

COUNCIL MEMBERS:

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



AGENDA

Meeting of the Twin Falls City Council
 Monday, March 2, 2015
 City Council Chambers - 305 3rd Avenue East - Twin Falls, Idaho

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

PROCLAMATIONS:

March for Meals Month – Request made by Jeanette Roe, Twin Falls Senior Center
Idaho Day – Request by Mayor Don Hall

GENERAL PUBLIC INPUT

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the Accounts Payable for February 23 – March 2, 2015.
 Fire Payroll, February 27, 2015, total: \$62,732.10
 Payroll, February 27, 2015, total: \$130,743.92
2. Consideration of a request to approve the Annual Saint Patrick's Day Parade Application and Special Event Celebration sponsored by Bev & Steve O'Connor to be held on Saturday, March 14, 2015.

Purpose:

Action

 Action

By:

Sharon Bryan

 Ron Fustos

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request from the Twin Falls Highway District to waive the fees for their new maintenance facility building permit.
2. Consideration of a request to authorize City Staff to provide input to the Twin Falls Highway District on an application to vacate a highway easement.
3. Consideration of a request to approve a Resolution for the sole source designation on the purchase of a recirculation system for the Splash Pad.
4. Consideration of a request to adopt an Ordinance for a Zoning Title Amendment thereby increasing the public notice requirements for various public hearings and creating a new City Code Section Title 10; Chapter 7; Section 20.
5. Update on pending Legislative Issues.
6. Public input and/or items from the City Manager and City Council.

Purpose:

Action

 Action

 Update

By:

Jarrod Bordi

 Mitchel Humble

 Dennis Bowyer

 Mitchel Humble

 Travis Rothweiler

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. - None

V. ADJOURNMENT:

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

Twin Falls City Council-Public Hearing Procedures for Zoning Requests

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

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

Proclamation

March for Meals Month



WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older;

WHEREAS, Meals on Wheels America established the National March for Meals Campaign in March 2002 to recognize the historic month, the importance of Older Americans Act Nutrition Programs – both congregate and home-delivered – and raise awareness about the escalating problem of senior hunger in America;

WHEREAS, the 2015 observance of the March for Meals campaign provides an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation;

WHEREAS, Older Americans Act Nutrition Programs – both congregate and home-delivered – in IDAHO have served our communities admirably for more than 40 years; and

WHEREAS, volunteer drivers for Meals on Wheels programs in IDAHO are the backbone of the program and they not only deliver nutritious meals to homebound seniors and individuals with disabilities, but also caring concern and attention to their welfare;

WHEREAS, Meals on Wheels programs in IDAHO provide nutritious meals to seniors throughout the State and help them maintain their health and independence and avoid unnecessary hospitalizations and/or premature institutionalization;

WHEREAS, Meals on Wheels programs in IDAHO provide a powerful socialization opportunity for millions of seniors to help combat loneliness and isolation;

WHEREAS, Meals on Wheels programs in IDAHO deserve recognition for the contributions they have made and will continue to make to local communities, our State and our Nation; and

NOW THEREFORE, I DON HALL, Mayor of TWIN FALLS, IDAHO, do hereby proclaim March 2015 as March for Meals Month.

I urge every citizen to take time this month to honor our Meals on Wheels programs, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national 2015 March for Meals campaign can enrich our entire community and help combat senior hunger and isolation in America.

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

Mayor Don Hall

Deputy City Clerk Leila A. Sanchez

Date: March 2, 2015



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

Proclamation



Idaho Day

WHEREAS, President Abraham Lincoln signed the act creating the Idaho Territory on March 4, 1863; and

WHEREAS, March 4, 2015 marks the 152th anniversary of the creation of the Idaho Territory; and

WHEREAS, the territorial period in Idaho lasted for 27 years, until July 3, 1890, during which time the geographical boundaries and the political and economic foundations for the future State of Idaho were established; and

WHEREAS, the territorial period witnessed some of Idaho's most significant historical events that still impact the lives of Idahoans today, including the adoption of the State Constitution; and

WHEREAS, Idahoans are proud of their history and demonstrate their continued spirit and perseverance; and

WHEREAS, it is fitting and proper that on this day we celebrate Idaho, her culture, her history, her resources, her beauty and her greatness.

Now Therefore, I, DON HALL, Mayor of TWIN FALLS, IDAHO, do hereby proclaim March 4, 2015 as Idaho Day.

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

Mayor Don Hall

Attest: Deputy City Clerk Leila A. Sanchez

Date: March 2, 2015



Date: Monday, March 2, 2015, Council Meeting
To: Honorable Mayor and City Council
From: Staff Sergeant Ron Fustos, Twin Falls Police Department

Request:

Approval of the Annual Saint Patrick's Day Parade Application and Special Event Celebration sponsored by Bev and Steve O'Connor to be held on Saturday, March 14, 2015.

Time Estimate:

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

Background:

In January of 2015, I received a Special Event Application and a Parade Application from Bev and Steve O'Connor for the annual Saint Patrick's Day Parade and Special Event Celebration.

The parade is to be held on Saturday, March 14, 2015, at 12:00 p.m. on Main Avenue, beginning in the 600 Block of Main Avenue East/South (the area of Krengel's True Value Hardware Store). The parade will travel west on Main Avenue to the 500 Block of Main Avenue North/West (the area of the Magic Valley High School). The assembly for the parade participants will begin at 11:30 a.m.

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

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

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

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

be located in the angled parking area in front of the Magic Valley Bank. Barricades for this street closure will be provided by Bev and Steve O'Connor. There will also be clogger-style dancing brought in by Dutch Brothers Coffee Company, as well as other family-friendly activities. Bev and Steve O'Connor will provide trash receptacles and will be responsible for the cleanup in the immediate area of the event and the affected surrounding area of downtown.

The Twin Falls Police Department did not receive any calls for service during the 2014 event.

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

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

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

Approval Process:

N/A

Budget Impact:

This event will require a total of six (6) Twin Falls Police Officers on overtime and three (3) non-sworn Police employees on overtime. A briefing will be held at 11:00 a.m. and the street closures will take place at 11:30 a.m. The parade is scheduled to start at 12:00 p.m. and is estimated to conclude by 1:00 p.m. The total time for this event is estimated to take three (3) hours to allow for street closures, allowing traffic flows to adjust, and the opening of streets at the conclusion of the parade. The total overtime cost for the Twin Falls Police Department will be \$1,080. This cost has been included in the Twin Falls Police Department's overtime budget.

Regulatory Impact:

N/A

Conclusion:

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

Attachments:

None

RF:aed



Date: Monday, March 2nd, 2015
To: Honorable Mayor and City Council
From: Jarrod Bordi, Building Official
David Jones, Twin Fall Highway District Director

Request:

Consideration of a request from the Twin Falls Highway District to waive the fees for their new maintenance facility building permit.

Time Estimate:

The request should take approximately 10 minutes.

Background:

The Twin Falls Highway District is proposing to construct a new equipment storage building of Hankins Road South and Orchard Drive East. They recently submitted an application for a building permit to construct the facility.

The Twin Falls Highway District has submitted a letter requesting that the building permit fees be waived for this project. The fees for building permit application #15-0311 are as follows: 1) \$767 for the plan review fee; 2) \$1,180 for the permit fee; 3) \$281.96 for mechanical permit fee; total fees are \$2,228.96.

