

COUNCIL MEMBERS:

LANCE CLOW	TRIP CRAIG	DON HALL <i>Mayor</i>	DAVID E. JOHNSON	WILLIAM A. KEZELE	GREG LANTING <i>Vice Mayor</i>	REBECCA MILLS SOJKA
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AGENDA
 Meeting of the Twin Falls City Council
Monday, September 26, 2011
 City Council Chambers
 305 3rd Avenue East - Twin Falls, Idaho

5:00 P.M.

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

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>	<u>Action</u>	<u>Staff Report</u>
1. Consideration of accounts payable for September 20-27, 2011, \$657,892.60. Prepaid September 20, 2011, \$5,227.66.		Sharon Bryan
2. Consideration of the September 19, 2011, City Council Minutes.		L. Sanchez
3. Alcohol License Application (Beer & Wine) for Mike Dougherty dba Saucy located at 1703 Addison Avenue East.		Sharon Bryan
4. Consideration of a request to accept a curb, gutter, and sidewalk deferral agreement for improvements on property located at 1785 3 rd Avenue East c/o Kevin Ranalli.		Troy Vitek
5. Consideration of a request to rename Sun Terrace Street to Sun Terrace Drive.		Jackie Fields
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Consideration of a request to waive the fees as part of the in lieu of park land dedication for the Platinum Trio Subdivision.	Action	Dennis Bowyer
2. Consideration of the request to schedule a public hearing date of October 10, 2011, to consider a proposal to increase fees at the Twin Falls Golf Club.	Action	Dennis Bowyer
3. Consideration of adoption of an ordinance regarding a request for annexation and Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North and consideration of adoption of a PUD Agreement between the City of Twin Falls and the Twin Falls Reformed Church, c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app.2458)	Action	Mitch Humble
4. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M.		
1. Consideration to adopt an Ordinance for the Amendment of the Fiscal Year 2010-11 Budget.	Public Hearing	Darren Huber
2. Consideration to adopt the Utility Rate Resolution for fiscal year 2011-2012, following a public hearing to increase: Water rates, Sewer rates, Garbage collection fees.	Public Hearing	Lorie Race
V. <u>ADJOURNMENT:</u>		

**Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

Twin Falls City Council-Public Hearing Procedures for Zoning Requests

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

COUNCIL MEMBERS:

LANCE CLOW	TRIP CRAIG	DON HALL <i>Mayor</i>	DAVID E. JOHNSON	WILLIAM A. KEZELE	GREG LANTING <i>Vice Mayor</i>	REBECCA MILLS SOJKA
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MINUTES
 Meeting of the Twin Falls City Council
Monday, September 19, 2011
 City Council Chambers
 305 3rd Avenue East - Twin Falls, Idaho

5:00 P.M.

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

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for September 13 - 19, 2011. 2. Consideration of the September 12, 2011, City Council Minutes.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to award the contract for the 2011 Eastland – Addison to Hillcrest Road Reconstruction to PMF Inc. of Twin Falls Idaho, in the amount of \$245,517.00. 2. Consideration of adoption of one ordinance requesting amending Twin Falls City Code §3-15-11, providing for annual renewal of private security licenses from the date of issuance. 3. Consideration of adoption of one ordinance regarding a request for vacation of a 50' x 667' (+/-), 32,610(+/-) sq. ft., of undeveloped right-of-way, aka Willow Street, located on the west side of the 150-200 block of Grandview Drive, c/o Lee Harmon on behalf of Triple C Concrete LLC., Jeff Coats, KC and Tess Belieu, and Lee and Diane Harmon. 4. Public input and/or items from the City Manager and City Council.	Action Action Action	Troy Vitek Dan McAtee Renee Carraway
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 – None.		
V. <u>ADJOURNMENT:</u>		

**Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

Present: Lance Clow, Trip Craig, Don Hall, David E. Johnson, Greg Lanting, William A. Kezele, Rebecca Mills Sojka

Absent: None.

Staff Present: Acting City Manager Lorie Race, Zoning & Development Manager Renee Carraway, Assistant City Engineer Troy Vitek, Staff Sergeant Dan McAtee, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for September 13 - 20, 2011, total: \$312,362.26.
September 16, 2011, total: \$104,907.42.
Prepaid – September 19, 2011, total: \$4,550.00
2. Consideration of the September 12, 2011, City Council Minutes.

MOTION:

Councilperson Lanting made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to award the contract for the 2011 Eastland – Addison to Hillcrest Road Reconstruction to PMF Inc. of Twin Falls Idaho, in the amount of \$245,517.00.

Assistant City Engineer Vitek reviewed the request.

Staff recommends that City Council award the contract to PMF Inc., in the amount of \$245,517.00.

MOTION:

Vice Mayor Lanting made a motion to award the contract for the 2011 Eastland – Addison to Hillcrest Road Reconstruction to PMF Inc. of Twin Falls Idaho, in the amount of \$245,517.00. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Discussion followed on future projects on Eastland.

2. Consideration of adoption of one ordinance requesting amending Twin Falls City Code §3-15-11, providing for annual renewal of private security licenses from the date of issuance.

Staff Sergeant McAtee recommends approval of the amended section §3-15-11 of the Twin Falls City Code providing for annual renewal of private security licenses from the date of issuance.

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinance #3011, entitled,
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §3-15-11 FOR EXPIRATION OF PRIVATE SECURITY LICENSES.

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

Deputy City Clerk Sanchez read the ordinance by title only.

Anthony Tomkins with Professional Security Services stated the license is for one year.

Staff will contact Staff Sergeant McAtee in regards to the possibility of extending the renewal of one year.

MOTION:

Councilperson Clow made the motion to adopt Ordinance #3011. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved

3. Consideration of adoption of one ordinance regarding a request for vacation of a 50' x 667' (+/-), 32,610(+/-) sq. ft., of undeveloped right-of-way, aka Willow Street, located on the west side of the 150-200 block of Grandview Drive, c/o Lee Harmon on behalf of Triple C Concrete LLC., Jeff Coats, KC and Tess Belieu, and Lee and Diane Harmon.

Zoning Development Manager Carraway reviewed the request.

Staff recommends that the Council adopt the attached ordinance as submitted.

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinance #3012, entitled, AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, VACATING THE REAL PROPERTY DESCRIBED BELOW AND PROVIDING FOR VESTING OF TITLE TO THE PROPERTY SO VACATED.

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

Deputy City Clerk Sanchez read the ordinance by title only.

MOTION:

Councilperson Clow made the motion to adopt Ordinance #3012. The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved

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

Ben Oliver, 133 Grandview Drive South, stated that he is acting on complaints regarding Magic Valley Speedway. He stated that the City of Twin Falls owns the property and requested changes be made at Magic Valley Speedway.

Jean Greenwood, 133 Grandview Drive South, begin reading a letter into the record stating complaints against the speedway.

Councilperson Johnson stated that a better venue would be contacting the roadway manager.

Councilperson Lanting suggested that staff check to see what oversight is built into the City's current agreement.

Councilperson Clow stated that the City has a lease agreement with McKean. He suggested that the letters be provided to the Council and then given to the City Attorney for review.

Jim Schouten, 229 Taylor Street, suggested that Mr. Howard contact NASCAR and Daytona with his complaint.

Staff will contact the City Attorney regarding the lease with the speedway and will forward letters submitted by Jean Greenwood.

Vice Mayor Lanting gave an update on the Historic Preservation Committee design guidelines for their historic district.

Councilperson Clow stated that a potential grant for firefighter apparatus was discussed in Washington DC. The application will be reviewed prior to presentation of the grant by Will Hollier, Hollier & Associates.

Mayor Hall stated that a Welcome Home 116th celebration is planned for the 116th Cavalry Brigade on November 5, 2011, at the CSI Expo Center.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 – None.

Minutes

September 19, 2011

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V. **ADJOURNMENT:** The meeting adjourned at 5:45 P.M.

Leila A. Sanchez

Deputy City Clerk/Recording Secretary



ALCOHOL LICENSE APPLICATION

BUSINESS NAME ~~Saucy~~ Mike Dougherty STATE LICENSE # 12040
 (Please attach a copy of your state license)
 DOING BUSINESS AS Saucy
 BUSINESS ADDRESS 1703 ADDISON AVE. E., TWIN FALLS, ID 83301
 LEGAL DESCRIPTION OF PLACE OF BUSINESS _____
 Lot 19 A Block _____ Subdivision SMITH
 MAILING ADDRESS JAME
 CONTACT PERSON MICHAEL DOUGHERTY PHONE # 733-6311

			(Check)
BEER:	<i>Bottled for consumption off the premises only</i>	(\$ 50.00)	_____
	<i>Bottled for consumption on premise</i>	(\$ 150.00)	<u>X</u>
	<i>Bottled & Draught for consumption on premises</i>	(\$200.00)	_____
WINE:	<i>Retail Sales for consumption off premises only</i>	(\$200.00)	_____
	<i>Wine by the Drink for consumption on premises only</i>	(\$200.00)	<u>X</u>
LIQUOR:	<i>Liquor license & fees cover wine license & fees</i>	(\$562.50)	_____

As provided by the laws of the City of Twin Falls, Idaho for the term ending **June 30, 20**_____ tendered herewith is the license fee of \$ 350.⁰⁰. (Ordinance #2708)

APPLICANT IS AN INDIVIDUAL (X) PARTNERSHIP (____) CORPORATION (____)

IF A PARTNERSHIP, NAME ALL PARTNERS: (PLEASE PRINT)

NAME: _____ RESIDENCE: _____
 NAME: _____ RESIDENCE: _____
 NAME: _____ RESIDENCE: _____

IF A CORPORATION OR ASSOCIATION, NAME ALL OFFICERS:

NAME: _____ ADDRESS: _____
 TITLE: _____
 NAME: _____ ADDRESS: _____
 TITLE: _____
 NAME: _____ ADDRESS: _____

TITLE: _____

NAME: _____ ADDRESS: _____

TITLE: _____

DATE OF INCORPORATION OR ORGANIZATION _____

PLACE OF INCORPORATION OR ORGANIZATION _____

PRINCIPAL PLACE OF BUSINESS IN IDAHO Twin Falls, Idaho

OWNER OF PREMISES (Please Print) Dr. Rod Kack

NAME OF PERSON WHO WILL MANAGE BUSINESS OF SELLING BEER AT RETAIL:
(Please Print) Mike Dougherty

(IF A PARTNERSHIP, ALL PARTNERS NEED TO SIGN)

SIGNATURE OF APPLICANT _____

NAME (Please Print) Mr. Rod Kack BIRTHDATE: 1-3-45

RESIDENCE OF APPLICANT 1420 11th Ave. E.

LENGTH OF RESIDENCE IN IDAHO 2 yrs.

SIGNATURE OF APPLICANT _____

NAME (Please Print) _____ BIRTHDATE: _____

RESIDENCE OF APPLICANT _____

LENGTH OF RESIDENCE IN IDAHO _____

SIGNATURE OF APPLICANT _____

NAME (Please Print) _____ BIRTHDATE: _____

RESIDENCE OF APPLICANT _____

LENGTH OF RESIDENCE IN IDAHO _____

SIGNATURE OF APPLICANT _____

NAME (Please Print) _____ BIRTHDATE: _____

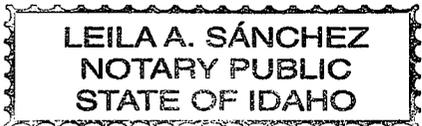
RESIDENCE OF APPLICANT _____

LENGTH OF RESIDENCE IN IDAHO _____

Subscribed and sworn to before me this 9th day of September, 2011.

Leila A. Sanchez

Notary Public for Idaho
Residing at: Twin Falls
Notary Expiration Date: 5-18-2012



CITY STAFF USE ONLY:

APPROVALS:

PLANNING AND ZONING: Yes *provision* No DATE: 9/20/11

COMMENTS: _____

POLICE DEPT: Yes *gnd* No DATE: 09/20/11

COMMENTS: _____

CITY CLERK: Yes No DATE: 9/20/11

COMMENTS: _____

State of Idaho

Idaho State Police

Retail Alcohol Beverage License

Cycle Tracking Number: 54558

Premise Number: 2T-12040

License Year: 2012

License Number: 12040

This is to certify, that
doing business as: Mike Dougherty
Saucy

is licensed to sell alcoholic beverages as stated below at 1703 Addison Ave East, Twin Falls, Twin Falls County

Acceptance of a license shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.

