Mountain View Drive extended. The approach where Mountain View Drive will be extended out to Pole Line Road East has been established and will be completed as part of the project. He reviewed the proposed uses for each section of the development. The proposal is to have the northeast corner of the development west of Mountain View Drive extended be designated commercial/professional only and the only way residential would be allowed is if the residence is incidental to the business. On the south end of the development 150' north of Cheney Drive would be designated for professional and residential that is restricted to individually owned residences, townhomes, or zero lot line residences. Lots on the east side of Mountain View Drive extended would have to have a minimum of 2500 sq. ft. of living space, to the west side of

Mountain View Drive extended would have to have a minimum of 1400 sq. ft. of living space. Materials would be restricted to brick, stucco, stone or a combination thereof, no garages will face Cheney Drive. The roof pitch will not be less than 6 in 12 to establish a residential character compatible with the development to the south; and the maximum building height not to exceed 28'. The remaining 6.6 acres north of the 150' line and west of Mountain View Drive extended would be zoned R-2 R-4. and R-6 Professional allowing for residential, multi-family or offices. The highest density with the R-6 zoning would equal approximately 70 units within the 6.6 acres. Currently the only interest in this property has been from the LDS Church to develop the Bishop Storehouse on the northwest corner; there are not any other interested parties for the remaining portion of the development. The landscaping for the project is beyond what is required by City Code and signage for the project would be limited to monument signs only. A pedestrian walkway has been incorporated into the plans to allow for safe passage through the project. Staff has proposed three conditions if this is approved, he would recommend a fourth condition that would delete any R-6 (5 Units or bigger) be precluded from any of the property within 150' of Cheney Drive on the south and anywhere east of Mountain View Drive. The commercial area would have a size limit on the building footprint so that there is no chance for big box retail anything larger than 40,000 sq. ft. would require a Special Use Permit. The parking requirements have been double from what code requires, the office building sizes has been restricted to 20,000 sq. ft. if built within the 150' along Cheney Drive. The only location where apartments would be allowed is within the 6.6 areas west of Mountain View Drive extended. They have tried to be sensitive to the neighbors and they feel they have met the Urban Village/Urban Infill intent with this design, keeping in mind that this corner would not be conducive to large retail stores or conventional single family dwellings. If this request is approved the next step would be to plat the property into two parcels one lot for the Bishops Storehouse and the other lot for the remaining portion of the property. Once there was an interest in the remaining portion of the property an amended plat would be provided, giving more specifics. As part of the zoning a PUD (Planned Unit Development Agreement) is required and this is their best guess for what the project would look like complete.

- Johnny Watson, Rexburg, ID, the LDS Church representative, reviewed on the overhead the development of the Bishops Storehouse. He explained the parcel the LDS Church is interested in will be approximately 2 acres with a mercantile/storage type use. The Bishops Storehouse functions as a convenience store for patrons in need of assistance. The building will be approximately 32' in height and approximately 14,500 sq. ft. with the patron access to the building located along the south side and a truck delivery area located along the west side of the building. They feel this will be a great addition to the area and set the benchmark for development of this property.

- Don Johnson, Salt Lake City, UT, the LDS Church representative, stated he has prepared a packet for the Commission describing the Bishops Storehouse. This building will not only be attractive but functional within the community. Each congregation tries to make sure their patrons are taken care of and assist them in becoming self-sufficient. They also assist with supporting emergency needs within the community. There is a tremendous need for this facility in the Twin Falls area and it will be a nice addition to the community.
- Mr. Martens stated there is a wetland located along the Bishop Storehouse property that will be managed accordingly. They have tried to listen and clarify what they are planning and at this point there are not any other plans for the remaining portion of the property.

P&Z Questions/Comments:

- Commissioner Woods asked about fencing/screen requirements.
- Mr. Martens explained they will meet the code requirements.

Staff Analysis

Planner I Spendlove stated this is a request for an Annexation and a Zoning District Change And Zoning Map Amendment from R-1 VAR in the Area of Impact to C-1 PUD for 40 (+/-) acres to allow a planned mixed use development compatible with Urban Village/Urban Infill designation consisting of a combination of commercial, professional and residential uses, on property located at the southwest corner of Pole Line Road East and Eastland Drive North. Staff will address the issue of annexation first, followed by the analysis of the proposed C-1 PUD.