The following building permit fees have been waived for the Twin Falls Highway District:

12/04/85	Permit #2240	\$1,400.00
01/11/94	7357	126.00
11/27/95	95-682	739.28
08/13/98	98-465	333.78
04/29/99	99-230	475.18
06/11/01	10-359	1,517.80
03/24/06	06-247	376.16
07/27/06	06-623	39.00
10/16/08	08-2600	835.38
5/24/11	10-2990	<u>11,578.87</u>
	Total fees waived	\$17,421.45

Approval Process:

Approval of this request requires a simple majority (50%+1) of the members in attendance at this meeting.

Budget Impact:

Approval of this request will allow the applicant to proceed with their building permit application without paying the \$2,228.96 building and mechanical permit fees. Note that the \$43.35 Area of Impact building permit fee will be assessed.

Regulatory Impact:

There is no significant regulatory impact associated with approval of this request.

Conclusion:

Staff recommends that the Council consider the request and take whatever action the Council determines is appropriate.

Attachments: Request Letter and copy of permit applications.

TWIN FALLS HIGHWAY DISTRICT
2620 KIMBERLY ROAD
TWIN FALLS, IDAHO 83301
PHONE: 208-733-4062
FAX: 208-733-4934
EMAIL: tfhwy@qwestoffice.net



DAVID BURGESS, CHAIRMAN AND COMMISSIONER
ARTHUR R. BAILY, COMMISSIONER
HERMAN J. OSTERKAMP, COMMISSIONER
SCOTT ALLEN, ADMINISTRATOR
DAVE JONES, DIRECTOR

"YOUR ROADS OUR JOB"

February 18, 2015

Twin Falls City Council
City of Twin Falls
P.O. Box 1907
Twin Falls, Idaho 83303-1907

RE: Waiver of Fee Request – Twin Falls Highway District

Dear Twin Falls City Council Members,

On behalf of the Twin Falls Highway District, we request a waiver of the Building Permit fees that will be charged by the City of Twin Falls Building Department for a new 5,000 square foot equipment storage building. The proposed building will be erected at our maintenance facility located at 3208 East 3700 North (Northeast corner of Hankins Road and Orchard Drive).

The subject fees requested to be waived are \$1180.00 for the building permit, \$767.00 for the plan review, \$43.35 for the County AOI fee, and \$281.96 for the mechanical permit fee. The total fee waiver request equals \$2,272.31.

As part of our established working relationship with the City we will continue our policy to waive fees for the City Projects located within our right-of-ways. Thank you for your consideration of this request.

Sincerely,

David Burgess
Chairman and Commissioner

Arthur R. Baily
Commissioner

Herman J. Osterkamp
Commissioner

ATTEST:

Dave Jones
District Director

Project Type: Commercial Building Permit
Permit Type: Commercial New Construction



Applied Date: 02/11/2015
Issued Date:

Permit No.: 15-0311

Address: 3208 E 3700 N

Owner Name: Twin Falls Highway District
2620 Kimberly Rd
Twin Falls ID 83301
208-733-4062

Contractor: Hayes Construction Co Inc
1616 Main
Buhl ID 83316
Phone: 208 543-4266
Contractor License/Registration # RCE-477

Permit Information

Description of Work	New Equipment Storage Building
Property Location in City Limits	N
Sq. Ft. Garage	5000
Building Total Sq. Ft.	5,000.00
Project Value	156,774.00
Impact Fee Type	N/A

Description	Qty/Hrs	Fee Waived	Fee Amount	Payment Made	Amount Due
Permit Fee Commercial City	156,774.00	No	1,180.00	0.00	1,180.00
Plan Review Fee Comm. City		No	767.00	0.00	767.00
Permit Fee Comm. Area of Impact	140,400.00	No	43.35	0.00	43.35
			1,990.35	0.00	1,990.35

Total Fees Due: 1,990.35

This permit is not transferable (between contractors) and becomes null and void if work is not commenced within 180 days or is abandoned for a period of 180 days.

Property Owners: By signing this form you are certifying that you are the legal owner and will personally perform the work covered by this permit. You recognize that this permit is only valid for the work on a primary or secondary residence and associated outbuildings not used for commercial purposes. By signing this, you accept responsibility for all work being performed, and understand that all work must be inspected by the City of Twin Falls, Building Department.

Inspection Line Phone Numbers:

Building: 208-735-7333 Electrical: 208-735-7235 Mechanical: 208-735-7289 Plumbing: 208-735-7299

Signature: _____

Date: _____

2/11/15



City of Twin Falls
 Building Inspection Department
 324 Hansen Street East
 P.O. Box 1907
 Phone (208) 735-7238
 Fax (208) 736-2256

MECHANICAL, ELECTRICAL, & PLUMBING PERMIT APPLICATION

Project Address: 3208 E 300N TWIN FALLS, ID City Limits Area of Impact
 Project Name/Owner: TWIN FALLS HIGHWAY DIST Contractor/Applicant: HAYES CONST CO. INC
 Contractor License #: RCE-4TT Expiration: 10/19/15
 Office Phone: 208.539.4266 Mobile Phone: - Fax: -
 Business Address: 1616 MAIN ST, BOHL, ID, 83316 Email: -

Mechanical Electrical Plumbing

Job Description: 5000SF EQUIPMENT STORAGE BUILDING W/DETECTORS AND AIR VENTILATION SYSTEM. ELECTRICAL PERMIT THRU STATE OF IDAHO. NO PLUMBING IN BUILDING.

New Residential (1 and 2 family dwellings): Flat fee based on the floor area of the home including finished and unfinished basements, but excluding garages and covered patios.

- 0 – 2,500 square feet = \$120
- 2,501 – 4,000 square feet = \$155
- 4,001+ square feet = \$200

Other Residential Installations: Including, but not limited to, remodel/addition, retro HVAC installations, temporary construction electrical service (under 200 amps), change of electrical service, and electrical wiring for installation of spas, hot tubs, hydro massage tubs, swimming pools, electrical space heating, and air conditioning = \$50

Commercial (including 3 or more family dwellings): Fees for all work based on the total value of all work performed (including contract price, change orders, overhead, profit, and owner supplied equipment).

Project Value = \$8,598.00 (MECHANICAL)

*I certify that the value and scope of work provided are the most accurate available at this time.

[Signature] / ITHD ADMINISTRATOR 2/11/15
 Signature of Applicant Date

- \$500 or less: \$10.00 = _____
- \$501 – \$10,000: (project value x \$0.02) + \$60 = \$231.96
- \$10,001 – \$100,000: ((project value - \$10,000) x \$0.01) + \$260 = _____
- \$100,001 or more: ((project value - \$100,000) x \$0.005) + \$1,160 = _____

Other Commercial Installations: Including temporary construction electrical service (under 200 amps) and electrical wiring for installation of signs and outline lighting = \$50 (POSSIBLY) - TOTAL = \$281.96

Small Work: Small Work is defined as a job with a total cost that does not exceed \$500. Small Work does not include any job with a specifically designated fee. Small Work does include, regardless of total cost, the installation of: residential water heaters up to 100 gallons, water softeners and other single unit appliances, sprinkler system backflow prevention, bath fans, dryer ducts, and extension of forced supply and return ducts up to 25 feet = \$10

*Signature and date required for declared project value.

**For inspection requests call: Mechanical 735-7289 Electrical 735-7235 Plumbing 735-7299



Tuesday March 2, 2015
To: Mayor and City Council
From: Mitchel Humble, Deputy City Manager

Request:

Authorize staff to provide input to the Twin Falls Highway District on an application to vacate a highway easement.