- Liquor No Yes \$50.00
- Beer Yes \$0.00 No
- On-premise consumption Yes \$0.00 No
- Kegs to go Yes \$0.00 No
- Restaurant Yes \$100.00 No
- Wine by the bottle Yes \$100.00 No
- Wine by the glass Yes \$100.00 No
- Multipurpose arena Yes \$100.00 No

TOTAL FEE: \$150.00

Signature of Licensee, Corporate Officer, LLC Member or Partner

MIKE DOUGHERTY
 SAUCY
 1703 ADDISON AVE EAST
 TWIN FALLS, ID 83301
 Mailing Address

License Valid: 08/31/2011 - 06/30/2012

Expires: 06/30/2012

Jerry Russell

Director of Idaho State Police



Date: September 26th, 2011
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Consideration of a request to accept a curb, gutter and sidewalk deferral agreement for improvements on property located at 1785 3rd Ave. East care of Kevin Ranalli.

Background:

The developer desires to do a major remodel to the existing home and construct a 2 car garage. Curb, gutter, nor sidewalk currently exists on 3rd Ave. East.

Approval Process:

City Code section 10-11-5(B)(2) allows the City Engineer to defer the construction.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to receive a Certificate of occupancy for this property and defer the required improvements until such time as the adjacent property or properties allows the City Engineer to require construction under the conditions specified in City Code Section 10-11-5(B)(2).

Conclusion:

Staff recommends that the Council approve the deferral as presented.

Attachments:

1. Deferral Agreement.
2. Copy of Warranty Deed of Property
3. Arial photograph of property.

EXHIBIT "A"

Case No. 61759RG

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

TWIN FALLS COUNTY
RECORDED FOR:
TITLEFACT
1:22:34 pm 03-07-2011
2011-004808
NO. PAGES: 1 FEE: \$10.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: SHARON

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

WARRANTY DEED

FOR VALUE RECEIVED **LOYD E. OVERLIN**, also shown of record as **LOYD OVERLIN**, and shown of record as **LLOYD OVERLIN, an unmarried man**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **KEVIN THOMAS RANALLI, doing business as KTR HOME BUILDER, a sole proprietorship**, hereinafter called Grantee, whose address is: 858 FAIRWAY DRIVE, TWIN FALLS, IDAHO 83301, the following described premises in Twin Falls County, Idaho; to-wit:

The South one-half of Lot 8, **RITCHEY SUBDIVISION**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book 5 of Plats, page 21, records of Twin Falls County, Idaho.

AND

That part of the South one-half of Lot 10, **RITCHEY SUBDIVISION**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book 5 of Plats, page 21, records of Twin Falls County, Idaho, more particularly described as follows:
BEGINNING at the Southwest corner;
THENCE North along the West boundary of Lot 10 a distance of 140.73 feet;
THENCE East parallel with the South line, a distance of 60 feet;
THENCE South parallel with the West boundary 140.73 feet;
THENCE West along the South boundary 60 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: March 2, 2011

Lloyd E. Overlin
LOYD E. OVERLIN

* * * * *

STATE OF IDAHO
County of *Caribou*

On this *3rd* day of March, 2011, before me, a Notary Public in and for said State, personally appeared **LOYD E. OVERLIN**, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

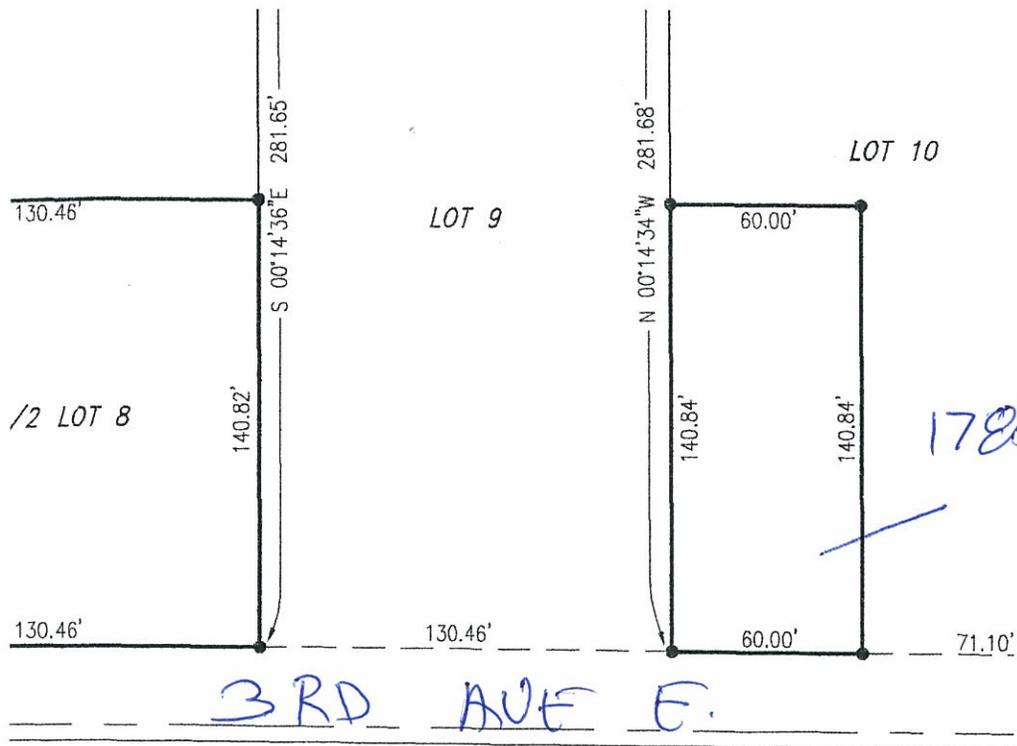
Teresa L. Watkins
Notary Public for Idaho
Residing at *Soda Springs, ID*
Commission expires *03/20/12*

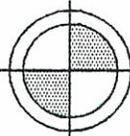
TERESA L. WATKINS
Notary Public
State of Idaho



LOCATION





 ALL POINTS LANI JOHN ROOT - SURVEYING - CONSTRUCTION	
RECORD OF SURVEY KEVIN RANA	
LOCATED IN: LOTS 8 & 10, RITCHEY SUBD SEC. 15, TOWNSHIP 10 SOUTH, RANGE TWIN FALLS COUNTY, IDA	
DRAWN BY: S. ROOT	REVISIONS:
DATE: 04/26/2011	

I HEREBY CERTIFY THAT THIS IS AN ACCURATE MAP OF THE LAND AS SURVEYED UNDER MY SUPERVISION AND DIRECTION

CURB-GUTTER AND SIDEWALK IMPROVEMENT DEFERRAL AGREEMENT

This Agreement made and entered into this _____ day of _____, 20____, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City", and Kevin Thomas Ranalli, hereinafter called "Developer", for the purpose of constructing certain improvements on property sought to be developed at 1785 3rd Ave E.

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

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

WHEREAS, Developer desires to develop said real property in the following manner: _____; and,

WHEREAS, the Developer is obligated to construct certain improvements, namely curb-gutter and sidewalk, pursuant to Title 10, Chapter 11 of the Twin Falls City Code; and,

WHEREAS, the City is authorized, pursuant to Twin Falls City Code Section 10-11-5(B)(2) to defer said improvements; and,

WHEREAS, the City Council on _____ agreed to defer construction of the aforementioned improvements,

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

I.

City agrees: 1) to defer construction of the required curb-gutter and sidewalk until _____ or until such time as the obligation of curb-gutter and sidewalk construction on adjacent property or properties allows the City Engineer to require construction under the conditions specified in City Code Section 10-11-5(B)(2).

II.

Developer agrees to: 1) complete construction of curb-gutter and sidewalk on the real property described above when required by the City Council.

III.

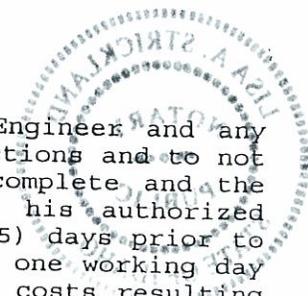
Developer further agrees that in the event the Developer fails to complete the aforementioned construction, the City may complete the construction at the City's expense and may file a lien against the aforementioned property for expenses incurred by the City in said construction.

IV.

Developer agrees to pay the total actual cost of all materials, labor and equipment necessary to completely construct all of the improvements required herein and to construct or contract for the construction of all such improvements.

V.

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



Required inspections shall include: 1) approval of all materials before inspection; 2) approval of forms and gravel base before pouring any concrete curb-gutter and sidewalk; and 3) approval of finished curb-gutter and sidewalk.

VI.

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

VII.

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

This Agreement shall be recorded and shall bind the parties hereto, their heirs, successors in interest, and lawful assigns.

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

CITY OF TWIN FALLS, IDAHO

BY _____
Mayor

DEVELOPER
[Signature]
X _____

STATE OF IDAHO

On this 14 day of September,
2011, before me a notary public
in and for said State, personally
appeared Kevin Thomas Ranalli

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

[Signature]

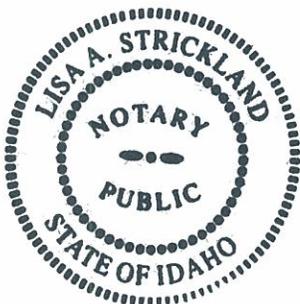
Notary Public
Residing at Twin Falls, Idaho
8/25/12

STATE OF IDAHO

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

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

Notary Public
Residing at Twin Falls, Idaho





Date: September 26, 2011
To: Honorable Mayor and City Council
From: Jacqueline D. Fields, P.E., City Engineer

Request:

Consideration of a request to rename Sun Terrace Street to Sun Terrace Drive.

Time Estimate: Consent Item

Background:

Sun Terrace Street was established in 2009 as platted right of way in Morning Sun Subdivision Number 7. Recently it was discovered that Sun Terrace Street was also being recognized as Sun Terrace Drive. Upon further research, all building permits issued to date on Sun Terrace have been done so utilizing Sun Terrace Drive. The street signs currently in place indicate Drive as well.

Renaming Sun Terrace Street to Drive will eliminate any present confusion and have no affect on the existing homeowners or street signage.

Approval Process:

City Code Section 8-1-3 states: The names of streets and avenues as given and shown on the map of the City adopted by the City Council on February 25, 1957, and on file in the office of the City Clerk, or as may hereafter be renamed by said Council, are hereby declared to be the names of the same. Names of all streets and avenues hereafter dedicated shall be approved by the City Council. (1958 Code, ch. IV, art. 1).

Budget Impact:

The Council's approval of this request will not impact the City budget.

Regulatory Impact:

None.

Conclusion:

Staff recommends that the Council approve the request to rename Sun Terrace Street to Sun Terrace Drive.

Attachments:

1. Location Map



Monday September 26, 2011 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Consideration of a request to waive the fees as part of the in lieu of park land dedication for the Platinum Trio Subdivision.

Time Estimate:

Staff presentation will take approximately 5 minutes. Following the presentation, we expect some time for questions and answers.

Background:

Riedesel Engineering, representing Habitat for Humanity of the Magic Valley which is developing the Platinum Trio Subdivision, has submitted a request for the City to accept payment of fees in lieu of the required park land dedication. The subdivision is located on the west side of Tyler Street just south of Harrison Park.

There was an existing single family residence located on the property that was just recently torn down to make room for a new single family household and the other lot is planned for two town homes. There is a net increase of two (2) household units since a single family residence existed on the property. Code Section 10-12-3-11 requires a dedication of one acre of land per 100 units developed within a subdivision for the development of a neighborhood park. Therefore, this subdivision will require a dedication of 0.02 acre of park land. However, City Code Section 10-12-3-11(F) states that:

“The City Council may, at their discretion, approve and accept cash contributions in lieu of park land with improvements, which contributions shall be used for park land acquisition and/or park improvements within the boundaries of the arterial streets in which the development is located.”

Attached are the preliminary plat and the In Lieu Contribution application. Using the Twin Falls County Assessor’s valuation, the land value is calculated at \$98,786.41 per acre. Applying that value to the in lieu of formula yields an in lieu payment of \$2,609.73.

The closest neighborhood park is Harrison, located approximately 25 feet to the north. Since the dedication requirement from this subdivision is only .02 acres, staff supports the developer’s request of an in lieu of contribution.

At the Parks & Recreation Commission meeting held September 13, 2011, Habitat for Humanity and Riedesel Engineering requested that the in lieu fees be waived since Habitat for Humanity is a non-profit organization whose mission is to get families into homes of their own. The Commission approved the request for the Platinum Trio Subdivision to accept payment of fees in lieu of the required park land dedication with the stipulation that their fees be waived. The motion passed by a vote of 5 - 1.

Approval Process:

City Code 10-12-3-11 provides for the Council to approve a request to pay fees in lieu of park land dedication. A public hearing is not required. The Code does not require a recommendation from the Parks & Recreation Commission. However, staff has made it a policy to bring these in-lieu requests to the Commission for a recommendation. At their September 13th meeting, the Commission recommended approval of the request with their fees being waived. City Council has also requested that the in lieu of requests be part of the Consent Calendar on the Council's agenda. Since this is the first time a developer has requested a waiver of their fees, staff felt it would be best for the Council to consider their request.

