

COUNCIL MEMBERS:

SHAWN BARIGAR	DON HALL	SUZANNE HAWKINS	GREGORY LANTING	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
	<i>Vice Mayor</i>		<i>Mayor</i>			



**AGENDA**  
Meeting of the Twin Falls City Council  
**August 13, 2012**  
City Council Chambers  
305 3<sup>rd</sup> 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:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of a request to approve the accounts payable for August 7 – 13, 2012. 2. Consideration of a request to approve the August 6, 2012, City Council Minutes. 3. Consideration of a request to approve the "Drag in the Canyon" Car Show to be held on August 25, 2012, from 8:00 a.m. to 7:00 p.m. at the Twin Falls City Park.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Dennis Pullin
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Discussion regarding the Fourth of July, noise disturbances, illegal fireworks, and the City's fireworks ordinance. 2. Public input and/or items from the City Manager and City Council. 3. Continued discussion to consider an increase to the sanitation rates. 4. Continued discussion of the Preliminary Budget for Fiscal Year 2012-2013.	Discussion  Discussion Discussion	Anthony Barnhart  Lorie Race Travis Rothweiler
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u>       <b>6:00 - NONE</b></b> 1. Public Hearing of an appeal regarding the Planning and Zoning Commission's decision on June 12, 2012, to approve a Special Use Permit for Victory Home of Idaho, Inc., c/o Pastor Tony Lopez, to operate a shelter home on property located at 570 Shoup Avenue West. <p style="text-align: center;"><b><u>CANCELLED</u></b></p>		
<b>V. <u>ADJOURNMENT:</u></b>		

*\*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:**

SHAWN BARIGAR	DON HALL	SUZANNE HAWKINS	GREGORY LANTING	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
<i>Vice Mayor</i>			<i>Mayor</i>			



**MINUTES**  
**Meeting of the Twin Falls City Council**  
**Monday, July 23, 2012**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East - Twin Falls, Idaho**

**4:00 P.M.**

**ADJOURNMENT 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.

**5:00 P.M. Regular Meeting**

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:
<b>I. CONSENT CALENDAR:</b>	<u>Action</u>	Staff Report Sharon Bryan L. Sanchez Ed Morris Dennis Pullin
1. Consideration of a request to approve the accounts payable for July 17 to 23, 2012. 2. Consideration of a request to approve the July 9, 2012, City Council Minutes. 3. Consideration of a request to hold the Annual Muscular Dystrophy Fill the Boot fundraiser. 4. Consideration of a request from Sue Spain of the Hispanic Heritage Fiesta Committee to approve the 23 <sup>rd</sup> Annual Hispanic Heritage Fiesta to be held at the Twin Falls City Park on August 11 and 12, 2012.		
<b>II. ITEMS FOR CONSIDERATION:</b>		
1. Consideration of a request to approve the Josh's Cause Fundraiser to be held at the Montana Steak House, located at 1826 Canyon Crest Drive, on August 11, 2012.	Action	Dennis Pullin
2. Consideration of a request to withdraw the award for the 2012 Kimberly/Highland Water Extension Project to Sawtooth Construction, Inc., of Ketchum, Idaho; and, Consideration of a request to award the 2012 Kimberly/Highland Water Extension Project to Knife River Corporation of Boise, Idaho, in the amount of \$2,843,990.15.	Action	Lee Glaesemann
3. Consideration of a request to award the Pretreatment Facility General Construction – Work Package B to McAlvain Construction Inc., in the amount of \$3,846,242 with bid alternate 1 (Extend Highland Avenue to east property line) in the amount of \$13,000.	Action	Jacqueline Fields
4. Consideration of a request to rename South Estates Park to Blue Lakes Rotary Park and to hear an update regarding the Blue Lakes Rotary Club's South Estates Park project.	Action	Dennis Bowyer
5. Consideration of a request to name the dog park "Baxter's Park in Memory of Dale Drown."	Action	Dennis Bowyer
6. Presentation on the Recyclebank program by Lucie Poulicakos, Recyclebank GM/VP of Operations, West Region.	Presentation	Lucie Poulicakos/ Recyclebank
7. Public input and/or items from the City Manager and City Council.		
8. Continued discussion of the Non-Tax Supported Funds in City Manager's Recommended Budget for the 2012-2013 Fiscal Year.	Discussion	Travis Rothweiler
<b>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>		
<b>IV. PUBLIC HEARINGS: 6:00</b>		
1. Consideration of an appeal regarding the Planning and Zoning Commission's decision on June 12, 2012, to approve a Special Use Permit for Victory Home of Idaho, Inc., c/o Pastor Tony Lopez, to operate a shelter home on property located at 570 Shoup Avenue West.	Public Hearing	Mitch Humble
<i>Continued discussion of the Non-Tax Supported Funds in City Manager's Recommended Budget for the 2012-2013 Fiscal Year.</i>	Discussion	Travis Rothweiler
<b>V. ADJOURNMENT:</b>		