Time Estimate:

The presentation will take approximately 10 minutes. Following the presentation, additional time will be necessary for discussion and direction from the Council.

Background:

In April 2010, the City executed a land trade agreement (see attached) with the developers of the Quail Ridge Subdivision. The Quail Ridge Subdivision is located on the Canyon Rim on the west side of 3400 East, above Dierkes Lake Park. The City owns some rim land between the subdivision and the canyon. The developers owned some land within the canyon containing one of the "Hidden Lakes." In the agreement, the City will trade about 1 acre of our rim property to the developer in exchange for their 1 acre of canyon property.

There is a very old highway easement located along the common property line between the City and the Quail Ridge Subdivision. The easement came from a County ordinance declaring that there shall be a 50 foot highway easement along all section lines within the county. This property line is also a section line. The easement encompasses 25 feet on each side of the property line. The attached exhibit shows the land subject to the trade in red and the location of the easement in blue. As you can see, once the trade is accomplished, the developers will own a few residential lots that will be bisected by this highway easement. Therefore, the developers have submitted a request to vacate the easement.

Since it is a highway easement and the property is located outside the City limits, the Twin Falls Highway District is the governing authority responsible for the easement. The Highway District has asked the City to provide input on the request to vacate the easement since the City is an adjacent property owner. Staff has prepared a letter (attached) to the District stating that the City does not object to the vacation of the easement. Before we provided this letter to the District, we wanted to make sure the Council agreed with the direction.

The land trade agreement does not address vacation of the easement. However, we believe that supporting the easement vacation will be acting in good faith regarding the agreement. If the easement were to remain in place, it would negate any value that the adjacent property owners might have received from the land trade. There is no road constructed along this highway easement, and no road will ever be built on the easement since both ends of the easement are over the edge of the canyon. In this specific case, the County ordinance creating blanket easements along all section lines really doesn't make much sense. For these reasons, staff believes that the City should not object to the vacation request.

Approval Process:

A simple majority vote of the Council is necessary to provide the requested direction.

Budget Impact:

There is no significant budget impact associated with this request.

Regulatory Impact:

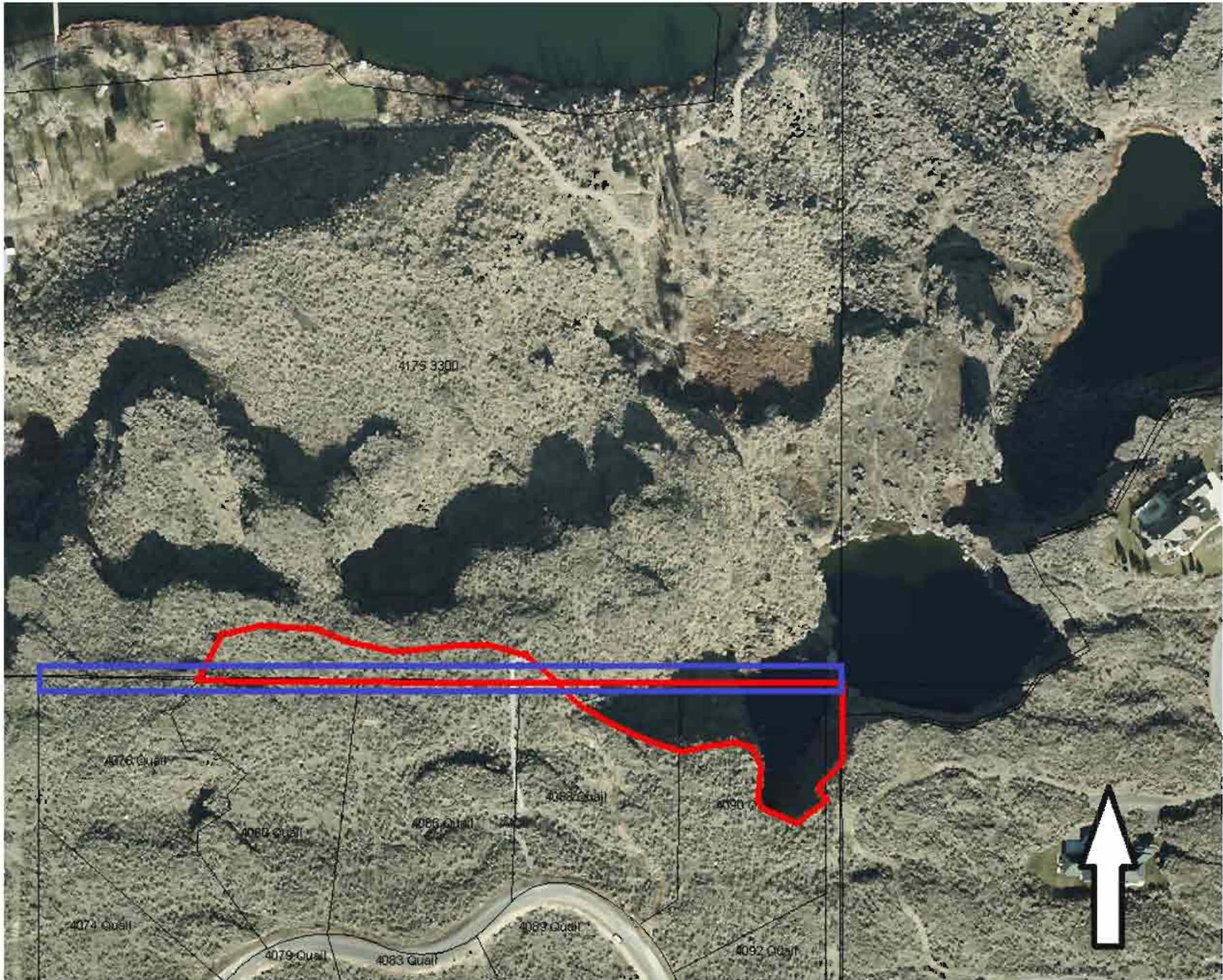
If the Council agrees, staff will provide the attached input to the Highway District regarding the requested easement vacation.

Conclusion:

Staff recommends that the Council review the attached letter and provide direction.

Attachments:

1. Location exhibit
2. Letter to Highway District
3. Land Trade Agreement



4175 3300

4076 Quail

4080 Quail

4086 Quail

4082 Quail

4090 Quail

4074 Quail

4079 Quail

4083 Quail

4092 Quail





P.O. Box 1907

324 Hansen Street East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2641

OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT

(208) 735-7267

3/2/15

Scott L. Allen
District Administrator
Twin Falls Highway District
2620 Kimberly Road
Twin Falls, ID 83301

Dear Scott,

I am writing in response to the request for vacation of a highway easement that the District received from the owners of the Quail Ridge subdivision. As you know, the District has requested that the City provide an opinion on the vacation request. I want to respond from two different perspectives.

First, as a partner governing body with responsibility for streets, the City recognizes that the easement in question is located wholly within the Highway District's jurisdiction. The City supports the Highway District and its right to decide whether or not to vacate this easement. Therefore, we do not wish to influence the District either way in this decision.

Second, the easement in question is located along a property line, with 25 feet of easement on either side of the property line. The applicant for the vacation owns the property on one side of the line, and the City is the property owner on the other. As an adjoining property, we do feel it is appropriate for the City to provide comments on the applicant's request to vacate the easement. In that capacity, the City does not object to the applicant's request for vacation.

I hope this letter provides the input that you requested. Please let me know if I can do anything else for you.