Budget Impact:

The developer has submitted the Twin Falls County Assessor's value for this property; the land is valued at \$98,786.41 per acre. The value of the land is added to the cost of developing an acre of park land (\$31,700), then multiplied by 0.02 to arrive at an in lieu payment amount of \$2,609.73.

Regulatory Impact:

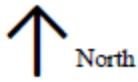
Approval of this request will allow the applicant to proceed with the development of this property without park land dedication.

Conclusion:

The Parks & Recreation Commission recommends that the City Council accept the developer's request to pay fees in lieu of park land dedication as part of the park ordinance and to waive those fees.

Attachments:

1. Area Map
2. Parks In Lieu Contribution Application
3. Preliminary Plat
4. City Parks & Recreation Facilities Map



Platinum Trio Subdivision



PARKS IN LIEU CONTRIBUTION APPLICATION

Subdivision Name: Platinum Trio
 Number of Dwelling Units/acres: 3 / .309 acres
 Developer: Habitat for Humanity of the Magic Valley
 Address/phone#: Linda Fleming W 235-1233 Cell 731-1334

Appraiser: Tom Records
 Address/phone #: _____

The following items shall be included with the parks in lieu contribution submittal prior to acceptance by the City Administrator. It is the responsibility of the developer to see that all required information is submitted to the city at the time of the application. Please read the application and decide which process you are going to use. The City of Twin Falls allows three different requests. Please mark an X by the method used.

- Have you talked to the parks department about the requirements?
- Enclosed is a copy of the appraiser's value for the land. Tom Records
- Enclosed copy of a bid/material costs to construct walking path/bike trail.
- I am requesting an in lieu of contribution in concept only. Will present final values at the time of the final plat application for approval.
- I am requesting an in lieu of contribution without walking/bicycle trails, using the following formula:
 - a. Determine the per acre appraised value of the land in the development. (L)
(See 10-12-3-11(F)). Appraisal value: (L) *98,786.41
 - b. The current park development cost is \$31,700 per acre. (P)
 - c. Total the number of household units in the development. (H) 2
only 2 new units

Note: Lots large enough for multi-family units will require a certification and supporting covenants addressing the developer's intent relative to the requirement for single family dwellings.

d. Use the contribution (C) formula: $C=(L+P)(H)(.01)$
 $C=(L+31,700)(H)(.01)$

Contribution Amount to be approved: 2609.73

- I am requesting an in Lieu of contribution with walking/bicycle trails, using the following formula:
 - a. Determine the per acre appraised value of the land in the development. (L)
(See 10-12-3-11(F).)
 - b. The current park development cost is \$31,700 per acre. (P)
 - c. Total the number of household units in the development. (H) _____

Note: Lots large enough for multi-family units will require a certification and supporting covenants addressing the developer's intent relative to the requirement for single family dwellings.

d. Use the following formula:

Land contribution portion:

- i. Appraisal value: (L) _____
- ii. Development costs for the walking/bicycle trail.
 1. Cost of land underneath the trail per square foot:
(A) _____
 2. Cost to develop the trail per square foot:
(B) _____
 3. Trail cost = (A + B) (total trail square footage):
Trail cost _____
 4. Land portion = (L)(H)(0.01) - (Trail cost):
Land portion _____

Note: Land portion cannot be less than 50% of (L)(H)(0.01).

Park improvement portion = (31,700) (H) (.01): _____

Land portion + park improvement portion = _____

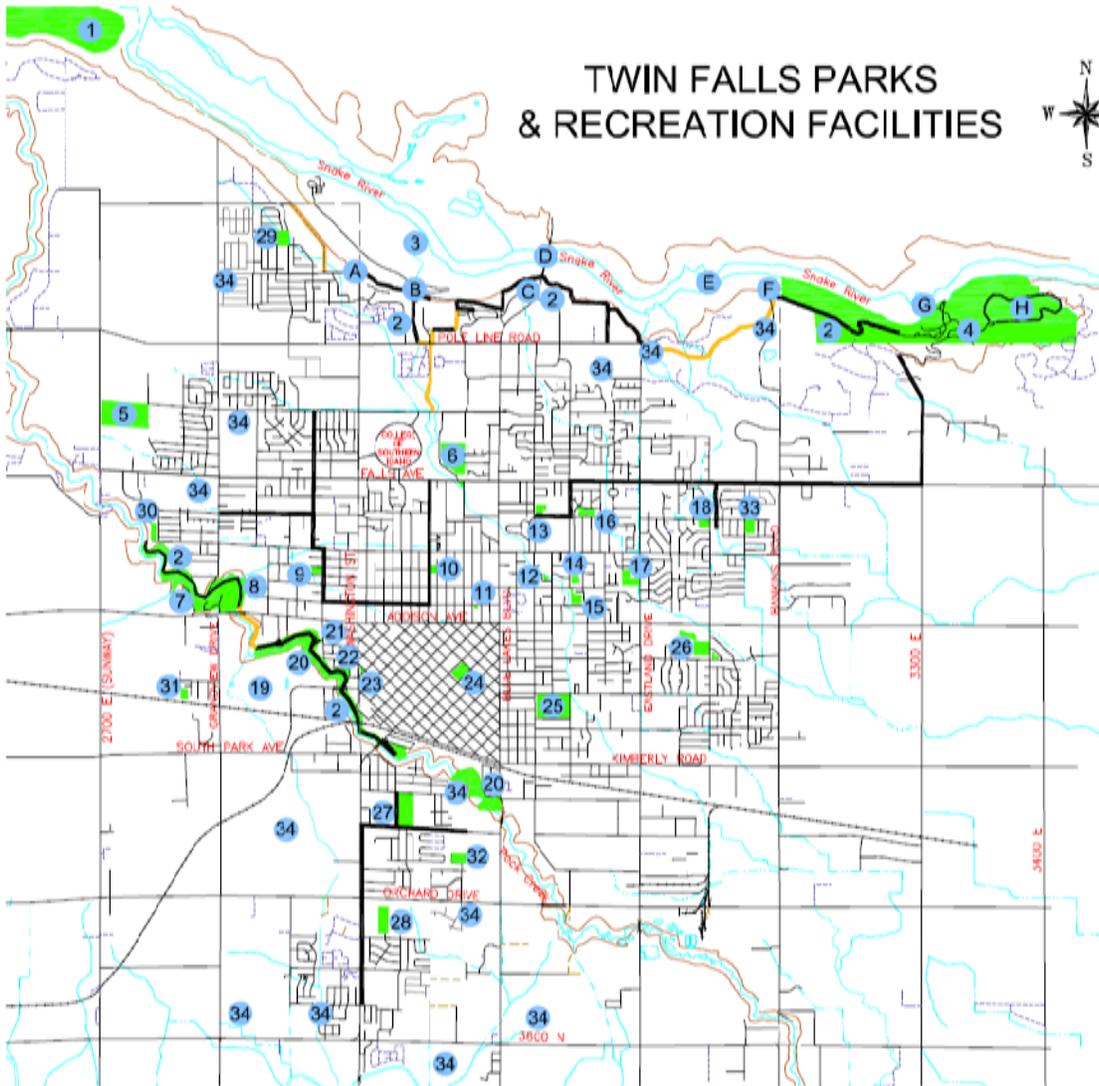
Contribution amount to be approved: _____

In lieu of contribution must be made prior to final plat recordation.

Date Submitted: _____
Application accepted by City Administrator _____

City Council Agenda: Date _____
Engineering approval _____

TWIN FALLS PARKS & RECREATION FACILITIES



- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Auger Falls 2. Canyon Rim Trails 3. Centennial Park (County owned) 4. Shoshone Falls & Dierkes Lake 5. Sunway Soccer Complex 6. Frontier Field 7. Rock Creek Park (County owned) 8. Boyd Property (Co-owned/undeveloped) 9. Harry Barry Park 10. Harrison Park 11. Pierce St. Tennis Court 12. Willow Lane Park 13. Swimming Pool & Sawtooth Softball Fields 14. Sunrise Park 15. Teton Park 16. Cascade Park 17. Ascension Park | <ol style="list-style-type: none"> 18. Jason's Woodland Hills Park 19. Twin Falls Golf Club 20. Rock Creek Canyon Parkway (City owned) 21. Blake St. Trailhead 22. Russet St. (Rock Creek Canyon Rim Property) 23. Drury Park 24. City Park 25. Harmon Park 26. Clyde Thomsen Park 27. Oregon Trail Youth Complex 28. Vista Bonita Park 29. Northern Ridge Park 30. Rock Creek Trails Estate Park 31. Fairway Estates Park 32. South Estates Park 33. Morning Sun Park 34. Future Parks |
|---|--|



Monday September 26, 2011 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Consideration of the request to schedule a public hearing date of October 10, 2011 to consider a proposal to increase fees at the Twin Falls Golf Club.

Time Estimate:

The staff presentation will take approximately 5 minutes. Following the presentation, we expect some time for questions and answers.

Background:

Staff was directed to have the Golf Advisory Commission along with our new PGA Pro Steve Meyerhoeffer to review the fees at the Twin Falls Golf Club.

The Golf Advisory Commission formed a sub-committee to review the fees at the golf course. The sub-committee along with PGA Golf Pro Steve Meyerhoeffer and his assistant Travis Hofland met to discuss fees. The sub-committee developed a policy that stated three issues:

- 1) Simplified the rates by reducing the number of categories
- 2) Same green fee rates on weekends as weekdays
- 3) The couple's (adult & senior) season pass is \$250 added on to a single's season pass.

The daily green fees and the season passes are the only fees that are proposed to change for the 2012 season. Of the eight proposed changes in the fees, two are being reduced, two are below a 5% increase, and the other four range from a 6.67% to a 10% increase.

Approval Process:

The City Council needs to set October 10, 2011 at 6:00pm as the date and time for the public hearing to consider the proposal to increase golf fees. An advertisement showing the current rates, the proposed rates, and the percentage increase for each will be placed in the Times-News on September 29th and October 6th. This satisfies the requirement to publish twice, seven days apart. Approval of this request will increase fees at the Twin Falls Golf Club.

Budget Impact:

Cost of publishing the notice in the paper.

Regulatory Impact:

None

Conclusion:

Staff recommends the City Council set October 10, 2011 at 6:00pm as the date and time for the public hearing to consider adopting the proposed fees changes recommended by the Golf Advisory Commission.

Attachments:

None



DATE: MONDAY -- SEPTEMBER 26, 2011

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Director

AGENDA ITEM II-

Request:

Consideration of adoption of one (1) ordinance(s) regarding a request for the annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North **AND** consideration of adoption of a PUD Agreement between the City of Twin Falls and the Twin Falls Reformed Church. c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app. 2458)

Ordinance # _____ PUD Agreement # _____

Time Estimate:

Staff presentation may be approximately two (2) minutes.

Approval Process:

State Code: Idaho Code 67-6509

City Code: Title 10; Chapter 14; Zoning Amendments

10-14-7: ACTION BY COUNCIL:

The Council, prior to adopting, revising or rejecting the amendment to this Title as recommended by the Commission shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the Council hearing, if said Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Council adopts the amendment.

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

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

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of this Title upon the preparation and passage of an ordinance. (Ord. 2012, 7-6-1981)

State Code: Idaho Code 50-222; Annexation by Cities

City Code: Title 10; Chapter 14; Annexation Regulations

10-15-2: PUBLIC HEARING:

(A) 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.

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. (Ord. 2550, 6-2-1997)

(C) The Council, prior to adoption, amendment or repeal of the plan or Zoning Ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as the Commission.

Following the hearing of the Council, if the Council makes a material change in the plan or zone, further notice and hearing shall be provided before the Council adopts the plan or zone.

(D) Concurrently or immediately following the adoption of an ordinance of annexation, the Council shall amend the planning and zoning regulations as shall be found to be necessary. (Ord. 2012, 7-6-1981)

Budget Impact:

Approval of this request will not impact the City budget.

Regulatory Impact:

The Council's adoption of the ordinance(s) will allow the property to be developed as approved.

History:

On **August 1, 2011** the City Council approved a request for annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on 22 +/- acres located at 1631 Grandview Drive North, as presented, by a unanimous vote subject to the following conditions:

1. Subject to amendments as required by Building, Fire, and Engineering & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the elimination of the permitted and special uses listed under "Medical Facilities" in the PUD Agreement and removal of "Motels and transient hotels" as permitted residential uses in the PUD Agreement Exhibit "C".
3. Subject to dedication of half of Cheney Drive West when directed by the Engineering Department or upon platting.
4. Subject to recordation of a PUD Agreement, as approved by the City Council.
5. Subject to the lateral on the south and west of the property being maintained and any development or alteration being reviewed and approved by the Twin Falls Canal Company.

Analysis:

The ordinance and the PUD Agreement have been prepared as directed by the Council and are recommended for adoption as submitted.