\*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: Shawn Barigar, Don Hall, Suzanne Hawkins, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington.  
Absent: None.  
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderich (via telephone), Chief Financial Officer Lorie Race, Budget Coordinator Patricia Lehmann, City Engineer Jacqueline Fields, Zoning & Development Manager Renee Carraway, Assistant to the City Manager Mike Williams, Staff Engineer Lee Glaesemann, Staff Sergeant Dennis Pullin, Public Information Officer Josh Palmer, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Lanting called the meeting to order at 4:00 P.M.

**ADJOURNMENT 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:**

Vice Mayor Hall made a motion to move to Executive Session 67-2346(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 Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Mayor Lanting reconvened the meeting to order at 5:02 P.M. He then invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Lanting introduced staff.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for July 17 to 23, 2012, total: \$1,055,032.23  
July 20, 2012, Prepay total: \$390.33  
July 20, 2012, Payroll total: \$105,679.91
2. Consideration of a request to approve the July 9, 2012, City Council Minutes.
3. Consideration of a request to hold the Annual Muscular Dystrophy Fill the Boot fundraiser.
4. Consideration of a request from Sue Spain of the Hispanic Heritage Fiesta Committee to approve the 23<sup>rd</sup> Annual Hispanic Heritage Fiesta to be held at the Twin Falls City Park on August 11 and 12, 2012.

**MOTION:**

Councilperson Talkington made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Munn 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 approve the Josh's Cause Fundraiser to be held at the Montana Steak House, located at 1826 Canyon Crest Drive, on August 11, 2012.

Staff Sergeant Pullin explained the request.

The Twin Falls Police Department staff recommends approval of the request and the on-duty Patrol Supervisor shall be given the authority to order the event organizers to mitigate the sound of amplified music. If there are continued noise complaints, disturbances by those participating in the event, and non-compliance, the on-duty Patrol Supervisor shall terminate the event.

**MOTION:**

Councilperson Barigar made a motion to approve Josh's Cause Fundraiser to be held at the Montana Steak House, located at 1826 Canyon Crest Drive, on August 11, 2012. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of a request to withdraw the award for the 2012 Kimberly/Highland Water Extension Project to Sawtooth Construction, Inc., of Ketchum, Idaho;  
and,  
Consideration of a request to award the 2012 Kimberly/Highland Water Extension Project to Knife River Corporation of Boise, Idaho, in the amount of \$2,843,990.15.

Staff Engineer Glaesemann explained the request and staff recommends that the City Council withdraw the 2012 Kimberly/Highland Water Extension Project from Sawtooth Construction, Inc. The contractor did not list their electrical license in the bid form, making the bid void.

The recommendation in the staff report was to award the project to Knife River Corporation, but after review of the schedule and the additional \$500,000, staff recommends that the bids be rejected and rebid the project. Rebidding pushes the project back 6 weeks to 2 months, but staff believes it will make the Chobani requirements. It is unknown what extra costs this may entail. If the project is rebid, there may be temporary pavement over the winter time and construction ongoing. Costs may increase because of the temporary paving and maintenance. Staff is uncertain if there will be a substantial decrease from the \$2.8 million. Staff is recommending rebidding the project.

City Engineer Fields explained the request. The City will be able to make the Chobani agreement time frame and awarding the bid to Knife River at the higher dollar figure substantially eats at the amount available for changes and conditions. If the bid is awarded to the second bidder, at the onset the City is substantially closer to hitting the budget number and potentially overrunning. Staff believes if the project is rebid, the City may get better numbers by rebidding. Staff cannot guarantee that the project will come in under budget or at the same apparent low bidder currently listed. There may be some nominal change with rebidding the job.