Sincerely,

Mitchel Humble
Deputy City Manager, City of Twin Falls

C-4115

LAND TRADE AGREEMENT

THIS AGREEMENT is made the 2 day of April, 2010, between CORNERSTONE INDUSTRIES, LLC, a Washington limited liability company, ("Cornerstone" herein); and the CITY OF TWIN FALLS, IDAHO ("the City" herein).

WHEREAS, Cornerstone is the owner of real property in Twin Falls County, Idaho described on Exhibit "B" attached hereto ("the Cornerstone Property"); which includes both a potential scenic recreation area adjacent to the City of Twin Falls Dierkes Lake Park, and a portion of one of the Hidden Lakes; and

WHEREAS the City desires to obtain the above-mentioned potential scenic recreation area and portion of the Hidden Lake plus access thereto for the purpose of expanding the existing park and a trailhead for the City walking trail; and

WHEREAS, the City owns property adjacent to the North boundary of Quail Ridge Estates Subdivision, which the City and Cornerstone are willing to trade for the Cornerstone Property that includes the scenic canyon view property.

NOW, THEREFORE, in consideration of the mutual promises and conditions contained herein, the parties agree as follows.

Section 1. Conveyance From Cornerstone. Cornerstone agrees to convey to the City, and the City agrees to accept, the Cornerstone Property described on Exhibit "B" attached hereto that consists of 1.01 acres, more or less, and is located adjacent to the South boundary of the City's property.

Section 2. Conveyance From The City. The City agrees to convey to Cornerstone, and Cornerstone agrees to accept, a parcel of land described on Exhibit "A" attached hereto that consists of 1.01 acres, more or less, and is located adjacent to the North boundary of the Quail Ridge Estates Subdivision.

Section 3: Contingencies. The land trade agreed to herein shall not be of any force or effect, and the documents of conveyance for such trade shall not be delivered and recorded, until all of the following contingencies have occurred or have been waived in writing by the City and Cornerstone.

3.1 A revised plat and a written amendment of the P.U.D. Agreement for Quail Ridge Estates Subdivision recorded as Instrument No. 2008-006721 have received final approval from the City and from Twin Falls County, and the revised plat and the amendment to the P.U.D. Agreement have been filed for record with the Twin Falls County Recorder.

3.2 The City has approved a revised Park-in-Lieu Contribution for Park Land associated with Quail Ridge Estates.

Section 4: Additional Provisions. Additional provisions for the development, use and maintenance by the City of the Canyon Rim trail extension and trailhead, together with the City's construction of a new portion of the City walking trail upon City property located North of the land described on Exhibits "A" and "B," shall be contained in an Amendment to said P.U.D. Agreement pertaining to Quail Ridge Estates, as provided in Section 5 below. In addition to such Amendment, the following mutual promises and obligations are included as part of the consideration for this Agreement.

4.1 Cornerstone shall have no obligation to improve or maintain any portion of the property described in Exhibit "B" that Cornerstone is conveying to the City (sometimes referred to as "the Park" herein); except that Cornerstone shall be responsible for the removal, at its cost, of the existing stairway located on said property and portions of the public walking trail no longer needed due to removal of the stairs.

4.2 The uses of the property described on Exhibit "B" shall be limited to (i) a public park, including access to the site; (ii) a canyon overlook platform; and (iii) a trailhead for access to the City walking trail along the Snake River canyon rim.

4.3 The City shall be responsible for the development and maintenance at its cost of all portions of the Park, including the public walking trail, and Snake River canyon overlook and other public facilities, if any, consistent with use of the site as a public park.

4.4 The City shall limit the hours for use of and access to the Park to the same time as the rest of the Dierkes Lake Park; and in addition, shall take affirmative steps to prohibit and control vandalism, loud or illegal behavior, or other nuisances at the Park. The City's obligation to maintain such control shall exist for so long as the described area is used by the public for the intended uses described herein.

4.5 The City agrees to indemnify and hold harmless Cornerstone and Cornerstone's successors in interest, including but not limited to the owners of property in the Quail Ridge Estates Subdivision, from any and all liability of whatever kind or nature incurred on or about the Park or arising from or related to the use thereof; except for those claims, actions or damages caused or contributed to by the negligence or other wrongful acts of Cornerstone or its successors in interest.

4.6 The City and Cornerstone mutually acknowledge and agree that prior to the effective date of this Agreement, Cornerstone has paid the sum of \$32,290.00 to construct a portion of the new public walking trail, which begins at the Northerly end of an existing sidewalk that is located along the common boundary of Lots 6 and 7, Block 1, of Quail Ridge Estates, and meanders in a generally Northerly direction toward the bottom of the Snake River canyon, as provided herein and in the Amended P.U.D. Agreement. That payment shall constitute Cornerstone's total agreed contribution to the cost of the improvements that the City will construct as provided in the Amended P.U.D. Agreement. The parties further acknowledge and agree that payment for such construction was made by Cornerstone conditioned upon the happening of each of the following events: (i) the amended plat for Quail Ridge Estates being approved by the City and the County and being filed for record with the Twin Falls County Recorder; (ii) the Amendment to the P.U.D. Agreement being executed by the appropriate parties and recorded with the Twin Falls County Recorder; and (iii) the land trades described above being accomplished by recorded deeds or other necessary documents of conveyance. If any one or more of the foregoing conditions (i), (ii) or (iii) cannot or does not occur after compliance with the City's notice and hearing requirements applicable to this Agreement; then within thirty (30) days after written demand for payment has been received by the City from Cornerstone, the funds which Cornerstone has advanced as recited herein shall be reimbursed and paid to Cornerstone by the City.

Section 5: Amendment to P.U.D. Agreement. As a material consideration for the execution of this Agreement, the parties agree that the Quail Ridge Estates Planned Unit Development Agreement dated March 21, 2008, and recorded as Instrument No. 2008-006721, records of Twin Falls County Recorder, shall be amended, including but not necessarily limited to the following modifications:

5.1 Cornerstone shall be released from any responsibility to perform the requirements stated in Section 5.B.a. a), b) and c), namely: build the canyon rim trail on City-owned property across the North face of the land located North of the land to be conveyed to Cornerstone; build a stairway down to Hidden Lakes; and build a canyon overlook on City owned property.

5.2 The public parking area provided in Section 5.B.A. d) shall be constructed by Cornerstone at its expense in the area of the 3400 Road right of way to be vacated by the Twin Falls Highway District, or an alternative plan for parking shall be approved by the City, the County and the Highway District.

5.3 Except for that portion of the public walking trail constructed at Cornerstone's expense as noted in paragraph 4.6 above, the City shall

be responsible for the cost of development, and it shall be responsible for all costs of repair and maintenance, of the public walking trail(s) located upon the land described on Exhibit "A" or upon City-owned property which run either into the Snake River Canyon or along the Canyon Rim, and other improvements, if any, installed by the City. In addition, the City shall maintain at its cost the branch of the existing sidewalk that is located along the common boundary of Lots 6 and 7, Block 1, of Quail Ridge Estates which connects with the public walking trail. The improvements located North of Quail Ridge Estates to be installed by the City may consist of a walking/bike path, safety features, landscaping, lookout point and benches; but shall not include restrooms, shelters or other structures that impede the canyon view from any Lot in Quail Ridge Estates. All improvements constructed or installed by the City shall be maintained in a clean and first class condition, at the City's expense.

5.3.1 Cornerstone and its successors in interest shall be responsible, at their cost, for maintenance of the sidewalk located parallel to 3400 Road along the East boundary of Quail Ridge Estates.