Annexation is allowed under certain circumstances. The property must be within the Area of Impact, adjacent to current city limits, and formally applied for by the owner of the property. This +/- 40 acre parcel is within the Area of Impact and abuts city limits on almost all sides. With this application submitted by the owner, all criteria for annexation have been met. The commission is not tasked with making a decision on whether the annexation is appropriate. The task of the Commission is to assign an appropriate Zoning District to the property if it were to be approved for annexation. Since this request also contained an application for a rezone to C-1 PUD it would be appropriate for the Commission to review the Zoning Request/PUD and make a recommendation on whether it is an appropriate zone, as presented, for the designated area if it were to be annexed.

The PUD Agreement submitted by the applicant is similar in layout, form and function to those previously submitted by other entities. The Covenants in the document address the nature of the development through limited "Uses", and phasing of the development. There is no time limit placed on the development between phases. The PUD has addressed Street, Sewer, Water, and Drainage Improvements through typical Covenants that address Improvement Plans, Design,

Phased Construction and Construction Supervision as well. One item that will require further examination is the status of the "Private Drives" as shown on the Master Development Plan. The City has recently encountered problems with private drives as it pertains to response by emergency personnel. Staff recommends placing a condition that the Status of the Private Drives to be determined by Staff and may be established during the platting process.

In general, the PUD "Uses" and "Development Criteria" are similar in form and function to the C-1 Zoning District. However, it is essential that the PUD reflect the ideals and design for the Urban Village/Urban Infill designation found in the Comprehensive Plan. Since we do not have an Urban Village/Urban Infill zoning district in place and for familiarity, staff will identify those sections that will differ from the C-1 Zoning District currently in practice within City Code.

- **Covenant #2 Nature of the Development:** *A-Uses: Except as provided herein, the uses shall be limited to those allowed in Exhibit C.*

The uses within 150 feet of the Southerly boundary between Mountain View Drive and Eastland Drive North will be limited to professional offices and residences to include individual residences, town homes, and condominiums and zero lot line residences, that must follow the R2 and R4 zoning standards. All building within 150 feet of the southerly boundary shall be further restricted as outlined in Covenant 5-F.2.

The uses of the property at the northwestern corner of the property between the westerly boundary of the property and Mountain View Drive and within 350 feet of Pole Line Road will be limited to a "Bishop's Storehouse" facility as depicted in Exhibit D.

All other property between the westerly boundary and Mountain View Drive will be limited to professional office space uses as conforming to Exhibit "C" and residential uses conforming to R2, R4 or R6 District Standards.

- **Possible Impacts:** the list of uses provided in *Exhibit C* is a modified list of the current C-1 Zoning District. The applicant has only removed items from the list as shown in current C-1 Zoning Code; no new uses were introduced to the list. This was an attempt to address the need to conform to the Urban Village/Urban Infill designation on the Comprehensive Plan.

The other items addressed in this section limit the development on certain identified properties to specific uses. One area limits the development to the LDS Bishops Storehouse, another area is limited to residential uses that will have certain standards as identified in this PUD under **Covenant 5- F:Building Standards -2 Cheney Drive Restrictions**

- **Covenant #5 – C: Landscaping:** Perimeter landscaping shall be required to be installed on each parcel of the Property and in the public right-of-way adjacent thereto at planting season for the proposed vegetation. Such landscaped perimeter shall be installed from the back of the curb in the public right-of-way, and shall be extended toward the interior of lots to the dimensions set forth below.

Pole Line Road – 35 Feet {Inclusive of five foot (5') detached pedestrian pathway}

Eastland Drive – 35 Feet {Inclusive of five foot (5') detached pedestrian pathway}

Mountain View Drive – 20 Feet

Cheney Drive – 20 Feet

All parking areas shall include landscape islands spaced at intervals not exceeding eight standard parking spaces.

- **Possible Impacts:** The requirements identified for landscaping go beyond what is required in current City Code. Specifically, the perimeter landscaping will include a detached sidewalk to allow for safer pedestrian traffic on Pole Line Rd East and Eastland Drive North.

The interior parking lot landscaping is also more than will be required in City Code. The City recently adopted a new parking code that requires landscaping islands at intervals of fifteen (15) spaces.

These proposed standards will result in a development that has increased landscaping and vegetation buffers for internal users as well as those areas surrounding the development. Overall, staff believes these changes to be positive and will greatly beautify the roadway corridors that connect to the surrounding areas above what current city code requires.