Conclusion:

Staff recommends that the Council adopt the attached ordinance and PUD Agreement as submitted.

Attachments:

1. Ordinance
2. PUD Agreement
3. Portion of the August 01, 2011 City Council minutes

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ANNEXING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFOR, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

WHEREAS, Twin Falls Reformed Church, c/o Mike Smit, has made application for annexation of property located at 1631 Grandview Drive North; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 14th day of June, 2011, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

WHEREAS, on June 14, 2011 the City Planning and Zoning Commission has made recommendations known to the City Council for Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 1st day of August, 2011, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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

SECTION 1. The following described real property be and the same is hereby annexed into and declared to be a part of the City of Twin Falls, Idaho:

SEE ATTACHMENT "A"

AND all public streets, highways, alleys and public rights-of-way adjacent and within this description.

SECTION 2. The real property described in Section 1 hereof be and the same is hereby zoned C-1 PUD.

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

SECTION 4. The Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the newly incorporated real property as hereby zoned.

SECTION 5. The City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL , 20____

SIGNED BY THE MAYOR , 20____

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, , 20____

ATTACHMENT "A"

A parcel of land located in a portion of Government Lot 1 of Section 6, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the Northeast corner of said Section 6. Thence, South 00°11'02" West 614.93 feet along the East boundary of Section 6. Thence, North 88°07'12" West 40.02 feet to a point on the West right of way of Grandview Drive North being the REAL POINT OF BEGINNING.

THENCE North 88°07'12" West 624.02 feet along the South boundary of the North half of the East half of Government Lot 1 to the Southwest corner thereof;

THENCE South 00°05'59" West 602.13 feet along the West boundary of the South half of the East half of Government Lot 1 to the Southwest corner thereof;

THENCE North 87°00'44" West 663.66 feet along the South boundary of the West half of Government Lot 1 to the Southwest corner thereof;

THENCE North 00°00'31" East 1,000.19 feet along the West boundary of the West half of Government Lot 1 to a point on the Southerly right of way of Highway Project DHP-NH-F-2390 (104);

THENCE South 89°13'35" East 553.97 feet along said right of way;

THENCE North 01°12'34" East 30.84 feet along said right of way;

THENCE South 89°13'35" East 734.34 feet along said right of way;

THENCE South 00°11'02" West 466.57 feet along the West right of way of Grandview Drive North to the REAL POINT OF BEGINNING.

Containing approximately 22.11 acres.

TWIN FALLS REFORMED CHURCH PUD

C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into the ____ day of _____, 2011 by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and Twin Falls Reformed Church, Inc., (hereinafter called "Developers"), whose address is 1631 Grandview Drive North, Twin Falls, Idaho 83301.

RECITALS

WHEREAS, Twin Falls Reformed Church, Inc., (hereinafter included in reference to "Owners" or "Developers"), are the equitable title holder to certain tracts of land in the City of Twin Falls, State of Idaho, all parcels are more particularly described in "Exhibit A", and attached hereto. The subject land is located 1631 Grandview Drive North, Twin Falls, Idaho 83301 (hereinafter "Property"); and

WHEREAS, Developers intend to develop and/or sell all or portions of the Property from time to time; and;

WHEREAS, Developers have made request of the City of Twin Falls to annex into the City limits and to develop all or portions of the Property, as described in "Exhibit A", as a C-1 Planned Unit Development ("Project") and have submitted to the City a Master Development Plan thereof, attached hereto as "Exhibit B", which has been recommended for approval for development as a "C-1PUD" by the Planning and Zoning Commission on June 14, 2011, as presented and subject to five (5) conditions, and approved by the City Council on August 1, 2011, as presented and subject to the following conditions:

- 1) Subject to amendments as required by Building, Fire, and Engineering & Zoning Officials to ensure all applicable City Code requirements and standards,
- 2) Subject to the eliminations of the permitted and special uses listed under "medical Facilities" in the PUD Agreement and removal of "Motels and Transient Hotels" as permitted residential uses in the PUD Agreement, Exhibit "C".
- 3) Subject to dedication of half of Cheney Drive West when directed by the Engineering Department or upon platting,
- 4) Subject to recordation of a PUD Agreement, as approved by the City Council,
- 5) Subject to the lateral on the south and west of the property being maintained and any development or alteration being reviewed and approved by the Twin Falls Canal Company; and

WHEREAS, City, by and through its City Council, has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developers and City agree as follows:

1. **NATURE OF THE AGREEMENT.** This Agreement shall become part of the C-1 PUD zone with respect to the Property upon its full execution and recording. Developers, Owners, and their assigns or successors in interest, as well as City and its assigns and successors (if any), shall be bound by the terms and conditions contained herein.

2. **NATURE OF THE DEVELOPMENT.** It is agreed by the parties hereto that certain language and requirements pertaining to the "C-1PUD" zone shall be interpreted as follows:
 - A. **USES.** Shall be limited to those uses allowed and attached hereto as "Exhibit C".

 - B. **BUILDING SIZE.** There is no limitation to building size provided buildings conform to the International Building Code.

 - C. **HOURS OF OPERATION.** There shall be no restriction to hours of operation for any building or use.

 - D. **PHASING OF DEVELOPMENT.** Developers shall be permitted to develop the Property in phases, provided those phases are in compliance with the Master Development Plan, the PUD Agreement and an approved preliminary/final plat, if property is platted. Approval for each phase may be

obtained by submission to the City Engineer of technically correct designs and improvement plans for necessary construction. The designation and location of specific uses and buildings on the Master Development Plan are conceptual and minor changes therefrom shall not provide basis for disapproval. There shall be no minimum and a maximum time limit of three (3) years between completion of any phase and commencement of the next phase.

3. STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS. Developers shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property and adjacent right-of-ways (hereinafter "Improvements") as described herein in accordance with City standards.

- A. EXISTING IMPROVEMENTS.

1. City acknowledges that no further improvements to Pole Line Road West or Grandview Drive North will be required as part of improvement, expansion or further development of the property.
2. Developer acknowledges that the lateral on the south and west of the property is to be maintained by developer and any development or alteration is to be reviewed and approved by the Twin Falls Canal Company.

- B. IMPROVEMENT PLANS. Developers shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for that development phase, showing all Improvements contemplated within that phase of the development (hereinafter "Improvement Plans"). The Improvement Plans and all improvements shown thereon shall meet with the approval of the City, which approval shall be given if such plans conform with established City requirements, the Master Development Plan and this PUD Agreement.

- C. IMPROVEMENTS DESIGN AND CONSTRUCTION. Developers, at its expense, shall cause all improvements shown on the Improvement Plan to be designed, constructed and installed, in accordance with the Improvement Plans. Notwithstanding the foregoing, nothing in this Agreement shall prohibit City, State, or Federal participation in the cost or financing of improvements on the Property if mutually agreed by the parties hereto.
- D. PHASED CONSTRUCTION. Developers may install the Improvements all at once or in phases. Developers shall provide the City with written notification of which phase it intends to develop, when and of what portion, or portions, of said Improvements it intends to complete at the time; and agree to make such modifications and/or construct any temporary facilities necessitated by such phased construction work as shall be required and approved by the City, which approval shall not be unreasonably withheld.
- E. CONSTRUCTION SUPERVISION. Developers shall use a qualified construction engineer or supervisor to supervise the construction inspection and testing of the work, as necessary, to ensure that all such Improvements are constructed in accordance with the approved Improvement Plans.
- F. NONCOMPLIANCE. In the event any of the requirements with regard to the installation of said Improvements are not complied with, the City shall give written notice to Developers of said non-compliance. Within thirty (30) days of the receipt of notice (or, in the case of non-compliance that will take in excess of thirty (30) days to cure, Developers shall commence to cure within thirty (30) days of receipt of notice and diligently pursue the same to completion.) In the event Developers fail to cure said non-compliance in the manner set forth herein above, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within that phase of such "PUD" until such time as all requirements specified in Section 3 have been complied with; PROVIDED, HOWEVER, Developers

shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in the paragraph, and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued. The City Council shall then in good faith and in an objective manner decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.

G. FEES. Developers shall pay, or cause to be paid, to City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable city ordinances and resolutions.

H. DEDICATION OF IMPROVEMENTS.

1. Developer to dedicate half of Cheney Drive West road right-of-way when directed by the Engineering Department or upon platting, whichever occurs first.

2. City hereby agrees to accept maintenance and responsibility of the public improvements upon their completion to City standards in accordance with current City policy.

4. PLATS. Other than for specific uses owned and operated by and for the Church, Developers agree to file with City a preliminary plat, prepared by a registered professional engineer, of the real property, which is the subject of this Agreement. Final plats for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-way the City agrees to accept herein and in the Standard Developers Agreement. It is agreed that said plats and any amendments thereto must first be approved by City. Any specific use for and by the Church, such as facility expansion, shall be done by submission of

application and plans for building permit only.

5. INDIVIDUAL PARCEL DEVELOPMENT CRITERIA. The Property or any portion thereof shall be developed in accordance with criteria set forth in Section 5.
 - A. APPROVAL AND CONSTRUCTION. All Improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, which drawings and specifications shall first be approved by City and meet City standards, which approval shall not be unreasonably withheld.
 - B. BUILDING SETBACKS. All buildings on the Property are to be constructed with minimum setbacks in conformance with the setback requirements of the underlying "C-1" zone and the centerline setbacks of City Code Section 10-7-6 and/or the Twin Falls Master Transportation Plan , whichever is greater.
 - C. LANDSCAPING AND PLANTING. Landscaping buffer along bordering and interior streets shall be required to be installed on each parcel of the Property and in the public right-of-way adjacent thereto at the time site and building improvements are completed thereon. Such landscaped buffer shall be installed from the back of the curb in the public right-of-way and shall be extended to the dimensions set forth below.
 1. A 35-foot wide landscape buffer including sidewalk, measured from the back of the curb, will be constructed along any major arterial street.
 2. A 20 foot wide landscaped buffer including sidewalk measured from the back of the curb shall be provided along all interior streets, public and/or private or as per City Code, whichever is greater.

3. The developer will be responsible for the maintenance of all landscaping and common parking areas, if any, and enforcement of project covenants.
4. Each property will be required to meet the minimum requirements of City Code onsite to include adjacent landscape buffers in addition to the Master Development Plan. All landscaping shall be installed in conformance with the project Master Landscaping Plan. All landscaping maintenance will be in a uniform manner.
5. The property landscaping will utilize a city pressure irrigation system constructed in compliance with applicable standards.

D. LANDSCAPING PLAN. For each buffer area, as per 5C above, at the time of development, each parcel shall be landscaped to include the following:

1. Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height. The landscape buffer shall be planted with 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 fifty percent (50%) of the shrubs and trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from the groups last approved by the Tree Commission through its Tree Selection Guide. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet (4') when planted.
2. The use of planters and landscaped islands within parking lots will be used to reduce visual impact of large paved areas and these shall be

planted with shade trees and shrubbery. Any area adjacent to residential areas shall be landscaped with coniferous and deciduous trees and/or solid fencing with shrubs, berms, wall and/or planter boxes to create a dense buffer in a relatively short period of time. In all cases landscaping will meet or exceed the minimum requirements of the City of Twin Falls Zoning and Subdivision Regulations. There shall be a minimum 6-foot screening fence adjacent to all residential properties, unless waived by the neighboring property owner.

3. Nothing herein shall preclude the City from evaluating the landscape on a project basis when such evaluation can be shown to provide a more uniform and aesthetically desirable landscaping.

E. **BUILDING STANDARDS.** Buildings and improvements shall comply with the following standards.

1. **ARCHITECTURAL STANDARDS.** All buildings shall be constructed of architectural masonry, stone, stucco, or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces. Building parapets shall be designed to preclude roof top mechanical equipment from being observed from adjacent streets or residential properties. Where building parapets cannot effectively screen roof top equipment the equipment shall be screened with equipment obscuring screens constructed of material of a color and texture to minimize observation. Basic building colors shall be neutral earth tones.
2. **BUILDING SITING.** Buildings will be located in a manner that optimizes the appearance of the building to adjacent streets and other public areas. Where possible, buildings shall be utilized to screen or break up large parking areas. Buildings shall also be located in a

manner that preserves, to the extent possible, the aesthetics and appearance of existing buildings. All building lighting shall be located in soffit areas or shielded to preclude the light source from being seen from adjacent properties or any residential areas.

3. BUILDING LANDSCAPING. Building plans shall include detailed landscape plans. The landscaping shall be designed to complement the building, and provide further screening for large uniform building surfaces.

- F. OUTSIDE STORAGE/LOADING DOCKS. Loading docks, trash containers and such facilities shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or fencing. No outside storage yards will be allowed.

- G. UTILITIES. All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material.

- H. HEIGHT LIMITATIONS. No structure shall be higher than 35 feet, or as per City Code. Architectural features and equipment screens may exceed 35 feet.