5.3.2 The newly-constructed portion of the public walking trail, including that portion installed by Cornerstone, shall be constructed initially with gravel topping. It shall be the City's responsibility to add asphalt topping to the walking trail within three (3) years after the approval of a revised final plat for the Quail Ridge Estates subdivision.

5.4 The assurance bond previously posted to assure construction of the required improvements under Section 5 of the existing P.U.D. Agreement shall be released. In lieu thereof, Cornerstone has paid the costs of construction of the public walking trail as provided in paragraph 4.6 above.

Section 6: Title Insurance. Neither party shall be required to obtain title insurance for the protection of the other party hereto.

Section 7: Warranties and Disclaimer. Each party hereto acknowledges and agrees that except as stated in this Section 7 neither the transferring party nor the transferring party's agents or employees make any warranties, express or implied, with respect to the property being conveyed under this Agreement. Except as stated in this Agreement, (i) neither party makes any representation as to the condition or state of repair of the property being transferred to the other party under this Agreement; (ii) neither party is making or has made any agreement to alter, repair, or improve the property being transferred; and (iii) the sole obligation of each transferring party will be to deliver clear title to and possession of the property being transferred to the other party on the Closing Date. Except as otherwise represented in this Section 7, each party agrees to accept possession of the described property on the Closing Date in an AS IS condition WITH ALL FAULTS.

0.4115

7.1 As a material inducement to enter into this Contract, the City hereby represents and covenants to Cornerstone, and Cornerstone hereby represents and covenants to the City as follows:

7.1.1 The execution, delivery, and performance of this Agreement does not violate or breach any material covenant, warranty, or other material provisions of or result in the acceleration of any material obligation under any mortgages, notes, liens, leases, licenses, permits, agreements, instruments, orders, arbitration awards, judgments, or decrees, or in the termination of any license, lease, or permit to which the transferring party is a party or is bound.

7.1.2 The transferring party is and on the Closing Date will be the sole and unconditional owner of the real property described herein, with full power to sell and dispose of the same. At Closing, each party shall convey to the other party good and marketable title to the real property being conveyed herein, free and clear of any liens, charges, encumbrances, claims or conditions thereon.

7.1.3 To the best knowledge of each transferring party, (i) no litigation, action, suit or proceeding, either legal, equitable, administrative, through arbitration, or otherwise, is pending or threatened against or which might adversely affect; (ii) no judgment, decree, injunction, rule, or order of any court, governmental department, commission or agency is outstanding against; and (iii) no event has occurred, which might adversely affect the conveyances agreed to herein, or the consummation of the land trades and release of easements described herein.

7.1.4 To the best knowledge of each transferring party: (i) there are no soil conditions adversely affecting the real property interests being conveyed by that party; (ii) the property being conveyed has not been contaminated with any substance known to be toxic or hazardous, as such terms are defined by federal or state law; (iii) no leak, spill, release, discharge, emission, or disposal of toxic or hazardous substances has occurred on the property being conveyed to date, and the soil, groundwater and soil vapor on or under the property will be free of toxic or hazardous substances as of the Closing Date.

Section 8: Indemnity. The City agrees to indemnify, defend, and hold Cornerstone free and harmless from and against, and Cornerstone agrees to indemnify, defend and hold the City free and harmless from and against, any and all liability, damage, cost and expense (including attorney's fees) related to, arising out of or in connection with any inaccuracy or breach of any representation or warranty by the indemnifying party as set forth above, including but not limited to a breach of the

environmental warranties made by each transferring party in Section 7.1.4 above; which indemnity shall include, without limitation, costs incurred in connection with toxic or hazardous substances present or suspected to be present in the soil, groundwater, or soil vapor on or under the property being transferred up to the time of recording each respective deed or other conveyance required herein.

8.1 The foregoing indemnity agreements shall survive the Closing of this Agreement.

Section 9: Possession. Each party shall be entitled to take possession of the property being transferred to it on the Closing Date.

Section 10: Taxes and Assessments. Taxes and assessments on the parcels being transferred shall be prorated between the parties as of the Closing Date.

Section 11: Closing. The following provisions shall govern the closing of this transaction.

11.1 The Closing Date shall be on or before the thirtieth (30th) day following the satisfaction or waiver of the contingencies stated in Section 3 above. At the time of closing, all of the land trade conveyances shall be recorded consecutively.

11.2 The Closing Agent shall be TitleFact, Inc. of Twin Falls, Idaho.

11.3 All costs of closing this transaction, including the escrow agent fee and recording costs shall be paid one-half (1/2) by each party.

Section 12: Real Estate Commission. There shall be no real estate commissions owed in connection with this transaction.

Section 13: Attorney's Fees. In the event suit or action is instituted to enforce any of the terms of this Agreement, including any and all bankruptcy claims, actions and proceedings deemed necessary or desirable, or to otherwise protect the interest of either party, including the hiring of any attorney in the event of default, then the nondefaulting party or the prevailing party (in the event of suit) shall be entitled to recover reasonable attorney's fees and costs, including fees or costs that may be incurred in any appellate proceeding.

Section 14: Succession. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and the heirs, executors, administrators, successors and assigns of the parties hereto.

Section 15: Expenses. Unless otherwise expressly provided herein, each party hereto shall pay all of its own costs and expenses incurred or to be incurred

in negotiating and preparing this Agreement and in closing and carrying out the transactions contemplated by this Agreement.

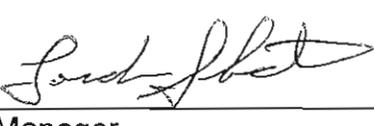
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

THE CITY OF TWIN FALLS, IDAHO

CORNERSTONE INDUSTRIES, LLC

By: 

Mayor

By: 

Manager

C-4115



THE LAND GROUP, INC.

Project No. 209059
Legal Description
CORNERSTONE INDUSTRIES, LLC.
Parcel A (The City of Twin Falls, Idaho to Cornerstone Industries, LLC.)
1.01 Acres

EXHIBIT A

A tract of land situated in the Southeast One Quarter of the Southeast One Quarter of Section 31, Township 9 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho, described as follows:

Commencing at the Southeast Corner of said Section 31, said point being witnessed by a brass cap which bears South 78°57'06" East a distance of 1.89 feet, from which 1/2-inch steel pin monumenting the East one-sixteenth Corner common to said Section 31 and Section 6, Township 10 South, Range 15 East, B.M. bears North 89°44'07" West a distance of 1,323.68 feet (formerly North 89°46'37" West a distance of 1,322.74 feet);
Thence following the southerly line of said North 89°46'37" West a distance of 420.64 feet to the POINT OF BEGINNING;

Thence continuing North 89°44'07" West a distance of 638.66 feet to a point;
Thence leaving said southerly line, North 45°19'09" East a distance of 116.28 feet to a point;
Thence South 89°44'07" East a distance of 124.44 feet to a point;
Thence South 75°34'21" East a distance of 48.15 feet to a point;
Thence South 89°44'07" East a distance of 172.80 feet to a point;
Thence North 81°10'57" East a distance of 70.04 feet to a point;
Thence South 86°53'53" East a distance of 99.98 feet to a point;
Thence South 29°19'10" East a distance of 87.93 feet to the POINT OF BEGINNING.

The above-described tract of land contains 1.01 acres, more or less, subject to any existing easements or rights-of-way.

Attached hereto is Exhibit "C" and by this reference is made a part hereof.

Prepared By: THE LAND GROUP, INC.
261 CANYON CREST DRIVE
TWIN FALLS, IDAHO 83301
208-733-4041
208-733-4045 (FAX)



04115



THE LAND GROUP, INC.