- **Covenant #5 – D: Landscaping Plan:** At the time of development, each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of street frontage of landscaping shall have berms with a ridge elevations of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevations of (30") in height. The landscaped perimeter shall have a minimum of one tree per five hundred (500) square feet of landscaped area and a minimum of one shrub per one hundred (100) square feet of landscaped area. At least seventy five percent (75%) of the shrubs and trees shall be evergreen. Trees and shrubs may be grouped but not over seventy-five feet (75') between such groupings. All trees shall have a height of at least four feet (4') when planted. Plants and trees will be selected for their hardiness and variety in color and texture. In addition to the foregoing,

each individual parcel must also satisfy the landscaping requirements of the underlying "C-1" Zone.

- **Possible Impacts:** As described, the development will require more landscaping in areas that are not currently required in City Code. This additional landscaping would help towards making the development more in-line with the Urban Village/Urban Infill designation as described in the Comprehensive Plan for this area. Also, the grouping, height and type of trees and shrubs required could lend toward a more water wise landscape for the area.
- In order to avoid issues with pedestrian and vehicle safety concerns, evergreen trees should be placed a safe distance from the detached sidewalk and roadway along Pole Line and Eastland Drive. This is to avoid sight corridor obstruction and ice formation on sidewalks and roadways during winter months.
- **Covenant #5 – F: Building Standards-1. Architectural Style**
 - **...g. Building Size:** *All buildings shall conform to the IBC. Building footprints exceeding 40,000 square feet shall be required to obtain Special Use Permit approval as outlined in Twin Falls City Code, as amended.*
 - **Possible Impacts:** This item is a departure from any base zoning code the city currently has enacted. The purpose behind this requirement is to bring the development more in line with the Urban Village/Infill description found in the Comprehensive Plan. This item makes this development distinctly different from the C-1 Zone. It will also direct the design of the project to help achieve that Urban Village/Infill aesthetic and environment.
- **Covenant #5 – F: Building Standards-2.Cheney Drive Restrictions**

All buildings within 150 feet of the Southerly boundary shall be of residential architectural character and shall not exceed a footprint of 20,000 square feet, unless a greater footprint size is approved by through the Special Use Permit process.

Residential units within 150 feet of the South boundary shall have the following additional requirements:

 - a. *Minimum living unit size of East of Mountain View Drive shall be 2,500 square feet exclusive of garages.*
 - b. *Minimum living unit size West of Mountain View Drive shall be 1400 square feet exclusive of garages.*
 - c. *Exterior material shall be brick, stucco or stone, or a combination thereof.*
 - d. *No garage doors shall face Cheney Drive.*

PZ Questions/Comments

- Assistant City Engineer Vitek explained the he is willing to work with the developer on the location of the private drives, the accesses along Eastland Drive North and Pole Line Road East are constructed but they may need to be amended to accommodate traffic flows.
- Mr. Martens stated he concurs with the changes recommended by staff. The applicant is also aware traffic has changed in the area and they will make changes accordingly.
- Commissioner Woods asked about the pitched roof requirements.
- Mr. Martens explained the roof pitch criteria apply only to the area within 150' of Cheney Drive.
- Commissioner Woods asked if a building could be 40,000 sq. ft. that is 50' tall.
- Mr. Martens explained it is possible with the way it is written but only in the commercially zoned area without requiring a special use permit.
- Commissioner Woods asked about pedestrian paths.
- Mr. Martens explained that the pedestrian path will be designed with staff approval to meet City Code requirements that make the path safe for crossing Pole Line Road East.
- Commissioner Frank asked about a time line for the pedestrian path being developed and if it would be built when the Bishops Storehouse was constructed.
- Mr. Martens stated the current development plan would only include development to the south boundary of the store house along Mountain View Drive. Right-of-way for the pedestrian path would be dedicated as part of the platting process for its entire length. It would be very difficult to build the permanent path before the road is built but it would be feasible to create a temporary path until completion.
- Commissioner Frank stated he would like to see something temporary at least for the short term so that pedestrians have a path.
- Commissioner Munoz asked if drive through and extended hours or operation would require a special use permit under the Urban Village/Urban Infill zoning designation.
- Planner I Spendlove stated yes if these are not called out as allowed uses in the PUD Agreement they will follow regular zoning requirements.
- Commissioner Higley asked for clarification about the construction of Mountain View Drive.
- Mr. Martens clarified the requirement is that the road be built to city standards on the portion located along east side the Bishops Storehouse and only be constructed to half the width. However an agreement has been made with the Bishops Storehouse that this portion will be built to full width which is approximately 48 ft. It won't be developed its full length but will be dedicated to its full length.
- Commissioner Higley asked what the width is for Cheney Drive and it is built out to its full width.
- Mr. Martens explained it is built to its full width which is 48 ft.