City Manager Rothweiler stated for clarification that the request to rebid is not a reflection on Knife River. The City is on the record as advocating and talking about the quality of work that Knife River has done for the City. Knife River is a great company and has done great work for the City on two significant projects in the community.

Council discussion followed:

Staff Engineer Glaesemann stated that JUB originally reviewed the bids, made the recommendation to award to Sawtooth, then after award to Sawtooth, they discovered that Sawtooth did not list the valid license number for electrical work.

City Attorney Wonderlich stated that because Sawtooth Construction bid is unresponsive the City has the right to reject all bids.

**MOTION:**

Councilperson Munn made a motion to withdraw the award for the 2012 Kimberly/Highland Water Extension Project to Sawtooth Construction, Inc., of Ketchum, Idaho. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**MOTION:**

Councilperson Talkington made a motion to reject all past bids on the Kimberly/Highland Water Extension Project and go forward with rebidding. The motion was seconded by Vice Mayor Hall.

Staff Engineer Glaesemann stated the budget of \$4 million dollars is split between the 2012 Kimberly/Highland Water Extension Project plus engineering and the Hankins Road Pump Station Project plus engineering.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Consideration of a request to award the Pretreatment Facility General Construction – Work Package B to McAlvain Construction Inc., in the amount of \$3,846,242 with bid alternate 1 (Extend Highland Avenue to east property line) in the amount of \$13,000.

City Engineer Fields explained the request. On July 11, 2012, the bids for the Pretreatment Facility General Construction – Work Package B were opened publicly and later reviewed for responsiveness. Four bids were received with McAlvain Construction submitting the lowest bid of \$3,846,242.

Staff recommends that City Council allow the Mayor to execute the contract with the lowest responsive bidder.

**MOTION:**

Councilperson Mills Sojka made the motion to award the Pretreatment Facility General Construction – Work Package B to McAlvain Construction Inc., in the amount of \$3,846,242 with bid alternate 1 (Extend Highland Avenue to east property line) in the amount of \$13,000. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a request to rename South Estates Park to Blue Lakes Rotary Park and to hear an update regarding the Blue Lakes Rotary Club's South Estates Park project.

Don Acheson, Twin Falls Rotary Club, explained the request, using overhead projections. He gave an update on the purchase and installation of playground equipment. The Rotary Club is planning to install additional recreational facilities.

The Parks & Recreation Commission recommends to the City Council to rename the South Estates Park to Blue Lakes Rotary Park.

Council discussion followed.

**MOTION:**

Councilperson Talkington made the motion to rename South Estates Park to Blue Lakes Rotary Park. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Consideration of a request to name the dog park "Baxter's Park in Memory of Dale Drown."

Parks & Recreation Director Bowyer explained the request. Marcia Lanting was ill and he would be making the presentation on her behalf.

Marcia Lanting submitted a letter requesting the dog park be named Baxter's Park in Memory of Dale Drown. Approval of this request will lead to a donation of \$10,000 to the Twin Falls Community Foundation for the development of the dog park.

The Parks & Recreation Commission recommends to the City Council to name the dog park Baxter's Park in Memory of Dale Drown.

Council discussion followed:

Councilperson Mills Sojka referred to the following section of the naming policy: "In cases where the person is deceased, the person shall have been deceased for a minimum of six months, and there shall be a lapse of at least three months between the receipt of the name proposal and the final recommendation for its adoption." She asked if there has been three months lapse from the initial proposal.

Parks & Recreation Director Bowyer stated that three months has not lapsed.

Mayor Lanting stated that the Council can make the initial date of the naming of the park to reflect the three month lapse period between the receipt of the name proposal and final recommendation.

**MOTION:**

Vice Mayor Hall made the motion to approve the request to name the dog park "Baxter's Park in Memory of Dale Drown" and the actual naming of the park to be official as of September 12, 2012. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Parks & Recreation Director Bowyer explained dog park upcoming fundraising efforts, research of grants, donations, and labor for fencing.

6. Presentation on the Recyclebank program by Lucie Poulicakos, Recyclebank GM/VP of Operations, West Region.

Lucie Poulicakos gave the Recyclebank Twin Falls Program Review using a PowerPoint presentation. She covered the following:

- Community Engagement and Participation
  - Subscriptions
  - Recycling Participation
  - Reward Performance
- Curbside Recycle Performance
- Marketing and Outreach Review
- Activities Through Year's End
- Summary of Key Points

Council discussion followed.