Project No. 209059
Legal Description
CORNERSTONE INDUSTRIES, LLC.
Parcel B (Cornerstone Industries, LLC. to the City of Twin Falls, Idaho)
1.01 Acres

EXHIBIT B

A tract of land being a portion of Lots 5 and 6, Block 1 of Quail Ridge Estates (a recorded subdivision on file in Book 22 of Plats at page 22, Instrument No. 2007-011427, records of Twin Falls County, Idaho situated in U.S. Government Lot 1 of Section 6, Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho, described as follows:

BEGINNING at the Northeast Corner of said Section 6, said point being witnessed by a brass cap which bears South 78°57'06" East a distance of 1.89 feet, from which 1/2-inch steel pin monumenting the East One Quarter of said Section 6 bears South 00°12'26" East a distance of 2,662.61 feet (formerly South 00°13'39" East a distance of 2,663.59 feet);

Thence following the easterly line of said Section 6 and the easterly line of said Quail Ridge Subdivision, South 00°12'26" East a distance of 130.94 feet to a point on the southerly rim of the Snake River Canyon;

Thence leaving the easterly line of said Section 6 and the easterly line of said Quail Ridge Estates Subdivision and following the southerly rim of said Snake River Canyon the following courses and distances:

1. South 51°34'55" West a distance of 3.04 feet to a point;
2. South 33°46'26" West a distance of 19.14 feet to a point;
3. South 17°22'02" West a distance of 47.09 feet to a point;
4. South 53°43'23" West a distance of 34.19 feet to a point;
5. North 63°35'04" West a distance of 65.86 feet to a point;
6. North 04°30'32" East a distance of 66.64 feet to a point;
7. North 51°36'21" West a distance of 45.71 feet to a point;
8. North 55°37'35" West a distance of 19.04 feet to a point;
9. South 83°34'39" West a distance of 38.23 feet to a point;

C-4115



THE LAND GROUP, INC.

- 10. South 79°15'55" West a distance of 25.61 feet to a point;
- 11. South 47°09'25" West a distance of 17.55 feet to a point;
- 12. North 70°47'01" West a distance of 34.02 feet to a point;
- 13. North 67°39'15" West a distance of 84.88 feet to a point;
- 14. North 56°39'01" West a distance of 14.89 feet to a point;
- 15. North 83°24'51" West a distance of 21.20 feet to a point;
- 16. North 51°33'55" West a distance of 25.95 feet to a point;
- 17. North 26°39'22" West a distance of 14.07 feet to a point;
- 18. North 36°53'46" West a distance of 23.96 feet to a point on the northerly line of said Section 6 and the northerly line of said Quail Ridge Estates Subdivision;

Thence, leaving said southerly line and following the northerly line of said Section 6 and the northerly line of said Quail Ridge Estates Subdivision, South 89°44'07" East (formerly South 89°46'37" East) a distance of 420.64 feet to the POINT OF BEGINNING.

The above-described tract of land contains 1.01 acres, more or less, subject to any existing easements or rights-of-way.

Attached hereto is Exhibit "C" and by this reference is made a part hereof.

Prepared By: THE LAND GROUP, INC.
261 CANYON CREST DRIVE
TWIN FALLS, IDAHO 83301
208-733-4041
208-733-4045 (FAX)





Monday March 2, 2015 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Consideration of a resolution for the sole source designation on the purchase of a recirculation system for the Splash Pad.

Time Estimate:

Staff will make the presentation, following the presentation, we expect some time for questions and answers. The anticipated total time for presentation and questions is estimated at 10 minutes.

Background:

Two weeks ago, the City Council authorized staff to expend funds to purchase a recirculation system at the Splash Pad. Investigating the recirculation system, staff discovered the spray equipment that 1st Federal purchased can only be operated by a particular brand of a recirculation system – Hobbs Fountains/H2O Fun Company.

The supplier for the recirculation system said there is an approximately 12 week time lead when you order the recirculation system for it to be delivered. The goal is to have the Splash Pad up and running by Memorial Day weekend.

Approval Process:

Idaho Code 67-2808 provides for a sole source exemption as follows:

(2) Sole source expenditures.

(a) The governing board of a political subdivision may declare that there is only one (1) vendor if there is only one (1) vendor for the personal property to be acquired. For purposes of this subsection (2), only one (1) vendor shall refer to situations where there is only one (1) source reasonably available and shall include, but not be limited to, the following situations:

(ii) Where the compatibility of equipment, components, accessories, computer software, replacement parts or service is the paramount consideration.

(b) Upon making the declaration that there is only one (1) vendor for personal property, unless the property is required for a life-threatening situation or a situation that is immediately detrimental to the public welfare or property, notice of a sole source procurement shall be published in the official newspaper of the political subdivision at least fourteen (14) calendar days prior to the award of the contract.

A majority vote by the City Council is needed to approve this request.

Budget Impact:

The cost estimates for the recirculation system is \$148,000. Council authorized staff to use some current capital improvement funds, unspent capital improvements funds and if needed, reserves and or contingency funds.

Regulatory Impact:

Approval of the request would allow the City to proceed with the purchase of the recirculation system for the Splash Pad.

Conclusion:

Staff recommends that the City Council authorize the Mayor to sign the resolution.

Attachment:

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING A SOLE SOURCE SUPPLIER FOR SPLASH PAD RECIRCULATION EQUIPMENT.

WHEREAS, Idaho Code §67-2808(2) permits sole source expenditures where there is only one source for the acquisition of personal property reasonably available; and;

WHEREAS, The City has investigated sources for recirculation equipment for the First Federal Bank Splash Park, and has discovered that there is only one source for this equipment, and it is Hobbs Fountains/H2OFun.

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

Section 1: The Twin Falls City Council hereby declares that the Hobbs Fountains/H2OFun shall be the sole source of splash pad recirculation equipment.

Section 2: That notice of sole source procurement shall be published in the Times-News at least fourteen (14) calendar days prior to the award of the contract.

PASSED BY THE CITY COUNCIL
SIGNED BY THE MAYOR

, 2015.
, 2015.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Public Meeting: **MONDAY MARCH 02, 2015**

To: Honorable Mayor Hall and City Council

From: Rene'e V. Carraway-Johnson, Zoning & Development Manager

ITEM

Request: For the City Council to consider adoption of an **Ordinance** for a **ZONING TITLE AMENDMENT** thereby increasing the public notice requirements for various public hearings and creating a new City Code Section Title 10; Chapter 7; Section 20.

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

Background:

On January 27, 2015 the Planning & Zoning Commission held a public hearing regarding a Zoning Title Amendment to amend the public notice requirements for various public hearings and creating a new City Code Section Title 10; Chapter 7; Section 20.

Upon conclusion of the public hearing the Planning & Zoning Commission unanimously recommended the changes to the Zoning Title as presented by staff.

On February 23, 2015 the City Council held a public hearing on this request. No one spoke during the public hearing and upon conclusion of the public hearing and deliberation Councilmember Talkington moved to approve the Zoning Title Amendment as presented by staff, the motion was seconded by Councilmember Mills-Sojka. Roll call vote showed all members present voted in favor of the motion.

Conclusion: :

As directed by the Council, staff has prepared an ordinance for your consideration.

Staff recommends the City Council adopt the ordinance so it can be published and codified.