- I. SIGN PLAN. Each property will be required to meet the minimum requirements of current City Code 10-9 Sign Regulations or as amended.

- J. ILLUMINATION. Exterior lighting shall be shielded to preclude the light source being visible from the adjacent properties.

- K. DRAINAGE. Storm water from the development shall be retained as

required in current City Ordinances and regulations. Facilities to retain storm water shall be designed, constructed, and maintained by the property owner.

- L. PEDESTRIAN IMPROVEMENTS. The Developers will provide pedestrian and bicycle access from and to the perimeter public sidewalk. The walkways are to be distinguished from driving surfaces through the use of special pavers, bricks or scored concrete to enhance pedestrian safety.
 - M. CODES. All construction on the Property shall be to the standards established by applicable codes.
 - N. CONTROL DURING DEVELOPMENT OF INDIVIDUAL PARCELS. Developers shall maintain control during development of the Property or any part thereof, through the use of deed restrictions to be recorded setting forth the required development criteria contained herein.
 - O. ACCESSES. Developers and subsequent property owners agree to limit the number of accesses on Grandview Drive North to what is currently developed; 1 main access and 1 fire access and the number of accesses on Pole Line Road West to what is currently developed.
6. STANDARD DEVELOPERS' AGREEMENT. It is understood and agreed by the parties hereto that the Developers shall execute a Developer's Agreement with the City of Twin Falls upon further development of the property.
7. GENERAL PROVISIONS.
- A. COOPERATION. The parties hereto agree to cooperate each with the other. Developers shall submit to the City all plans, specifications, and working drawings required by the City.
 - B. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement

between the parties concerning the property and improvements described herein, and no amendment or modification to this Agreement shall be valid or effective unless reduced to writing and signed by the parties.

- C. APPLICABLE LAW. This Agreement shall be construed in accordance with the laws of the State of Idaho.
- D. NOTICES. If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at his address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if property addressed, stamped and sent with "Return Receipt Requested." On the date of the Agreement, the addresses of the parties are as follows:
- DEVELOPERS: Twin Falls Reformed Church, Inc.
1631 Grandview Drive North
Twin Falls, ID 83301
- CITY: City of Twin Falls
P. O. Box 1907
321 Second Avenue East
Twin Falls, ID 83303-1907
- E. SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto.
- G. SEVERABILITY. In the event any portion of the Agreement is declared by a court of competent jurisdiction to be invalid, illegal or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining portions shall not be affected thereby.
- H. SIGNATORIES. Each of the persons executing this Agreement hereby represents and warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing and that this Agreement is binding on, and enforceable against, such entity.

- I. EFFECTIVE DATE. This "PUD" Agreement shall become valid and binding only upon its approval by the City, through its City Council, and upon its execution by the Mayor and Developers.
- J. ATTORNEY FEES. In the event that either party should be required to retain an attorney because of the default or breach of the other or to pursue any other remedy provided by law, that party which prevails in any litigation shall be entitled to a reasonable attorney's fee.
- K. CONSTRUCTION. Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly constructed against one party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that both parties have participated in the preparation hereof.
- L. ATTACHMENTS. All attachments to this Agreement and recitals are incorporated herein and made a part hereof as if set forth in full.
- M. CAPTIONS. The captions, section and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this Agreement.

CITY OF TWIN FALLS

By _____
Mayor

DEVELOPERS

Twin Falls Reformed Church Representative

STATE OF _____)
) ss.
County of _____)

On this _____ day of _____, 2011, before me, a notary public in and for said County and State, personally appeared **Don Hall, Mayor of Twin Falls**, known or identified to me to be the individual whose name is subscribed to the within instrument on behalf of said City of Twin Falls, and acknowledged to me that he executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)
) ss.
County of _____)

On this _____ day of _____, 2011, before me, a notary public in and for said County and State, personally appeared _____, known or identified to me to be the President of Twin Falls Reformed Church, Inc., an Idaho Corporation, and that the within instrument was executed him, for and on behalf of said corporation and acknowledged to me that such corporation executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing at: _____
My Commission Expires: _____

“EXHIBIT A”

A parcel of land located in a portion of Government Lot 1 of Section 6, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the Northeast corner of said Section 6. Thence, South 00°11'02" West 614.93 feet along the East boundary of Section 6. Thence, North 88°07'12" West 40.02 feet to a point on the West right of way of Grandview Drive North being the REAL POINT OF BEGINNING.

THENCE North 88°07'12" West 624.02 feet along the South boundary of the North half of the East half of Government Lot 1 to the Southwest corner thereof;

THENCE South 00°05'59" West 602.13 feet along the West boundary of the South half of the East half of Government Lot 1 to the Southwest corner thereof;

THENCE North 87°00'44" West 663.66 feet along the South boundary of the West half of Government Lot 1 to the Southwest corner thereof;

THENCE North 00°00'31" East 1,000.19 feet along the West boundary of the West half of Government Lot 1 to a point on the Southerly right of way of Highway Project DHP-NH-F-2390 (104);

THENCE South 89°13'35" East 553.97 feet along said right of way;

THENCE North 01°12'34" East 30.84 feet along said right of way;

THENCE South 89°13'35" East 734.34 feet along said right of way;

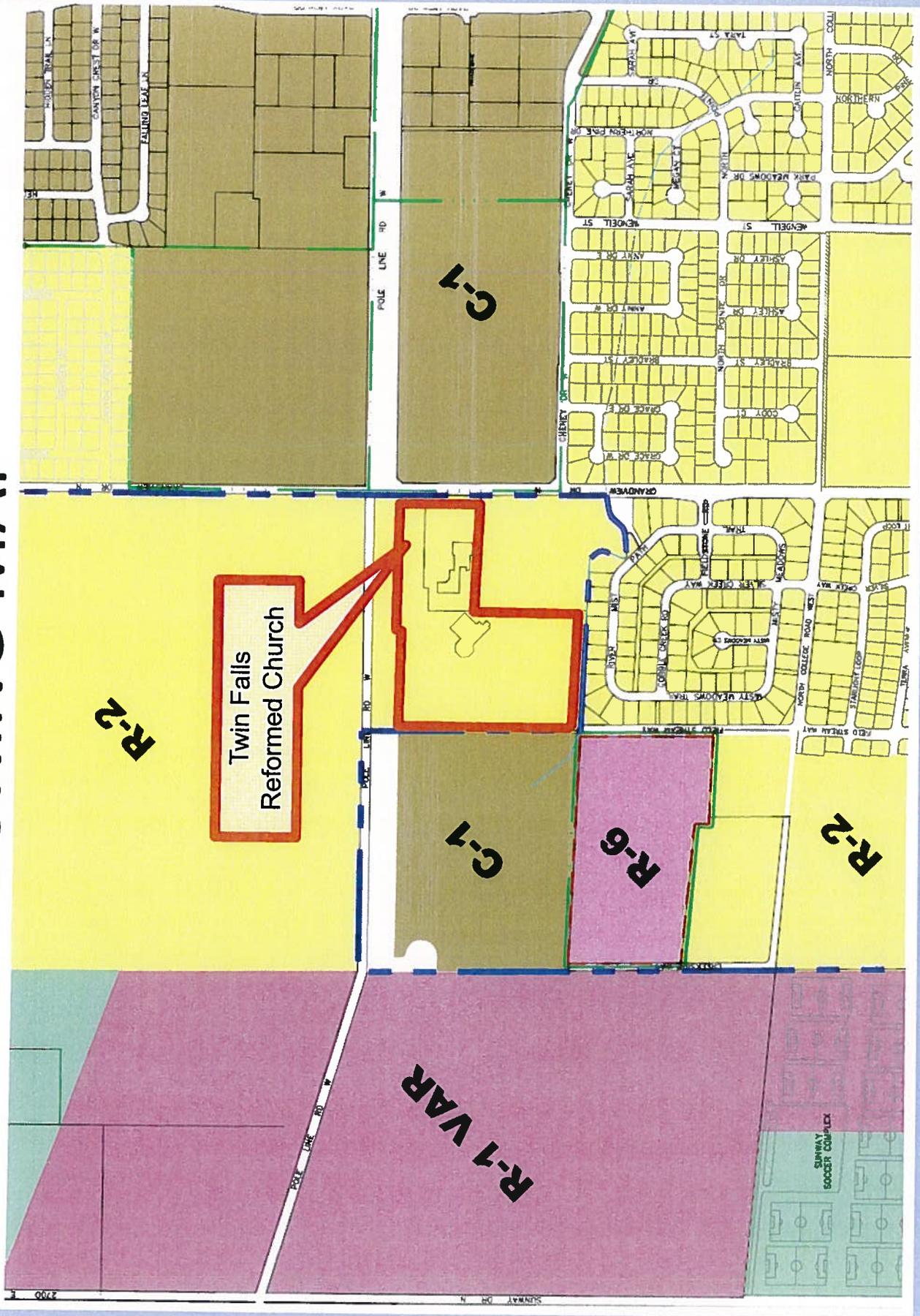
THENCE South 00°11'02" West 466.57 feet along the West right of way of Grandview Drive North to the REAL POINT OF BEGINNING.

Containing approximately 22.11 acres.

“EXHIBIT B” (1-6)