City Manager Rothweiler stated that the City pays \$35.50 for every one ton that is taken to the Southern Idaho Solid Waste District. Every ton that is not taken to the district is counted as a savings. The City receives a commodity value of \$35,000, and it is equally split between the City and PSI.

Lucie Poulicakos stated that gift cards are not a popular card and have a high point value in order to achieve because they are 100% funded by Recyclebank.

She also stated that the City avoided putting in 1,946 tons in the landfill.

City Manager Rothweiler stated that when the program was implemented the City elected not to implement the full cost of the program. The full complete rate was not integrated into the cost of the program for the service. The City elected to use cash reserves because the City had a level of cash reserves in the Sanitation Fund. The City used those costs to offset and to slowly integrate that cost in. Last year the Southern Idaho Solid Waste increased the total cost by a \$1.00 per ton. The increase for this upcoming year is the first increase requested by PSI since this contract went into effect in October of 2010.

Councilperson Barigar stated that Southern Idaho Waste District has fixed costs, but with the reduction of waste going to the landfill, the District may not have to make significant investments in the future.

Mayor Lanting announced that the following items will be heard after the Public Hearing.

7. Public input and/or items from the City Manager and City Council.
8. Continued discussion of the Non-Tax Supported Funds in City Manager's Recommended Budget for the 2012-2013 Fiscal Year.

Recess at 6:34 P.M.  
Reconvened at 6:48 P.M.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

**IV. PUBLIC HEARINGS: 6:00**

1. Consideration of an appeal regarding the Planning and Zoning Commission's decision on June 12, 2012, to approve a Special Use Permit for Victory Home of Idaho, Inc., c/o Pastor Tony Lopez, to operate a shelter home on property located at 570 Shoup Avenue West.

Mayor Lanting stated that the Council may be delaying the decision on the appeal until August 13, 2012, on the advice of City Attorney Fritz Wonderlich.

Mayor Lanting outlined the public hearing process.

Tony Lopez, applicant, Victory Home Idaho, Inc., explained the request. He stated that he received a letter of consent from the Twin Falls County Commissioners. The plan is to expand the Victory Home Idaho, Inc., currently located at 450 Third Avenue West. Some individuals have been escorted off the premises by staff or by a police officer. Individuals may come from criminal and non-criminal backgrounds and are taught skills of basic thinking and cognitive self change, and he extends this ministry and services to the homeless on the streets. The Victory Home has been an asset to the community. The intent was not to hurt anybody or to make property values depreciate. The Home is at no cost to the taxpayer or the government. At the current location sex offenders are not housed. Sex offenders will not be at the residence if requested. Discussion was made with the County Commissioners and discussion has been on possibly purchasing the building.

Joe Rockstahl, Rockstahl Law Office, 2214 Nisqually, representing Tony Lopez, spoke in favor of the request. The Valley House and housing for the homeless is already on Addison. He stated that he read that crime went down once Victory Home Idaho, Inc., went in and expects the trend to continue at the proposed location. On overhead projection he showed a map showing ½ mile radius of the subject property showing 12 sex offenders currently living in the area. Currently there is no problem with the sex offenders in the area. He stated that Tony Lopez will not take in sex offenders as a condition. Probation and Parole will be at the old hospital which is a couple blocks away from the proposed location. The Mustard Seed is located at the old emergency room and the Valley House and motels will bring in "those people." He stated that he would like to do a written response to J.D. May's letter prior to the August hearing.

Mayor Lanting stated that he will consult with the City Attorney.

Zoning & Development Manager Carraway explained the request.

On June 12, 2012, the Planning & Zoning Commission held a public hearing on this request. There were a considerable number of people who spoke at the public hearing. Many stated how this program has helped them and/or family members while others expressed concerns about the introduction of this use to the area. There is a youth safe house in the vicinity and several operational professional and medical offices and residences. A shelter-type use brings concerns for safety and security in the area. At the hearing the applicant emphasized that this is not an open homeless shelter facility but a residential facility with specific program requirements for residents to be able to stay there. Although not a condition of approval the applicant stated at the hearing as well as tonight that he would be willing to phase the program and also he will prohibit participation of registered sex-offenders if that was a condition of approval.