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE NOTICE OF PUBLIC HEARING REQUIREMENTS FOR TITLE 10 ZONING AND SUBDIVISION REGULATIONS, IN §10-3-4(D)(3)(a), §10-7-19(C), §10-9-9(T), §10-13-2.1(E), §10-13-2.2(F), §10-13-2.3(D), §10-14-4(C), §10-14-5, §10-15-2(B), §10-17-1(G), ENACTING A NEW §10-7-20, TO PROVIDE FOR UNIFORM AND EXPANDED PUBLIC NOTICE REQUIREMENTS, AND PROVIDING FOR PUBLICATION BY SUMMARY.

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

Section 1: That Twin Falls City Code §10-3-4(D)(3)(a) is amended as follows:

“10-3-4: NONCONFORMING USES OR BUILDINGS: ...

(D) Permits To Expand Nonconforming Buildings Or Conforming Buildings Housing A Nonconforming Use: ...

3. HEARING PROCESS:

a. Prior to granting a Nonconformance Building Expansion Permit, at least one public hearing shall be held before the Planning and Zoning Commission. At said hearings, all interested persons shall have the opportunity to be heard. Notice for public hearings shall be provided as set forth in §10-7-20. ~~At least fifteen (15) days prior to the intended hearing, a notice of the time and place and a brief summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. A copy of the notices of public hearing shall be mailed by the applicant to all property owners within three hundred feet (300') of the external boundaries of the property in question. The applicant shall sign an affidavit of mailing and attach to the application the names and addresses of all persons so notified. Where notice is required to two hundred (200) or more property owners, in lieu of mailing the notification of public hearing, three (3) notices in the newspaper or paper of general circulation shall be deemed sufficient. The last of said publications shall appear at least ten (10) days prior to the date set for public hearing.~~”

Section 2: That Twin Falls City Code §10-7-19(C) is amended as follows:

“10-7-19: CITY SERVICES: ...

(C) Approval Of New Uses By City Council: Any proposed new use to be established on

real property owned and/or operated by the city of Twin Falls, not already permitted by other provisions of this zoning ordinance or already approved as required utility improvements in new developments, must be approved by the city council after a public hearing at which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in §10-7-20. At least fifteen (15) days prior to the hearing, notice of time and place and a description of the proposed use shall be published in the official newspaper or paper of general circulation within the jurisdiction of this city. Additional notice shall be provided by posting the property; by mail to property owners and residents within three hundred feet (300') of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed use, as determined by the zoning administrator.”

Section 3: That Twin Falls City Code §10-9-9(T) is amended as follows:

“10-9-9: ALLOWABLE SIGNS THAT DO NOT REQUIRE THE ISSUANCE OF A SIGN PERMIT: ...

(T) Zoning Signs: ...

2. Zoning Signs shall be provided as set forth in §10-7-20. Permissible: Zoning signs are permissible subject to the following conditions:

a. Time:

(1) ~~The property owner or his/her representative shall erect the sign on the property seven (7) days prior to the first public hearing scheduled to discuss the applicable zoning case. The property owner shall be responsible for maintaining the sign on the property throughout the entire zoning case.~~

(2) ~~The property owner or his/her representative must remove the sign within three (3) days after the city's approval of the ordinance rezoning the property or after the city denies the request.~~

b. Place:

(1) ~~The sign shall be placed in a location visible from all streets adjacent to the property included in the zoning request.~~

(2) ~~One zoning sign shall be erected adjacent to each street frontage of the property.~~

(3) ~~Signs shall be located no greater than twenty feet (20') from front property line, unless otherwise directed by the zoning and development manager or his/her designee.~~

c. Manner:

(1) ~~The area of a zoning sign shall be six (6) square feet.~~

(2) ~~The width of a zoning sign shall be three feet (3').~~

Section 4: That Twin Falls City Code §10-13-2.1(E) is amended as follows:

“10-13-2.1: VARIANCES: ...

(E) Public Hearing: Prior to granting a variance permit, at least one public hearing before the Commission in which interested persons shall have the opportunity to be heard shall be held. Notice for public hearings shall be provided as set forth in §10-7-20. ~~At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. 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.~~

~~The applicant requesting the proposed change shall sign an affidavit stating that he has notified in writing the required residents and the property owners as to his purpose of application, time and place of hearing, residents served, and date of service. A copy of notification shall be attached to the affidavit and returned to the City.~~

~~When notice is required to two hundred (200) or more property owners or residents, in lieu of the mailing notification, three (3) notices in the newspaper or paper of general circulation is sufficient; provided, the third notice appears ten (10) days prior to the public hearing.”~~

Section 5: That Twin Falls City Code §10-13-2.2(F) is amended as follows:

“10-13-2.2: SPECIAL USE: ...

(F) Public Hearing: Upon receipt of the application for a special use, the Commission shall hold a public hearing. Notice for public hearings shall be provided as set forth in §10-7-20, ~~publish notice in the newspaper and give written notice to all parties as required for variance permits.~~

Section 6: That Twin Falls City Code §10-13-2.3(D) is amended as follows:

“10-13-2.3: REVOCATION OF ZONING PERMITS:

(D) A public hearing on the motion or petition to revoke shall be held before the appropriate zoning body. The permit holder, city staff and/or any aggrieved party may present testimony or other evidence at said hearing. Said hearing shall be held within forty five (45) days of the filing of a petition for revocation or the passage of a motion initiating revocation proceedings. Notice for public hearings shall be provided as set forth in §10-7-20.”

Section 7: That Twin Falls City Code §10-14-4(C) is amended as follows:

PUBLIC HEARING NOTICE ORDINANCE - 3

“COMMISSION ACTION: ...

(C) If the request is not in accordance with a comprehensive plan, the request shall be submitted to the Commission or, in its absence, the Council which shall recommend and the Council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in §10-7-20. ~~in Section 67-6509, Idaho Code. After a comprehensive plan has been amended, this Title may then be amended as hereinafter provided for.”~~

Section 8: That Twin Falls City Code §10-14-5 is amended as follows:

“10-14-5: PUBLIC HEARING: ...

The Commission shall hold a public hearing and make recommendations on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

(A) Zoning Title Amendment: The Commission, prior to recommending a Zoning Title amendment to the Council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in §10-7-20. ~~At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City.~~ Following the Commission's 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 amendment with its recommendation to the Council.

(B) Zoning Map Amendment: The Commission, prior to recommending a Zoning Map amendment that is in accordance with a comprehensive plan to the Council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in §10-7-20. ~~At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction of this 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.~~

~~The applicant requesting the Zoning Map amendment shall sign an affidavit stating that he has notified, in writing, the required residents and the property owners as to his purpose of application, time and place of hearing, residents served, and date of service. A copy of notification shall be attached to the affidavit and returned to the City.~~

~~When notice is required to two hundred (200) or more property owners or residents,~~

~~notice of said proposed change and the hearing thereon shall be published in the Times-News once a week for three (3) consecutive weeks, with at least one of said publications being fifteen (15) days prior to the date set for hearing on the proposed change and for which said notice is given.”~~

Section 9: That Twin Falls City Code §10-15-2(B) is amended as follows:

“10-15-2: PUBLIC HEARING: ...

~~(B) Notice for public hearings shall be provided as set forth in §10-7-20. 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.~~

~~The applicant requesting a Zoning Map amendment shall sign an affidavit stating that he has notified, in writing, the required residents and property owners as to his purpose of application, time and place of hearing, residents serviced, and date of service. A copy of notification shall be attached to the affidavit and returned to the City.~~

~~When notice is required to two hundred (200) or more property owners or residents, in lieu of the mail notification, three (3) notices in the official newspaper or paper of general circulation in the City is sufficient; provided, that the third notice appears ten (10) days prior to the public hearing. Following the Commission's 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.”~~

Section 10: That Twin Falls City Code §10-17-1(G) is amended as follows:

10-17-1: CITY PLANNING ADMINISTRATOR: ...