MASTER DEVELOPMENT PLAN

ZONING MAP



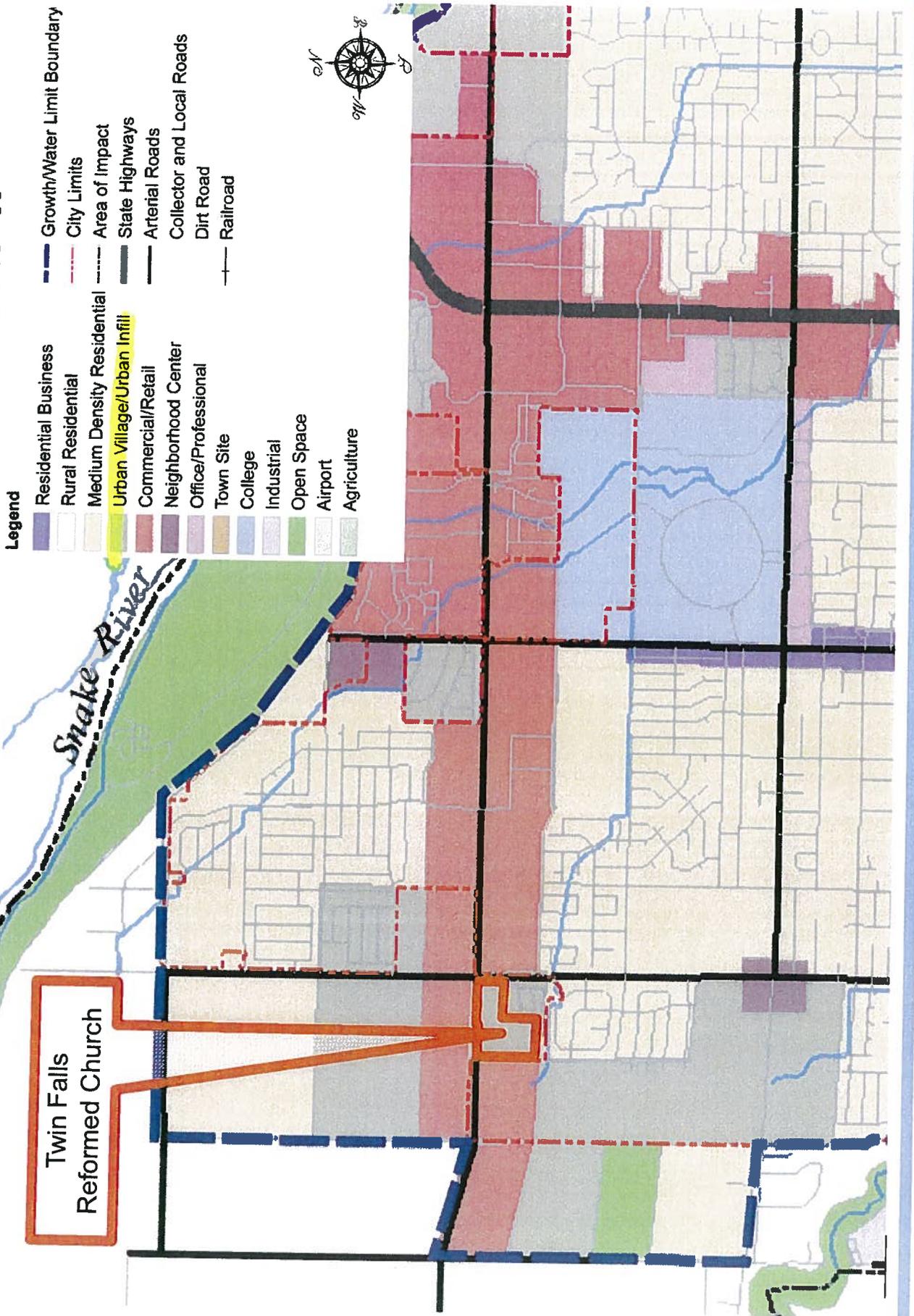
Master Development Plan B-1

AERIAL MAP

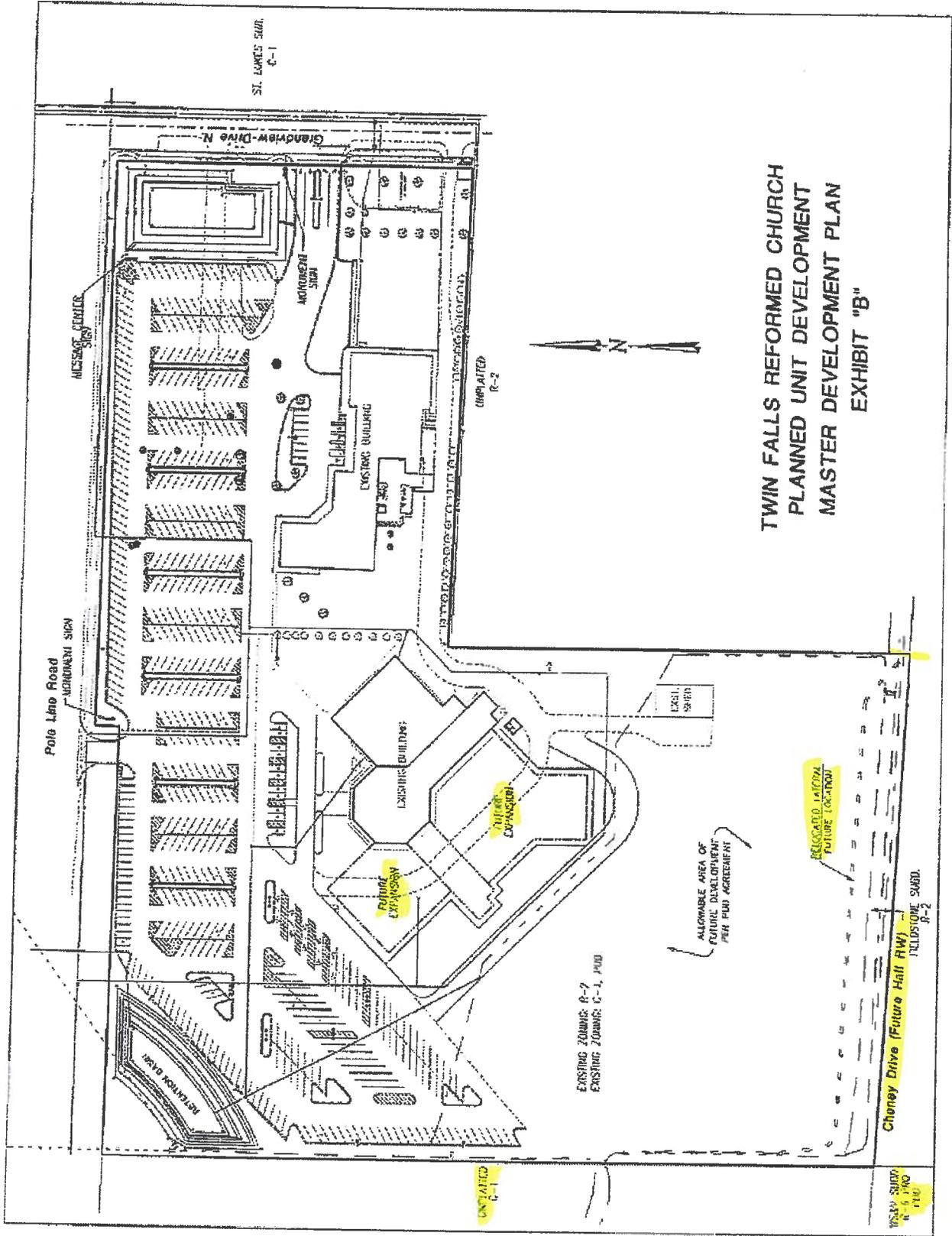


Master Development Plan B-2

LONG RANGE LAND USE MAP

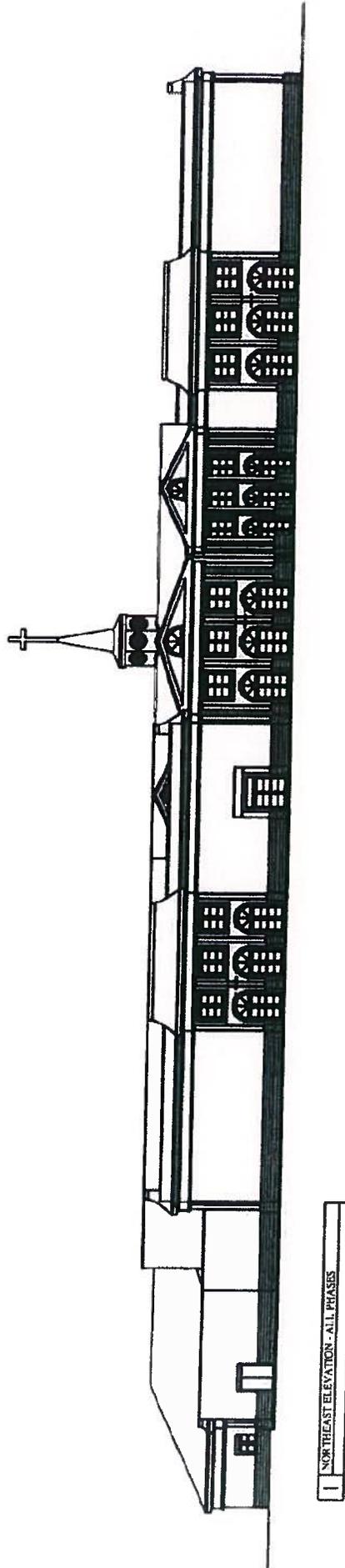


Master Development Plan B-3



TWIN FALLS REFORMED CHURCH
 PLANNED UNIT DEVELOPMENT
 MASTER DEVELOPMENT PLAN
 EXHIBIT "B"

Master Development Plan B-4



NORTHEAST ELEVATION - ALL PHASES

Master Development Plan B-5 Elevations

“EXHIBIT C”

PURPOSE:

This district is intended for areas within the existing City Limits on sites that are surrounded by built-up areas and which are generally smaller than land located on the outskirts of the community. Instead of being developed with single-family homes or similar homogenous uses, a mixed-use profile is envisioned, incorporating a range of residential uses and densities, in addition to commercial and community uses which support urban lifestyles. Mixed uses could be both vertical and horizontal, depending on the design qualities of each specific project.

USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
2. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
3. Governmental Facilities:
 - a. Governmental office buildings.
4. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Private parks and playgrounds with crowd attracting facilities associated with uses within the PUD.
5. Public Assembly:
 - a. Auditoriums.
 - b. Funeral chapels.
 - c. Religious facilities.
 - d. Schools - private, single purpose.
 - e. Schools - private, vocational and/or academic.
 - f. Theaters - indoor.
6. Residential:
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses and in conjunction with a Parsonage.
 - b. Parsonage that may include 6a
 - c. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
 - d. Household units in upper floor of commercial or professional buildings.

7. Retail Trade:
 - a. Bookstore.
 - b. Craft shop, in conjunction with retail business.
 - c. Eating places.
 - d. Florist shop.
 - e. Ice cream store.
 - f. Music store.

8. Services:
 - a. Beauty and barber shops.
 - b. Business associations.
 - c. Copy center - self-service.
 - d. Daycare services.
 - e. Duplicating and stenographic offices.
 - f. Finance and investment offices.
 - g. Professional services.
 - h. Welfare and charitable facilities.

12. Transportation:
 - a. Bus facilities, including pick up shelters.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications and utilities:
 - a. Radio and television stations with wireless communications facilities over thirty-five feet (35') tall and associated with onsite religious facility.
2. Manufacturing:
 - a. Handcrafted furniture.
3. Miscellaneous:
 - a. Any facility with drive-through service.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection [10-17-1\(F\)](#) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

COUNCIL MEMBERS:

LANCE	TRIP	DON	DAVID E.	WILLIAM A.	GREG	REBECCA
CLOW	CRAIG	HALL	JOHNSON	KEZELE	LANTING	MILLS SOJKA
		<i>Mayor</i>			<i>Vice Mayor</i>	



Minutes
Twin Falls City Council
August 1, 2011
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

5:00 P.M.

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

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for July 26 – August 1, 2011. 2. Consideration of the July 18, 2011, Minutes. 3. Consideration of a request from Kyle Tarbet and the Twin Falls Area Chamber of Commerce to approve the 2 nd Annual Great Cardboard Boat Regatta to be held at Dierkes Lake and Park on August 20, 2011. 4. Consideration of the Final Plat of K & L Subdivision, 0.653 (+/-) acres consisting of three residential lots and located at 776 Sparks Street North, c/o EHM Engineers/Gerald Martens on behalf of LAD Enterprises. 5. Consideration of the final plat for Eastridge Condominium Association Subdivision – a portion of Eastridge Professional Subdivision – a PUD, consisting of two condominium units of an existing professional office building located at 1186 Eastridge Drive North, Lot 2, Block 2, Eastridge Professional Subdivision, a PUD, c/o John Root/All Point Land Surveying. 6. Consideration of a request to approve an Improvement Agreement for Settler's Ridge No. 2, Phase 4A. 7. Consideration of a request to accept a public easement located in Lots 27 and 28, Block 13, Canyon Trails Subdivision No. 10. 8. Consideration of a request to accept Tracts A and B, Block 1, Settler's Ridge No. 3 Subdivision. 9. Findings of Fact, Conclusions of Law, and Decision: a) Final Plat for Canyon Villas Subdivision c/o EHM Engineers, Inc. b) Vacation for The Edmunds Group, LLC c/o EHM Engineers, Inc.	<u>Action</u>	Staff Report Sharon Bryan L. Sanchez Dan McAtee Mitch Humble Mitch Humble Troy Vitek. Troy Vitek Troy Vitek Mitch Humble
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to construct the Falls and Eastland intersection in accordance with Alternate B and execute a Development Agreement with Amazing Grace Fellowship to accept the right of way to construct the work. 2. Consideration of a request to adopt Resolution No. 1870 and authorize the Mayor to sign a Cooperative Agreement with ITD, associated with the encroachment permit on US-30 Kimberly Road. 3. Consideration of an Amendment to PUD Agreement #229 between the City of Twin Falls and Canyon Properties, LLC. 4. Consideration of adoption of Ordinance 3007 regarding a request for the vacation of 15'x109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2247). 5. Adoption of the Preliminary Budget for the City of Twin Falls and set August 15, 2011 at 6:00 p.m. as the date and time for the public budget hearing. 6. Public input and/or items from the City Manager and City Council.	Action Action Action Action Action	Lee Glaesemann Jackie Fields Mitch Humble Mitch Humble Travis Rothweiler
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 1. For annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North, c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app.2458)	Public Hearing	Mitch Humble
V. <u>ADJOURNMENT:</u>		

***Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.**

Present: Lance Clow, Trip Craig, Don Hall via telephone, Rebecca Mills Sojka, William Kezele, Gregory Lanting

Absent: David E. Johnson

Staff Present: City Manager Travis Rothweiler, Community Development Director Mitch Humble, Chief Finance Director Lorie Race, Budget Coordinator Darren Huber, Staff Engineer Lee Glaesemann, City Engineer Jacqueline Fields, Staff Sergeant Dan McAtee, Deputy City Clerk/ Recording Secretary Leila A. Sanchez

Vice Mayor Lanting called the meeting to order at 5:03 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present and Vice Mayor Lanting introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

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

MOTION:

Councilperson Kezele made the motion to add the Executive Session 67-2345(1)(c) to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

PROCLAMATIONS: None.

AGENDA ITEMS

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00

1. For annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North, c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app.2458)

Mike Smit, applicant, explained the request.

Community Development Director Humble stated that on June 14, 2011, the Planning & Zoning Commission unanimously recommended the requested zoning of C-1 PUD as an appropriate zoning designation and determined it was consistent with the Comprehensive Plan, as presented subject to the following conditions:

1. Subject to amendments as required by Building, Fire, and Engineering & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the elimination of the permitted and special uses listed under "Medical Facilities" in the PUD Agreement and removal of "Motels and transient hotels" as permitted residential uses in the PUD Agreement Exhibit "C".
3. Subject to dedication of half of Cheney Drive West when directed by the Engineering Department or upon platting.
4. Subject to recordation of a PUD Agreement, as approved by the City Council.
5. Subject to the lateral on the south and west of the property being maintained and any development or alteration being reviewed and approved by the Twin Falls Canal Company.