The Planning & Zoning Commission voted to approve a Special Use Permit for Victory Home of Idaho, Inc., as presented, with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all City Code requirements and standards.
2. Subject to this "Victory Home" facility on Shoup Avenue West obtaining a Certificate of Occupancy for the facility through the building department prior to use.
3. Subject to the Victory Home at 450 3rd Avenue West receiving a Certificate of Occupancy prior to use at the new "Victory Home" facility on Shoup Avenue West.
4. The shelter home to be operated by Pastor Tony Lopez, the Victory Home Idaho, Inc., as presented. Any other entity shall require a new special use permit.

On June 19, 2012, the City received a letter of appeal from Cole Johnson, and others who spoke at the Planning & Zoning Commission public hearing, regarding the Planning and Zoning Commission's decision on June 12, 2012, to approve a Special Use Permit for Victory Home of Idaho, Inc., c/o Pastor Tony Lopez, to operate a shelter home on property located at 570 Shoup Avenue West.

Council discussion followed:

-Vice Mayor Hall asked what are the unresolved issues at the Victory Home located at 450 3rd Avenue West as mentioned.

Zoning & Development Manager Renee Carraway stated that she spoke with the Building Official and he stated that the occupancy permit had not been issued.

Tony Valdez stated that the unresolved issues had to do with the fire code. Barry Knoblich contacted the Fire Marshall and the inspection will take place in August.

-Councilperson Hawkins asked who owned the building.

Tony Valdez stated that the County owns the building but has spoken with the County Commissioners to purchase the building. The County has placed the building on the "open market."

-Councilperson Talkington asked for staff qualifications that would be at the facility.

Tony Valdez stated that he has six staff. He stated that he receives \$500 monthly as a church pastor and his wife earns \$1,100 as an employee of Head Start. He stated that he is not paid from the Victory Home. A majority of his staff are trained volunteers. The staff manager receives \$150 monthly.

Appellants:

Justin May, May, Browning and May, representing the appellants, explained the appeal.

He stated the following concerns need to be addressed:

- The applicant does not own or lease the building.
- The required plans for the building have not been submitted.
- The required narrative statement has not been submitted.
- The current facility is operating with 16 beds and the request is to increase to 112 beds.
- Transportation for individuals leaving the facility for two hours a day.

- Failure to meet the definition of a shelter home.
- Failure to show the qualifications of staff
- Drug addicts, sexual abusers, sexual offenders, and homeless individuals residing in the home.
- The Planning & Zoning Commission's conditions placed on the special use permit lacking substance.

He stated that details need to be presented by the applicant in order for the Council to make its determination of whether or not this does in fact meet the requirements for a special use permit for the zone.

Council discussion followed:

- Zoning & Development Manager Carraway stated for clarification that typically on a land use request the City does allow the applicant to apply with an earnest money agreement and a negotiation of ownership on property. If the land use is not approved the applicant does not proceed with the ownership of the property.

Justin May stated that he understands that there is no earnest money agreement or any kind of agreement at this point.

Mayor Lanting opened up the public testimony portion of the hearing:

Doug Anderson, 234 Carney, spoke against the request.

Cole Johnson, 526 Shoup Avenue West, Suite D, spoke against the request.

Dr. Joseph Ippolito, 206 Martin Street, Suite B, spoke against the request.

Stan Haye, 526 Shoup Avenue West, Suite C, spoke against the request.

Rob Adolf, 1645 Bel Air Circle, spoke against the request.

Jennifer Dahl, 206 Martin Street, Suite C, spoke against the request.

Dan Fuchs, 526 Shoup Avenue West, Suite D, spoke against the request.

April Johnson, 526 Shoup Avenue West, Suite D, spoke against the request.

Delaina Blaylock, 474 N. Bracken, spoke against the request.

Dan Blaylock, 474 N. Bracken, spoke against the request.

Rosa Bowman, 273 Shoup Avenue West, spoke against the request.

Peggy Armstrong, 591 Addison West, spoke against the request.

Barry Knoblich, 1174 Skyline Drive, Victory Home Committee Member, spoke in favor of the request. For clarification he stated that the code violations at the Victory Home located at 450 Third Avenue East, have been corrected and the inspection date is in August. He stated that Victory Home held an open house on June 11, which was advertised in the paper, and not one person attended.

Trish Gomes, 771 Benjamin Avenue, spoke against the request.