- Planner I Spendlove clarified that both of these streets are designated as collectors.
- Commissioner Higley stated he has some uses that he is not sure fits the Urban Village/Urban Infill list that should be allowed.
- Mr. Martens explained that he struggled with some of the uses listed but there is such a wide gamete of things that could be fall into each use its hard to say what would be appropriate. He suggested that if the Commission is not sure the items could be moved to the Special Use Permit category which forces the applicant to come through and say what they want to construct.
- Planner I Spendlove explained there is a description of what the community is looking for with this designation. In essence it is a mixed use with multiple types of residential, businesses with different scales. The thing that is not defined clearly is the scale of the uses for example a small printing shop may be appropriate, and if the Commission is trying to avoid the large scale 40,000 sq. ft. building that prints books maybe it isn't appropriate, which is why the applicant suggested if a use is questionable it could be included under the Special Use Permit required list.
- Commissioner Higley stated he just doesn't want to overlook something now and realize later that it was approved at this stage.

Public Hearing: Opened

- Jan Hyatt 2119 North Temple Drive she has lived in this area of town for 32 year. She stated currently she has difficulty getting out onto Eastland Drive North from North Temple. There is already a traffic problem in this location there are multiple lane size changes and she cannot imagine getting out of her subdivision if this development is approved. The neighbors are not excited about this development; this is not what they want. Her house backs onto Cheney Drive and it is going to become a four lane road. She has seen a couple 100 houses built, many roads built and doesn't think anyone built in this location thinking there was going to be apartment buildings and retail at this location. A traffic impact study is necessary currently most people turning from North Temple Drive onto Eastland Drive North are turning right because it is impossible to go left. She proposes that this change not be approved, when they purchased their property this area was zoned R-1 Variable and she would like it to stay that way. She doesn't think any of the surrounding subdivisions knew this was the plan and it looks like they don't have a choice based on the Comprehensive Plan.
- Carla Smith 1463 Mountain View Drive next to the retention pond. This zone change becomes very personal to her family. She is concerned with safety and traffic impacts on the neighborhood if this development is approved. The increased density to the area is going to bring additional safety concerns to the neighborhood. She would like the zoning to remain the same. Currently she sees many children run to the retention pond to play

and she is concerned about them as well. She thinks a traffic study needs to be done before this is ever approved.

- Ross Conlin, 2197 Julie Lane stated he lives on the corner at Eastland Drive North where the lanes change from 4 lanes to 2 lanes and cars have a tremendous problem getting out onto Eastland Drive North. He is familiar with the area and there are many traffic concerns for this area.
- Tom Courtney, 1948 Galena Drive stated that he thinks the area that has been somewhat glossed over is the current zoning of the area. He thinks this needs to be looked at from the area south of Cheney Drive that is R-1 Variable and is totally developed. Each of the home owners in this area purchased their home or built in this area with the knowledge that the area to the north was zoned R-1 Variable providing them with a significant buffer until you get to the R-4 zoned property. With what is being proposed today, this will be a very significant change, and personally some of the property to the north should be something other than R-1 Variable. He is not opposed to some commercial or even R-4 development however he would like to see a buffer greater than 150' in order to protect the values of the properties that are already developed south of Cheney Drive in one of the most restrictive residential zones within the city.
- Valerie Brown, 2137 North Temple Drive she stated that seven years ago her and her husband invested approximately \$700,000.00 in building their dream home with the intent to leave it as a large part of the estate for their children. They chose a peaceful quiet neighborhood and looked at the Comprehensive Plan expecting that they would be surrounded by R-1 Variable zoning. They paid their taxes and trusted the City of Twin Falls to follow the plan and protect their investment and quality of life. The current R-1 Variable zoning from the city code provides a low density residential environment to allow the present and future residents to live and play in a place with ample space, personal privacy, private open space and free from encroachment by commercial and industrial activities. Placing a commercial development with high density housing approximately 150' from her side yard feels like encroachment. Turning their little quiet residence streets into busy streets speeding into the commercial development putting the neighborhood and the dozens of people they watch every day walk, run or bike through the area at risk. Changing the R-1 Variable to a C-1 Zone really what the City of Twin Falls is looking for, has a traffic study been completed and evaluated, if not she would like to request that be done. She asks that the Commission stick to the code and deny the zone change.
- Nathan Welch 1345 Mountain View Drive, state he thinks the developers are great at what they do and is not questioning the value of these items. He would however like to keep this area zoned R-1 Variable to keep personal properties from being encroached upon by commercial development. In the 2015 Master Transportation Plan a light is mentioned for this area, this light has not been discussed this evening. He thinks that to