Brad Wills, Wills Inc., 222 Shoshone, submitted a memo for the record, indicating he is in favor of the request.

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

MOTION:

Councilperson Mills Sojka made the motion to approve the annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North, c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app.2458), as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Fire, and Engineering & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the elimination of the permitted and special uses listed under "Medical Facilities" in the PUD Agreement and removal of "Motels and transient hotels" as permitted residential uses in the PUD Agreement Exhibit "C".
3. Subject to dedication of half of Cheney Drive West when directed by the Engineering Department or upon platting.
4. Subject to recordation of a PUD Agreement, as approved by the City Council.
5. Subject to the lateral on the south and west of the property being maintained and any development or alteration being reviewed and approved by the Twin Falls Canal Company.

The motion was seconded by Councilperson Craig and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.



Date: Monday, September 26, 2011
To: Honorable Mayor and City Council
From: Darren Huber, Budget Coordinator

Request:

Amendment of the Fiscal Year 2010-11 Budget.

Time Estimate:

City Staff will provide a brief presentation. The staff presentation will take approximately 10 minutes, plus any additional time needed to address questions presented by Council members.

Background:

This is an end of the fiscal year formality to ensure compliance with the Appropriations Ordinance passed for the current fiscal year. All of the expenditures have been previously reviewed and approved by Council.

Approval Process:

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

Budget Impact:

Appropriations ordinance No. 2990 needs to be amended by \$14,529,776. The following lists the expenditures and sources of revenue. Of these amounts there are no additional costs for the City taxpayers to bear.

<u>Fund:</u>	<u>Expense:</u>	<u>Revenue Source:</u>
Historic Preservation Committee:		
Design Guidelines for Historic Warehouse District	\$6,000	Federal Grants
Golf Fund		
Kitchen Equipment items, repairs and maintenance	\$30,000	Transfer from Capital Improvement
Library Fund		
Capital Projects	\$183,500	Transfer from Capital Improvement
ICDBG Fund		
3rd Ave Parking, Curb, Gutter	\$332,783	State Grant
Park Development Fund		
Restroom at Sunway Soccer Complex	\$131,047	Reserves from Fund (In Lieu of Fees)
Firework Fund		
Fireworks	\$9,689	Transfer from Capital Improvement
Airport Construction Fund		
FAA Projects	\$302,200	Federal Grants
Water Fund		
Arsenic Compliance	\$13,214,557	Reserves From Fund
Sanitation Fund		
Recycling	\$320,000	Reserves From Fund
2010- 2011 Budget Amendment Total	\$14,529,776	

Regulatory Impact:

Section 50-1002 of the Idaho Code states "The city council of any city may, by the same procedure as used in adopting the original appropriation ordinance at any time during the current fiscal year, amend the appropriation ordinance to a greater amount than that adopted, if after the adoption of the appropriation ordinance, additional revenue will accrue to the city during the current fiscal year as a result of increase in state or federal grants or allocations, or as a result of an increase in an enterprise fund or funds to finance the operation and maintenance of governmental facilities and services which are entirely or predominantly self-supporting by user charges, or as a result of an increase in revenues from any source other than ad valorem tax revenues.

Conclusion:

For compliance with state code the City Staff recommends the budget amendment of the Fiscal Year 2010-11 as presented.

Attachments:

1. Proposed Ordinance

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO, AMENDING ORDINANCE NO. 2990, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011; APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF TWIN FALLS, IDAHO, IN THE SUM OF \$14,529,776; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Ordinance No. **XXXX**, the appropriation ordinance for the City of Twin Falls, Idaho, for the fiscal year commencing October 1, 2010, and ending September 30, 2011, be and the same is hereby amended as follows:

That the additional sum of \$14,529,776 be appropriated out of the following revenues:

Historic Preservation Committee – Grant	\$6,000
Golf Fund – Transfer from Capital Improvement Fund	\$30,000
Library Fund – Transfer from Capital Improvement Fund	\$183,500
ICDBG Fund – Grant	\$332,783
Park Development Fund – Reserves	\$131,047
Firework Fund – Transfer from Capital Improvement	\$9,689
Airport Construction Fund – Grants	\$302,200
Water Fund – Reserves	\$13,214,557
Sanitation Fund – Reserves	\$320,000
TOTAL Revenues	\$14,529,776

That the expenditures to be paid by these funds are as follows:

Historic Preservation Committee – Historic Warehouse District Design	\$6,000
Golf Fund – Kitchen Equipment, Repairs & Maintenance	\$30,000
Library Fund – Capital Projects	\$183,500
ICDBG Fund – 3 rd Ave Parking, Curb, Gutter	\$332,783
Park Development Fund – Restroom at Sunway Soccer Complex	\$131,047
Firework Fund – Fireworks	\$9,869
Airport Construction Fund – FAA Projects	\$302,200
Water Fund – Arsenic Compliance	\$13,214,557
Sanitation Fund – Recycling	\$320,000
TOTAL Expenditures	\$14,529,776

SECTION 2. This ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL

September 26, 2011

SIGNED BY THE MAYOR

September 26, 2011

Mayor Don Hall

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, September 29, 2011



September 26, 2011 City Council Meeting

To: Honorable Mayor Hall and City Council Members

From: Lorie Race, Finance Director

Request:

This is a request for your consideration to adopt the Utility Rate Resolution for fiscal year 2011-2012, following a public hearing to increase:

- 1.) Water rates
- 2.) Sewer rates
- 3.) Garbage collection fees.

The public hearing needs to include these proposed increases, as these fees could be increasing by more than 105% of the last fee collected.

Time Estimate: Approximately 10 minutes.

Background:

- 1.) Water Fund:

The revenue shortfall in the Water Fund for FY 2011 is estimated to be around \$400,000. This is after a 2.5% rate adjustment last year. During the current fiscal year, we monitored revenues very closely. We met regularly to review expenditures and discuss what could be done to control costs. We were successful in cutting back expenditures and living within the confines of the reduced revenues.

For FY 2012, budgeted expenditures have been reduced by \$109,315. This includes decreases in personnel costs, M&O, and capital expenditures. There is a 7.6% increase in debt and an increase in transfers.

When the Preliminary Budget was prepared, it was based on the combination of declining revenues and cut backs in expenditures. At that time, we calculated the need for a 6% rate adjustment. Since the revenues over the last three months have picked up, it will only be necessary to increase water rates 5% to balance this fund for FY 2012.

- 2.) Sewer Fund:

The revenue shortfall in the Wastewater Fund for FY 2011 is estimated to be about \$585,000. The majority of this can be attributed to industrial revenues. This is after a 3.5% rate adjustment in FY 2011. As in the Water Fund, we monitored wastewater revenues closely and worked to control costs.

The budgeted expenditures for FY 2012 have been reduced by \$144,830.

Based on the combination of declining revenues and changes in expenditures, we're projecting the need for an 8% rate adjustment in this fund.

3.) Garbage collection fees:

The revenues in the Sanitation Fund are down due to the City Council decision to subsidize the incentive-based recycling program last year. It was known that sanitation rates would need to be increased this year. A \$3.00 per month per household increase represents the true cost of the program.

The rate charged for FY 2011 remained at \$14.97 per month per household. Based on costs from PSI, Twin Falls County Landfill, and administrative costs in Sanitation, the true breakeven cost is \$17.97 per month per household.

Budget Impact:

If all things remain the same, the rate adjustments in the Water and Wastewater Funds should provide both of these departments with sufficient revenue to cover all normal maintenance and operation costs, as well as anticipated capital needs. The fee adjustment in Sanitation should provide sufficient revenue to cover PSI costs, Twin Falls County Landfill costs, and normal operations.

The impact on the average monthly residential bill (est. to be 18,000 gals of water usage) is:

Utility	Monthly Change	Annual Change
Water-base rate	\$.47	\$5.64
Water-add'l fee for 1000 gals of usage less 2000 gals covered in the base rate	1.18	14.16
Sewer-base rate	1.16	13.92
Sewer-add'l fee for up to 8000 gals	.24	2.88
Sanitation	3.00	36.00
Totals	\$6.05	\$72.60

The average monthly bill would increase from \$65.62 to \$71.67.

Regulatory Impact:

There is no regulatory impact.

Conclusion:

Staff recommends that the Council adopt the new utility rate resolution, effective October 1, 2011.

Attachments:

1. Schedule of proposed utility rates for 2011-2012.
2. Proposed Utility Rate Resolution

City of Twin Falls
Utility Rates 2011-2012
October 1, 2011

	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>% Change</u>	<u>\$ Change</u>
Monthly Water User Rates				
Minimum monthly charge (includes first 2,000 gallons)	\$ 9.358	\$ 9.826	5.000%	\$ 0.468
Additional charges per 1,000 gallons:				
3,000 to 150,000 gallons	\$ 1.486	\$ 1.560	5.000%	\$ 0.074
151,000 to 10,000,000 gallons	\$ 0.671	\$ 0.705	5.000%	\$ 0.034
10,001,000 and above	\$ 0.510	\$ 0.536	5.000%	\$ 0.026
Monthly Pressurized Irrigation User Rates				
Monthly rate per square foot of total lot size.				
Residential	\$ 0.00172544	\$ 0.001811716	5.000%	\$ 0.000086272
Residential-no shoulder water	\$ 0.00146663	\$ 0.001539958	5.000%	\$ 0.000073331
Commercial	\$ 0.00172544	\$ 0.001811716	5.000%	\$ 0.000086272
Monthly Sewer User Rates				
Minimum monthly charge, all services	\$ 14.4652	\$ 15.622	8.000%	\$ 1.157
Additional charges per 1,000 gallons of water usage				
Residential, single family				
0 to 8,000 gallons	\$ 0.3810	\$ 0.411	8.000%	\$ 0.030
Multi-family dwelling				
Commercial Group I-no volume charge	\$ 11.7260	\$ 12.664	8.000%	\$ 0.938
Commercial Group I-Add'l charge per 1,000 gallons of water usage	\$ 1.4128	\$ 1.526	8.000%	\$ 0.113
Commercial Group II	\$ 0.9346	\$ 1.009	8.000%	\$ 0.075
Commercial Group III	\$ 2.0540	\$ 2.218	8.000%	\$ 0.164
Institutional	\$ 0.9563	\$ 1.033	8.000%	\$ 0.077
Schools, per student per month				
Elementary	\$ 0.2282	\$ 0.246	8.000%	\$ 0.018
Other	\$ 0.4130	\$ 0.446	8.000%	\$ 0.033
Industrial and municipal, as measured and tested				
Flow, per 1,000 gallons	\$ 0.3806	\$ 0.411	8.000%	\$ 0.030
Biological Oxygen Demand (BOD), per pound	\$ 0.1681	\$ 0.182	8.000%	\$ 0.013
Total Suspended Solids (TSS), per pound	\$ 0.1651	\$ 0.178	8.000%	\$ 0.013
Monthly Sanitation User Rates				
Regular				
Sanitation	\$ 11.74	\$ 14.12	20.273%	\$ 2.380
Landfill charge	\$ 3.23	\$ 3.85	19.195%	\$ 0.620
Total	\$ 14.97	\$ 17.97	20.040%	\$ 3.000
One Can				
Sanitation	\$ 4.50	\$ 5.41	20.273%	\$ 0.912
Landfill charge	\$ 3.23	\$ 3.85	19.195%	\$ 0.620
Total	\$ 7.73	\$ 9.26	19.823%	\$ 1.532
Combined monthly user charges at sample usages: Water, Sewer and Sanitation				
Sample bills:				
5,000 gallons used	\$ 45.16	\$ 50.16	11.074%	\$ 5.00
10,000 gallons used	\$ 53.73	\$ 59.19	10.168%	\$ 5.46
15,000 gallons used	\$ 61.16	\$ 66.99	9.540%	\$ 5.83
18,000 gallons used	\$ 65.62	\$ 71.67	9.232%	\$ 6.05
25,000 gallons used	\$ 76.02	\$ 82.60	8.653%	\$ 6.58
50,000 gallons used	\$ 113.17	\$ 121.60	7.454%	\$ 8.44

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ESTABLISHING SEWER CONNECTION FEES AND USER CHARGES; ESTABLISHING WATER CONNECTION FEES AND USER CHARGES; ESTABLISHING PRESSURE IRRIGATION FEES; PROVIDING FOR COMMERCIAL CLASS USER RELIEF; ESTABLISHING GARBAGE AND RUBBISH COLLECTION FEES; PROVIDING FOR A POLICY ON DELINQUENT ACCOUNTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. WASTEWATER CONNECTION FEES: That the following fees to be paid for connection to the Wastewater Collection and Treatment System shall be, and the same are hereby established:

A. General Permit: The fee for processing the application shall be Fifteen Dollars (\$15.00).

B. Industrial Permit: The fee for processing the application shall be established by the City Council at the time of such application.