Heather Williams, 993 N. College Road West, spoke against the request.

Kevin Hall, 256 Martin Street, spoke against the request.

Anna Bondelid, 256 Martin Street, spoke against the request.

Ace Ehrmantraut, 807 Monroe Street, Victory Home volunteer, spoke in favor of the request.

Leonard Denton, 453 Filer Avenue West, spoke against the request.

Max Newman, 328 7<sup>th</sup> Avenue East, spoke in favor of the request.

Clinton Dille, 236 Martin Street, spoke against the request.

Rebuttal:

Joe Rockstahl, Rockstahl Law Office, 2214 Nisqually, Victory Home Advisory Board member, stated that in speaking with Tony Lopez, the Victory Home success rate is 87%, and the last time he spoke with the Walker Center they had an 8% to 9% success rate. Tony Lopez has pastors and others who are available to advise him if things are growing too fast. The building has four different entrances, with a hallway. The men and women are separate with locked doors. Roughly 0 to 20 homeless people will leave the facility to look for work. First phase residents are locked down for a month. Second phase residents are required to tell staff where they are going and are allowed only \$10 spending money on them at any one time. Pastors will be available to escort a citizen to their car if they have a safety concerns. Volunteers include some licensed counselors, electricians, and an attorney. Homeless people with drug, alcohol, or mental problems are able to receive treatment. "Tweakers" are kept out. Tony Lopez will provide transportation to residents. Tony Lopez works closely with law enforcement.

Tony Lopez stated that Probation and Parole are often at the facility. The concern of 100 to 110 beds can be reduced to 50 to be able to appease concerned citizens. Mr. Lopez pointed out residents at the current facility in the audience. The community is using the Victory Home for homeless people. Any individual that leaves the home is escorted out down the block. Gem State Security will be employed.

Joe Rockstahl stated that the residents are being taught life skills and residents have worked at his home and office.

Closed the public testimony of the hearing.

Councilperson Talkington asked if the current Victory Home staff undergo background checks nationwide before joining the staff and if the Victory Home is covered by liability and errors and omissions insurance.

Tony Lopez stated that staff does not undergo checks nationwide and is covered by Obenchain Insurance in the amount of \$1,000,000.

Councilperson Mills Sojka asked who sent out the flyer that was received by those providing testimony.

Delaina Blaylock submitted the letter to be entered into the record.

Justin May stated that the letter was sent out by the appellant.

Councilperson Munn asked staff if an analysis was done of police calls sent to the current Victory Home. He stated that this should be done prior to the Council making a decision. He also asked for the security plan.

Zoning & Development Manager Carraway stated she was unaware if an analysis was done.

Tony Lopez stated that the plan is to hire Gem State Security to do the night time security. In the building, there will be two staff per unit. The building will have cameras and will have internet capability. Classes are taught during the day in which staff members and counselors are present. Residents are on a schedule.

Councilperson Munn stated his concern to have a homeless shelter and recovering drug and alcohol people in the same building.

Tony Lopez explained the phases of the program. All residents are body searched.

Vice Mayor Hall stated that that public has concerns of the facility in proximity to businesses, sex offenders at the facility, and security issues. He would like to see counselors who have received the proper training.

Tony Lopez stated that Bonnie Shoemaker is certified for mental health and addictions. He stated that the home will consider not taking people who have are sex offenders and will consider dropping the number to 40 to 50 residents.

Vice Mayor Hall stated his concern that nationwide background checks are not done on staff and stated that he would help Tony Lopez with guidance on how this can be done.

Councilperson Barigar asked for clarification that the program does not treat sex offenders but a person is simply required by their sentencing to register as a sex offender to reside at the location.

Tony Lopez answered in the affirmative.

Councilperson Hawkins asked what is done with persons needing medical attention.

Tony Lopez stated that registered nurses are available and some individuals may be admitted to Canyon View. He added that he is not opposed to finding a different location. Community involvement is needed and requested.

Mayor Lanting stated that discussion will continue at the City Council Meeting on August 13, at 5:00 P.M.

Recess at 8:38 P.M.  
Reconvened at 8:47 P.M.

*Continued discussion of the Non-Tax Supported Funds in City Manager's Recommended Budget for the 2012-2013 Fiscal Year.*

City Manager Rothweiler continued the discussion of the budget.