get trucks in and out from the Bishop Storehouse onto Pole Line Road East or Eastland Drive North would be almost impossible because of traffic in this area currently. A light should be installed prior to this change taking place. Should the Commission choose to recommend the zoning change, he would like to refer to the Urban Village/Urban Infill definition in the Comprehensive Plan that states open space and parks being a key component to the development which is something missing from this proposal. The city plan also talks about needing a park in this square mile area, and he would like more open space created, he would like to have a maximum of 35' for building heights and no gas stations be allowed because of the traffic issues at the curve. He asked that the apartment area be limited to R-4 zoning and not allow for R-6 zoning.

- Greg Wickern, 1345 Hinkley Circle stated there is already a C-1 designated area north of this location across Pole Line Road East by adding this type of development in this area it is going to create a bigger challenge for traffic than there already is in this area. The natural progression to him for this area would be to have commercial along the edge of that corner and residential on the inside. If the commercial is brought further in on the corner the density is going to become unwieldy.
- Chris McFarland, 1406 Riverridge he has concerns about changing the zoning and doesn't know where the traffic is going to go with Cheney Drive still not completed. Pole Line Road East has not been widened completely which will also create issues. Lack of specific plans on the proposed change concern him as well. Leaving uses open for interpretation because there are not specifics makes it difficult. Before this is approved he would like to know for sure what we are getting ourselves into, determine if it is too quick and if more information is needed. He wants to make sure that things are enforced in the covenants and the people's lives are kept safe.
- Brent Hyatt, 2119 North Temple Drive, stated the Urban Village/Urban Infill Designation is a concept addressed in the Comprehensive Plan however it doesn't exist in the City Code as a Zoning District, so there are no requirements. It is interesting to watch the staff try and overlay that concept without any guidance. He believes that at some point between now and 2030 there will be an ordinance that outlines what an Urban Village/Urban Infill zone requires, and he is convinced it won't have 50' buildings that are 40,000 sq. ft. in size. That seems like it is at odds with what he has seen, most municipalities require a defined plan and although there are some elements of this proposal that are defined most of it is just illustrated and it keeps being said that at each phase it will be looked at again. If this gets passed tonight the plan will be brought back with a C-1 zone which is significant. He also would like to have a traffic study completed. He stated he turns right every morning to come to work but if he had to turn left he would be very frustrated and he wouldn't go out that way unfortunately he would take Mountain View Drive to get out of the subdivision. He is concerned that the density that has the potential to create will be

detrimental. The Urban Village/Urban Infill idea is not to increase the density but to bunch the density together so you have more open areas, trails, parks & plazas. He sees some density with multi-family housing but he doesn't see the offset. He would also like to thank the landowner for taking care of the weeds this year.

- Brent White, 2028 Candleridge stated that in several years ago the Planning & Zoning Commission had to consider a significant item that had to do with the Canyon Rim Overlay. This was significant on many levels, such as transportation and traveling north and south through the community and the overall impacts to the community. If you look at this corner you realize that the proper development between Pole Line Road East and Eastland Drive North determines the future development in this area. Good decisions will lead to the best outcomes, and ultimately if you go back to the CRO decisions that were made were made after months and months of study and information gathering because once the decisions were made they couldn't be reversed. Making this decision is very significant and without traffic signals at the intersections of Mountain View Drive and Cheney Drive left turns are virtually impossible onto Eastland Drive North and Pole Line Road East giving people only one direction to get out of the subdivision safely. What he thinks is interesting about tonight is that there are 100's of issues that are important and the Commission has been asked to establish the model for Urban Village/Urban Infill without knowing what it is; this designation came about because people wanted a place to live, work, play, educate, worship and recreate "a village". We all have a sort of intuitive understanding of what a village is and people wanted to get away from the necessity of traveling all over town for things. The Commission is being asked to set the precedence for this designation and ultimately with very limited information. On the one hand property owners who invested under certain zoning establish by years and years of consultation with the community and on the other side a developer who has the desire to do development. He works for a developer they do the best they can they want the community to improve but ultimately it is about money and the developer has determined that this use is better than the residential, when all of these people bought their home expecting to see residential in this area. He thinks the developer need to show that there is a strong preponderance of reasoning for this change, because you're going to set into motion so many issues that won't be able to be reversed once you take that step. He would recommend that the rezone be denied until we know what an Urban Village/Urban Infill designation is what the warrant study shows for signals this area, we know where the money is going to come from for these things and we know what is going to happen to Cheney Drive.