(G) Appeals to the commission concerning the administrator's interpretation and administration of this title may be taken by any person aggrieved by a decision of said administrator. Said appeal shall be taken within fifteen (15) days after the decision of the administrator by filing with the administrator a notice of appeal specifying the grounds upon which the appeal is to be taken. The administrator shall transmit to the commission the appeal and all papers constituting the record upon which the appeal is based.

Upon receipt of an appeal from the action of the administrator the commission shall, after

publishing notice in a newspaper and giving written notice to all parties concerned at least fifteen (15) days in advance, hold a public hearing. Notice for public hearings shall be provided as set forth in §10-7-20. The commission's determination shall be final unless appealed to the council within the same time and pursuant to the same procedure set forth above.”

Section 11: That Twin Falls City Code is amended by the addition of a NEW SECTION §10-7-20, as follows:

“10-7-20: PUBLIC HEARINGS NOTICE REQUIREMENTS:

Public notice shall be provided for land use actions requiring a public hearing. Public notice shall comply with the following requirements. Public hearings for appeals to the Administrator’s interpretation and administration of this title, Zoning Title Amendments not relating to a specific property, and Comprehensive Plan Amendments not relating to a specific property are not required to provide mail and site posting notice.

(A) Mail: Mail notice shall be provided as follows when required.

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be provided by mail to the following:
 - a. property owners, or purchasers of record, within the land being considered,
 - b. property owners, or purchasers of record, within five hundred (500) feet of the external boundaries of the land being considered,
 - (1) For Special Use Permit, Zoning Map Amendment, and Future Land Use Map Amendment requests involving the R6, MHO-1, and nonresidential districts, except M1, M2, and OS, notices shall be mailed to property owners, or purchasers of record, within seven hundred and fifty (750) feet of the external boundaries of the land being considered.
 - (2) For Special Use Permit, Zoning Map Amendment, and Future Land Use Map Amendment requests involving the M1 and M2 districts, notices shall be mailed to property owners, or purchasers of record, within one thousand (1,000) feet of the external boundaries of the land being considered.
 - c. any additional property owners, or purchasers of record, that may be impacted by the proposed change as determined by the Administrator, and
 - d. all political subdivisions providing services within the planning jurisdiction, including the City, school districts, and the Magic Valley Regional Airport Manager.
2. When a public hearing is to be conducted by the City Council for a proposal that the Planning & Zoning Commission has made a recommendation on, the notice for that hearing shall include the Commission’s recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The applicant requesting the proposed change shall mail the notices to the required property owners. Upon mailing, the applicant shall sign an affidavit

stating that he has notified in writing the required property owners as to his purpose of application, time and place of hearing, residents served, and date of service. A copy of the notification shall be attached to the affidavit and returned to the City not less than ten (10) days prior to the hearing.

(B) Site Posting: Notice shall be posted on site as follows when required.

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the premises.
2. The applicant requesting the proposed change shall post the required notice on the premises as follows:
 - a. Notice shall be provided by not less than one (1) sign located on the subject property adjacent to each street frontage of the property. In the event that the subject property is not adjacent to a public street, signs may be placed within the nearest public street right-of-way with prior approval from the Administrator and the owner of the right-of-way.
 - b. Signs shall be placed on the property so as to remain clearly visible from adjacent streets. In the event that visibility of signs located on the property is obstructed, signs may be placed within the adjacent street right-of-way with prior approval from the Administrator and the owner of the right-of-way.
 - c. If a property contains three hundred (300) or more feet of street frontage on a single street, one sign shall be placed on the property for each three hundred (300) feet, or portion thereof, of the street frontage.
 - d. Additional notice signs may be required as determined by the Administrator.
 - e. Notice signs shall be made from metal, plywood, or an equivalent hard surface and shall be mounted on two (2) posts in a manner that is perpendicular to the street along which the sign posted.
 - f. Notice signs shall be a minimum of two (2) feet tall by three (3) feet wide and mounted so the bottom of the sign is at least two (2) feet above the ground. Notice signs that are located along a City designated arterial street or a State Highway shall be a minimum of four (4) feet tall and four (4) feet wide and mounted so the bottom of the sign is at least three (3) feet above the ground.
 - g. Notice signs shall be white in color. At the top of the sign, notice signs shall include each of the following with a minimum size of six (6) inch black letters:
 - the words, “Notice of Public Meeting,”
 - the words, “for more information call,” and then the phone number for the City’s Planning & Zoning Department, and
 - the official City logo.
 - h. Notice signs shall include a brochure holder mounted to the sign. The applicant requesting the proposed change shall ensure that, until such time as the notice sign is removed, the brochure holder contains hand-outs providing notice of the time and place of the hearing and a summary of the

proposal. When a public hearing is to be conducted by the City Council for a proposal that the Planning & Zoning Commission has made a recommendation on, the notice for that hearing shall include the Commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.

- i. The applicant requesting the proposed change shall remove the posted notice sign(s) from the property not more than three (3) days after the conclusion of the final public hearing for the proposed action.

(C) Newspaper: Newspaper notice shall be provided as follows when required.

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City.
2. When a public hearing is to be conducted by the City Council for a proposal that the Planning & Zoning Commission has made a recommendation on, the notice for that hearing shall include the Commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The Administrator shall cause the newspaper notice to be prepared and published.

(D) Press Release: A press release shall be provided as follows when required.

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be made available as a press release to news media outlets serving the jurisdiction, including newspapers, radio, and television stations.
2. When a public hearing is to be conducted by the City Council for a proposal that the Planning & Zoning Commission has made a recommendation on, the notice for that hearing shall include the Commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The Administrator shall cause the press release to be prepared and made available to news media outlets. The City cannot guarantee that media outlets will broadcast the press release.

(E) City Website: Notice shall be provided on the City website as follows when required.

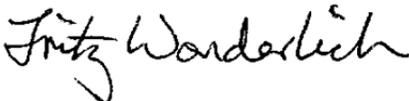
1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the City website, www.tfid.org.
2. When a public hearing is to be conducted by the City Council for a proposal that the Planning & Zoning Commission has made a recommendation on, the notice for that hearing shall include the Commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The Administrator shall cause the notice to be posted on the City website."

Section 12: That this Ordinance may be published by summary, as follows:

"ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE NOTICE OF PUBLIC HEARING REQUIREMENTS FOR TITLE 10 ZONING AND SUBDIVISION REGULATIONS, IN §10-3-4(D)(3)(a), §10-7-19(C), §10-9-9(T), §10-13-2.1(E), §10-13-2.2(F), §10-13-2.3(D), §10-14-4(C), §10-14-5, §10-15-2(B), §10-17-1(G), ENACTING A NEW §10-7-20, TO PROVIDE FOR UNIFORM AND EXPANDED PUBLIC NOTICE REQUIREMENTS, AND PROVIDING FOR PUBLICATION BY SUMMARY.

The foregoing summary is true and complete and provides adequate notice to the public of the principal provisions of the ordinance.



Fritz Wonderlich, City Attorney”

PASSED BY THE CITY COUNCIL , 2015.

SIGNED BY THE MAYOR , 2015.

MAYOR

ATTEST:

DEPUTY CITY CLERK