C. Municipal Permit: The fee for processing the application shall be established by the City Council at the time of such application.

D. Standard Connection: The assessment for construction of a standard sewer connection four inches (4") in diameter and fifty feet (50') or less in length shall be Five Hundred Fifty Dollars (\$550.00) per connection. The assessment may be paid over a 20-year period by monthly payment after execution of a payment contract provided by the City. The annual interest rate for paying connection assessments on a monthly basis shall be six percent (6%) compounded on the unpaid balance.

F. Capacity Fees: The following capacity fees are to be paid for connection to the Wastewater Treatment System:

Single Family Residence	\$347.00
Duplexes, per dwelling unit	\$276.00
Mobile Home Parks, per dwelling unit	\$205.00
Apartments, per dwelling unit	\$276.00

Commercial, Institution, and Industrial capacity fees are priced based on annual flows and strengths using the following table:

Flow, per 1,000 gallons	\$2.307
Biological Oxygen Demand (BOD), per pound	.917
Total Suspended Solids (TSS), per pound	.931

SECTION 2. WASTEWATER USER CHARGES: That the following user classification and charges to be paid by each City resident user for use of the wastewater collection and treatment system shall be, and the same are hereby established.

A. Group I - Residential (User Code 100): This class of users includes all single-family dwelling units. The monthly fee for this class of users shall be \$15.622 for the use of the collection and treatment system, and \$.411 per thousand gallons of metered water usage for the first 8,000 gallons used each month.

B. Group I - Residential (User Code 102): This class of users includes all multi-family dwelling units including duplexes, apartments, and mobile home parks. The monthly fee for this class of users shall be \$12.664 for each dwelling unit, for the use of the collection and treatment system, and there shall be added to each user account a capital construction fee of \$1.526 per month.

C. Group II - Commercial (User Code 200): This class of user includes office buildings, hotels/motels (without restaurants), retail and wholesale (non-food), warehousing and light manufacturing, bars (without restaurants), car washes, laundromats, repair shops and gas stations. The monthly fee for this class of users shall be \$15.622 for use of the collection and treatment system, and \$1.009 per 1,000 gallons of metered water used each month.

D. Group III - Commercial (User Code 300): This class of users includes hotels/motels (with restaurants), markets (including meat and produce), restaurants, bakeries (wholesale) and mortuaries. The monthly fee for this class of user shall be \$15.622 for use of the collection and treatment system, and \$2.218 per 1,000 gallons of metered water used each month.

E. Group IV - Institutional: This class of users includes churches, hospitals, convalescent hospitals, elementary schools, high schools and colleges. With the exception of elementary and other public schools, the monthly fee for this class of users shall be \$15.622 for use

of the collection and treatment systems, and \$1.033 per 1,000 gallons of metered water used each month.

Elementary schools shall pay \$.246 per pupil per month during the school year, but not less than \$15.622 per month. Other schools shall pay \$0.446 per pupil per month during the school year, but not less than \$15.622. For billing purposes, the student enrollment on the first day of the school year shall be used to calculate the bill for the ensuing school year.

F. Wastewater Flow Measuring Device: Any Group II, III, or IV commercial user whose charge is based on water meter readings may install a wastewater flow measuring device or separate water meter as approved by the Public Works Director, at the user's expense, if the water meter readings are not representative of the wastewater flow.

The Wastewater Superintendent may require a wastewater system user to install a flow-measuring device in the building sewer or water meter if all or part of the water supply to the building comes from an unmetered source. The user shall operate and maintain such device in proper operating condition. The standard group user rate shall be applied to the measured flow.

G. Group V - Industrial (User Code 500): This class of users includes all large volume and industrial process waste dischargers. The monthly fee for this class of users shall be in accordance with the Industrial User Agreement, entered into by each industrial user with the City of Twin Falls for the use of the wastewater system. (The City of Twin Falls may negotiate sewer rates on a contractual basis with major industrial customers.)

The monthly fee for this class of user shall be \$15.622 for the use of the collection and treatment system, and a metered flow and measured strength charge determined using the following rate table:

Flow, per 1,000 gallons	\$.411
Biological Oxygen Demand (BOD), per pound	.182
Total Suspended Solids (TSS), per pound	.178

H. Group VI - City of Kimberly (User Code 600): The City of Kimberly shall pay in accordance with the municipal User Agreement entered into by the City of Kimberly with the City of Twin Falls.

The monthly fee for this class of user shall be \$15.622 for the use of the collection and treatment system, and a metered flow and measured strength charge determined using the following rate table, plus a capital recovery charge of \$703.60: (no change)

Flow, per 1,000 gallons	\$.411
Biological Oxygen Demand (BOD), per pound	.182
Total Suspended Solids (TSS), per pound	.178

SECTION 3. WATER CONNECTION FEES: That the following fees to be paid for connection to the Water Supply and Distribution System shall be, and the same are hereby established. These fees shall be adjusted annually, based upon the fluctuation of the Municipal Cost Index, as published by the American Cities and Counties magazine. The reference index number for the fees established by this resolution is 131.0, as shown in the February 1993 issue of the American Cities and Counties magazine.

A. General Permit: The standard size tapping connections and the fee for processing the application, tapping the public water line and constructing the meter and box shall be as follows:

Connection Size	Permit Fee
1 inch, standard meter	\$390.00
1 inch, radio-read	\$563.00
1 ½ inch, radio-read	\$865.00
2 inch, radio-read	\$894.00
4 inch, radio-read	\$4,505.00

B. Fire Permit: The standard sizes and the fee for processing the application and tapping the public water line shall be as follows:

Connection Size	Permit Fee
4 inch	\$1,060.00
6 inch	\$1,200.00
8 inch	\$1,602.00
10 inch	\$2,265.00
12 inch	\$3,498.00

C. Service Line: The fee for the City to construct all or any portion of a standard connection size service line, fifty (50) foot or less in length shall be as follows:

For connections not located in a subdivision	
Connection Size	Service Line Fee
1 inch	\$609.00
1 inch radio read	\$613.00
1 ½ inch	\$653.00
2 inch	\$710.00
4 inch	\$827.00

D. Fire Line: The City of Twin Falls no longer constructs fire line.

E. Commercial Sewer Relief Meter: The City of Twin Falls no longer provides this service.

F. Nonstandard Permit: The fee for a larger than standard sizes must be approved by the City Engineer. Once approved, the fee for a larger than standard size permit shall be determined by the City Engineer.

G. Nonstandard Service: The fee for the City to construct all or any portion of a non-standard size service line shall be determined by the City Engineer.

H. Rock Excavation: The above fees do not include any rock excavation that may be required. The actual cost of any rock excavation, as determined by the Water Superintendent, shall be paid in addition to any other fees and charges.

I. Incidental Costs: The above fees do not include incidental costs such as trenching and traffic control. The actual cost of any incidental charges, as determined by the Water Superintendent, shall be paid in addition to any other fees and charges.

J. Meter Turn-on Service Fee (new service): The fee for processing the application and turning on water at existing meter shall be \$10.00 each time the water is turned on.

K. Service Fee (repairs): The fee for responding to an afterhours service call, which involves either turning off or turning on the water, shall be \$80.00. Said fee shall not be charged to customers closing accounts. An emergency allowance may be granted by the City Manager or his designee.

L. Water Meter Removal Fine: The fine charged for removal of a water meter when the City finds that a meter which has been turned off or on without the City's authorization, shall be \$200.00.

SECTION 4. WATER USER CHARGES: That the following charges to be paid by each City resident user for use of the Water Supply and Distribution System shall be, and the same are hereby established as follows:

A. User Charge: All users shall pay each month for the water supplied through their water meter. (The City of Twin Falls may negotiate water rates on a contractual basis with major industrial customers.)

The base fee shall be \$9.826, which includes up to the first 2,000 gallons of water. The charges per thousand (1,000) gallons of water supplied over 2,000 gallons shall be as follows:

Gallons Supplied	Additional Charge per 1,000 gallons
3,000 to 150,000	\$1.56
151,000 to 10,000,000	.705
10,001,000 and above	.536

B. Water rates for all mobile home parks, trailer parks, trailer and tourist camps shall be charged in accordance with the standard individual residence rates as set forth by the City, provided, however, that every two spaces for living unit parking shall be defined as the equivalent of one individual residence.

C. Each active water user shall pay each month an additional fee of \$11.15 for the annual debt service payment for the revenue bonds which financed the federally mandated arsenic compliance project.

SECTION 5. PRESSURIZED IRRIGATION FEES: That the following fees to be paid for connection to the Pressurized Irrigation System shall be, and the same are hereby established:

A. Processing Fee: There is no additional processing fee for utility customers with potable water service, but an additional monthly processing fee of \$5.71 will be assessed to any customer with only pressurized irrigation service.

B. Residential property: The monthly fee for residential property shall be computed based upon the full platted lot size, in square feet, at the rate of \$0.001811716 per square foot. This fee represents the total annual cost of service, divided into twelve monthly payments. The monthly fee for residential properties no longer receiving "shoulder water" shall be computed based upon the full platted lot size, in square feet, at the rate of \$.001539958 per square foot. This fee represents the total annual cost of service, divided into twelve monthly payments.

C. Commercial property: The monthly fee for commercial property shall be computed based upon twenty percent (20%) of the full platted lot size, in square feet, at the established rate of \$0.001811716 per square foot. This fee represents the total annual cost of service, divided into twelve monthly payments.

SECTION 6. COMMERCIAL CLASS-USER RELIEF: Any commercial class user may request of the City Manager relief from his sewer billing rate. Relief shall be granted if the City Manager is satisfied that the user's billing rate has been increased due to irrigation water use only. The relief adjustment shall be the difference between the user's monthly charges from November 1st through April 30th and May 1st through October 31st, as determined by a review of the preceding twelve calendar months. The amount of the relief shall be the amount by which the user's sewer rate for the period of May 1st through October 31st exceeds the user's sewer rate for the period November 1st through April 30th. If the City Manager is satisfied that the requested adjustment is in order, a cash refund shall be made. Any commercial or non-commercial user may appeal the decision of the City Manager to the City Council, and the Council shall make a final determination of the matter at a regularly scheduled Council meeting. Any application for relief must be made within six (6) months following the year for which the application is made.

SECTION 7. GARBAGE AND RUBBISH COLLECTION FEES: That the following garbage and rubbish collection fees are, and the same are hereby established:

A. Single Family Residential: The collection rate for each single-family residential dwelling shall be \$17.97 per month, unless qualified for the "one-can" rate, which shall be \$9.26 per month. Effective October 1, 2005 the "one-can" rate will not be offered to any additional customer; however, the 79 customers currently qualified and using this rate may continue at this rate so long as they remain qualified.

B. Multi-Dwellings: The collection rate for multi-dwellings (IE: duplexes, triplexes, four-plexus, etc.) shall be \$17.97 per month for each residential unit in said multi-dwelling.

SECTION 8. RENTER DEPOSIT: That the City shall charge a \$75.00 renter deposit to renters wishing to establish water, sewer and/or sanitation accounts in their own names rather than their landlord's name. This \$75.00 deposit may be refunded or applied to the balance of the account at the time the account is closed or one year from the date of payment of said deposit if the account is, in the opinion of the Finance Director, in good standing. The Finance Director is hereby authorized to set standards by which the status of an account is evaluated for the purpose of determining if a refund is appropriate.

Deposits may be refunded or applied upon request under the above conditions and only if the renter has remained at the same address for the aforementioned one year period.

SECTION 9. DELINQUENT ACCOUNTS: The unpaid balance on utility and sanitation accounts shall be considered delinquent 30 days after the date identified on the billing. Interest shall be charged on the unpaid balance commencing with the first day of delinquency at the rate of 12% per annum (1% per month) subject to a minimum charge of 50¢. After 30 days of delinquency, accounts shall be notified by mail that service will be discontinued unless full payment is made within a period of seven calendar days from date of mailing. The City Manager or his designated representative may enter into a payment agreement with a customer, if the customer can establish an unusual financial hardship, which has resulted in the delinquency. Interest charges shall be applied to the delinquent balance during the term of the agreement. Any breach of the payment agreement shall be grounds for termination of service without any further notification. Service fees, as established in Section 3 of this

resolution, shall be applied to all accounts when service is discontinued for lack of payment.

SECTION 10. EFFECTIVE DATE: This resolution shall be effective October 1, 2011. Industrial and municipal wastewater user charges that are established by separate agreements shall remain as specified in said agreements.

SECTION 11. REPEAL OF PRIOR RESOLUTIONS: All prior resolutions establishing utility rates or portions thereof, inconsistent with the provisions of this resolution are hereby repealed.

PASSED BY THE CITY COUNCIL,
SIGNED BY THE MAYOR,

September 26, 2011
September 26, 2011

Mayor Don Hall

ATTEST:

Deputy City Clerk