- Sue Higley, 2108 South Temple Dr stated that a few months ago she was here to request a Special Use Permit to build a garage and family gathering room on her property and was chastised very strongly about the traffic it would funnel into her cul-de-sac the noise, the lights and how it could interfere with neighbors. It is a room that will be used by the family a couple times a year and hopefully by the neighborhood, but there was so much concern over the garage that she can't understand why these concerns are not the same for this development. The lights, the noise and the traffic alone are going to impact the entire neighborhood and it is going to change their lives. She doesn't even try to go out on Eastland Drive North and travels Mountain View Drive. If she needs to go shopping she is only about 5 minutes from her residence she doesn't need commercial within walking distances of her home. The other concern is that everywhere she goes she sees empty offices and they haven't been used so she doesn't see the need for more professional office either. She loves the quiet of the neighborhood and that is so nice and she would ask that it be kept for more homes. Everything is within walking or drive distance already, we don't need this developed for commercial.
- Susanne Alder, 1443 Mountain View Drive stated that she moved here from San Diego and she has seen quite a few of these Urban Village/Urban Infill development along the outskirts of the communities and they are beautiful, they have parks, huge water displays but they are on 500 acres or more not on 40 acres. This is going to be a mess on such a small piece of land it will not be an Urban Village.
- Matthew Blake, 1372 Galena Court stated he has only lived here for 2 months; he came here for a couple of different reasons. He has lived around urban developments before and definitely more than what is being proposed. He moved here to build a home, build a family and they were looking in this area for lots. They have lived in high density areas, apartment buildings and are very aware of what type of lifestyle can be in these places and he knows what type of lifestyle he doesn't want there and the caliber of individual coming to this development is going to be less. He would not build his home here because he doesn't want to have interaction with that high density population in that area. Maybe he is biased from living in areas such as Philadelphia, PA and Richmond, VA. He moved here because he wanted lots of land and this area was very appealing to him and his family but not if this gets approved.
- Steve Victor, 2111 North Temple Drive, he moved to this area of town because of the impacts the C-1 commercial development had created for him at his home off of Hankins Road. He wanted to get away from the changes that come with C-1 Zoning. He thinks the Ensign Subdivision is one of the most beautiful subdivisions in the area and if you allow commercial businesses and apartments in this 40 acre parcels it will destroy this area. He knows the Mr. Taylor and thinks he is trying to make maximum use of this property but he is opposed to this zoning change.

- Jerry Higley, 2108 South Temple Drive stated he agrees with his neighbors this is a primo subdivision. He stated he and his partners own the undeveloped lots in Ensign Point and it is not their intent to have property values to go down, nor is it their intention to have the subdivision compromised by having Commercial built almost on top of them. They pay some of the highest taxes in the City and if you want to get less taxes out of us allow this development.
- Dell Smith, 1463 Mountain View Drive stated we all concur as a community that the canyon properties are the face of Twin Falls and if you drive into Twin Falls and see a very dense commercial and apartment area next to a bunch of beautiful homes and add more traffic issues to the area it is going to be put a bad face on Twin Falls in that area of town. He requests that the Commission keep the zoning R-1 VAR.
- Cindy Bezas, 1413 Riverridge Street she wanted to thank the Commission for their efforts. She stated she understood that the R-6 zoning is prohibited in the 150' adjacent to Cheny Drive but wanted to ask if it is prohibited in the rest of the development. That high density is not best for this area, but the thought she wanted to share is that she has a son in college facing big decisions and when we make big decisions we have to look to the future and it may be the right decision just not the right time. She asks that the Commission say no to this plan at this time.
- Daniel Alder 1443 Mnt View Dr he chose this area because of the R-1 Variable zoning that is what he liked and is what he wanted. They pay a lot to be in this location and would like to keep the R-1 Variable. It seems that the traffic impact study needs to be done, the data is not there and compared to what he does you can't make decisions without enough data. You get what you get when you make decisions without enough due diligence. The high density changes the dynamics of the area and there are already issues with traffic in this area. He has to go over to Home Depot and come out at the light to turn left onto Pole Line Road East without this development. He would prefer that we keep it R-1 Variable.
- DeVoe Brown, taken over the development of Ensign Point but the objective is to protect the home values and the people are concerned about their property values. He would like the opportunity to work with this developer to see if a better plan cannot be developed.
- Joseph Adkins, 1423 Riverridge he has just moved in about a month ago and they chose to live here because of the community feel. This change would definitely take away from that and he would like it to remain R-1 Variable.

- Allison Welch, 1435 Mountain View Drive stated she agrees with her neighbors they don't want the R-1 Variable changed, especially until there is a plan for the remainder of the property and handling the traffic. Having the driveways along Mountain View Drive because it will become a complete collector street would have a major impact.
- Kent Taylor 2571 Falls Ave E, the applicant, stated he has owned this property for approximately 8 years and has worked with the city widening Pole Line Road East and installing on infrastructure for the property. He is a very community minded individual and has lived here 41 years. He appreciates the comments made about maintaining property value and making the area safe for children. What prompted him to try and move forward was that he was approached by the LDS Church to construct a Bishop Storehouse; this was his attempt to be able to get that done. His vision for this area was not conveyed very well which is a deficiency on his part. He stated he did the Glanbia development downtown and as part of that project he made sure a park was put in to enhance the area. He stated he would take the comments back and consider the issues. He did not realize that traffic was as big an issue as what has been portrayed tonight. He doesn't want to build any development that doesn't accommodate traffic and safety issues. If there is traffic and safety issue the businesses won't thrive. He has a legacy in this town and he intends to uphold that legacy. He would suggest if at all possible that the Commission table the item until they have had a chance to address the concerns of the neighbors.
- Diana Wickern, 1345 Hinckley Circle stated she has live all over the world and while she appreciates Mr. Taylor's vision for this property she still has concerns. She doesn't know anything about Planning & Zoning but she does know about family and what it takes to raise a family and it concerns her when she sees commercial and multi-family butting up next to single family homes. It takes a lot of planning and tolerance when there is so much diversity. She doesn't want this to become an urban landfill, she wants the community to grow and remain nice; and this doesn't fit with her family plan.
- Sue Higley, 2108 South Temple Drive stated that from past experience when the church builds a welfare center, they have considered other options and this is not the only location they have considered.

Public Hearing: Closed

Closing Statements:

Mr. Martens stated that traffic is a big issue the City is working towards addressing the issues and they are aware that a traffic study would be required and if traffic signals are required they will be installed before building can occur. They recognized the Urban Village concept is in its infancy which is why they worked with staff to try and design this plan. After all of the feedback tonight

he would recommend tabling the item and will coordinate some neighborhood meetings. The Comprehensive Plan calls out for this in this area but there needs to be some discussion on what the concept should be.

Deliberations Followed:

- Chairman Frank asked for clarification on the procedure for tabling the item if the Commission so chooses.
- City Attorney Wonderlich explained now that the public hearing is closed if the Commission chooses to table the item it would be tabled indefinitely until the developer told us they would like it to be scheduled again. There could be two different routes taken in this case. The first would be that they have met with the neighbors they think the existing plan is a good plan and they ask that the Commission make a decision, on what has been presented this evening, there would be no more public testimony taken. The other route would be they have met with the neighbors, they have made changes and it will come back like a new public hearing item, in either case full notification would be required so that the neighbors have an opportunity to come to the meeting and hear the discussion.

Motion:

Commissioner Woods made a motion to table the item indefinitely until re-application is made by the applicant and that full notification is made to the neighbors on the notification list as well as anyone that spoke here tonight that was not on the notification list. Commissioner Boyd seconded the motion. All members present voted in favor of the motion.

Tabled

Chairman Frank called for a break at 9:15pm and reconvened at 9:22pm.

3. Request for the Commission's recommendation on a **Comprehensive Plan Amendment** from AG to Medium Density and to extend the Water Service Boundary Area for property located on the east side of the 500, 600, and 700 blocks of Hankins Road North. *c/o Brad Wills on behalf of Twin Falls School District #411 and the City of Twin Falls* (app. 2670)

Applicant Presentation

Brady Dickenson, director of operations for the Twin Falls School District, stated the school district bought this property in 1990. The property and the community passed a bond to build an additional elementary school this location is one of the proposed areas for the new school. The request is to amend the Comprehensive Plan to allow for this to occur and to move the water boundary to encompass the school district property. They would like to change the Comprehensive

Plan to medium density to match what is across the street. He asked that the Commission approve the request.

Staff Analysis

The Twin Falls School District acquired the Sackett Farm in 1990. In April 2008 the City Council approved the Conveyance Plat of the Sackett Farms Subdivision. This conveyance plat consisted of 53.6 +/- acres with two (2) lots. Lot 1, consisting of 51.3 +/- acres, was retained by the Twin Falls School District and Lot 2, consisting of 2.3 +/- acres, was transferred to the City of Twin Falls in order to construct a Regional Pressurized Irrigation Pump Station. Lot 1 has remained as farm ground.

On July 8th 2014, the Planning and Zoning Commission made a recommendation to approve the Annexation and on August 4th, 2014, the City Council voted to annex these properties into City Limits. Ordinance #3075 was published on August 21, 2014 officially annexing this property into City Limits.

This request has two parts – **1)** the first part is to expand the Water Service Boundary, identified in Twin Falls City Comprehensive Plan Vision 2030. The boundary currently runs parallel to this property along Hankins road to the West. The request is to add the entirety of the School District and City owned property, (+/-) 53 Acres. **2)** The second part of the request is to amend the Future Land Use Map by changing the designation of this same area from Agriculture to Medium Density Residential. He explained on the overhead the designations for the area on the current maps.

The property currently owned by the school district is zoned R-1 Variable and has been annexed into the city. A narrative provided by the applicant outlines the future plans for the property. The requested change from Agriculture to Medium Density is a shift for this area. The Comprehensive Plan has different descriptive paragraphs for Agriculture and Medium Density designations. Copies of each designation description were provided in the staff report. The Comprehensive plan also describes the environment in which schools should be placed.

The Agriculture Designation was designed to preserve farm ground and direct development inward towards the corporate City Limits. This area was recently annexed into the City of Twin Falls, and therefore it would be appropriate to amend the comprehensive plan to direct future residential growth within City Limits. In no way does changing the Water Service Boundary guarantee the City Services for these properties, but it will allow for the planning and modeling process to continue. All requirements for future services put forth by the Engineering Department will need to be met prior to services being granted.

Planner I Spendlove stated upon conclusion the Commission may recommend approval of this request, recommend changes to the request, or recommend denial of this request. The decision made by the Commission will then be forwarded to the City Council for a decision.

PZ Questions/Comments:

- Commissioner Frank seems like this designation should have happened before when the Comprehensive Plan was created last time and this change being requested tonight should have come before the annexation.

Public Hearing: Open and Closed Without Concerns

Motion:

Commissioner Grey made a motion recommend approval of this request, as presented, the City Council. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

Recommended for approval, as presented, to City Council

Scheduled for November 17, 2014 City Council Public Hearing

4. Requests the Commission's recommendation on the **Zoning Designation** for property consisting of 4.75 (+/-) acres of undeveloped land. The property is currently zoned C-1 in the Area of Impact and is proposed for development of a municipal water storage facility on property located at 2951 Marie Street. *c/o City of Twin Falls* (app. 2669)

Staff Analysis

A Record of Survey and Lot Line Adjustment was completed in December of 2013 so the City could purchase the property for development of a second water storage facility. The City Council held a public hearing and approved establishment of the use of a Municipal Potable Water Storage Facility at this location on July 7, 2014. This request is the second process in the development of a Municipal Water Storage Facility at this location. The property is currently outside of City Limits and the City would request that the zoning designation remain C-1; Commercial Highway District. The Commission is being asked to make a recommendation on whether or not the current zoning designation requested is appropriate. The Comprehensive Plan identifies this area as commercial retail outside of city limits. He displayed on the overhead a site plan of the property and explained the reason for the request is to annex property owned and maintained by the City in order to gain governmental jurisdiction over its own property.

Planner I Spendlove stated upon conclusion should the Commission find the C-1 zoning designation appropriate, they should forward a positive recommendation to the City Council.

Public Hearing: Opened and Closed Without Concerns

Motion:

Commissioner Munoz made a motion to recommend C-1 as the appropriate zone, as presented, to the City Council. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

Recommended for approval, as presented, to city council

City council public hearing scheduled November 10, 2014

VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway-Johnson displayed the public hearing notice on the overhead and reviewed the items scheduled for the next hearing on October 28, 2014.

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

1. Public Hearing-**October 28, 2014**
2. Work Session-**November 5, 2014**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 9:45 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department