Consideration of adoption of the tentative budget for the City of Twin Falls will be at the City Council Meeting on August 6, 2012, and the public hearing will be held on August 20, 2012, at 6:00 P.M., for the public budget hearing, to consider an increase to the new fee schedule for Joslin Field, Magic Valley Regional Airport, to consider an increase in Private Youth Organization Ballfield Preparation Fee, and to consider an increase to the sanitation rates.

Council discussion followed.

Public Works Director Caton stated that the City is currently converting city water supplied irrigation stations to surface water stations. Three projects are planned for next year: one a small park and two being significant size stations.

City Manager Rothweiler stated that at this point and time staff is contemplating that about \$319,000 will go to reserves; however, \$309,000 a year is designed to come from the flat arsenic fee of \$11.15, which is part of the bond coverage. After the \$309,000 is removed, staff is projecting, if revenues and expenditures projections come in and the 1 to 125 ratio is maintained, \$10,000 of cash reserves will be added at the conclusion of fiscal year 2013.

The increase of sewer of 2% in the reserves equals to \$5,145.

In regards to limiting the growth of new wastewater accounts, part of the factors used in calculating revenues will be dependent upon the number of new accounts that grow into the system. Staff is looking at ½% of total customer growth to add to the system revenues. The ½% increase is reflective of the current building climate, which can be backtracked with building permits and new commercial starts.

Public Works Director Caton explained the need to add an excavator to the fleet of equipment.

Josh Brown, District Manager for PSI, explained the request for the 3.5% increase.

City Engineer Fields explained the Auger Falls Effluent Project.

City Manager Rothweiler stated that discussion will be made with City Attorney Wonderlich on the Municipal Outsource Grant process.

**IV. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

**V. ADJOURNMENT:** The meeting adjourned at 9:33 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary



**Date:** Monday, August 13, 2012, Council Meeting

**To:** Honorable Mayor and City Council

**From:** Staff Sergeant Dennis Pullin, Twin Falls Police Department

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**Request:**

Consideration of a request to approve the “Drag in the Canyon” Car Show to be held on August 25, 2012, from 8:00 a.m. to 7:00 p.m. at the Twin Falls City Park. This will be a fundraiser for Terrance Lonnie “Bo” Jones.

**Time Estimate:**

Staff requests that this item be placed on the Consent Calendar.

**Background:**

A Special Events Application was received from Brian Hall and Chad Gaddis requesting to hold a car show to raise funds for Terrance Lonnie “Bo” Jones and his family. Bo is a United States Army Soldier who was severely wounded in Afghanistan recently.

The “Drag in the Canyon” Car Show will consist of cars on display, games, raffles, food, a bounce house for kids, a dunk tank, and a sound competition. At the conclusion of the event, there will be a trophy presentation made. This will be the first car show organized by Brian Hall and Chad Gaddis.

The sound competition will be held at different times throughout the event. I have been assured the sound from the vehicles should not create a noise disturbance to nearby residents. If it does create a noise disturbance, the sponsors have agreed to mitigate the sound levels to avoid complaints.

Music will be broadcast from the City Band Shell during the event. Sound levels will be monitored by the event sponsors to mitigate complaints.

Event sponsors will provide clean up in and around the Twin Falls City Park area at the conclusion of the event. Alcohol will not be served at this event.

**Approval Process:**

Consent of the City Council.

**Budget Impact:**

Due to the nature of this event, with no alcohol being served and the time frame of the event, security is not required; therefore, there is no cost to the City.

**Regulatory Impact:**

N/A

Agenda Item for August 13, 2012  
From Staff Sergeant Dennis Pullin  
Page Two

**Conclusion:**

Relevant City Staff Members have met and approved this Special Events Application.

Staff recommends that the Council approve the “Drag in the Canyon” Car Show application for the one-day event to be held in the City Park. Twin Falls Police Department Staff requests approval for the on-duty Patrol Supervisor to have the ability to close down the event based on non-compliance of noise complaints from the music and/or the sound competition if they should arise.

**Attachments:**

None

DP:aed



**Date:** Monday, August 13, 2012, Council Meeting  
**To:** Honorable Mayor and City Council  
**From:** Captain Anthony Barnhart, Twin Falls Police Department

---

**Request:**

Follow-up discussion regarding Councilman Talkington's inquiry about the Fourth of July, noise disturbances, illegal fireworks, and the City's fireworks ordinance.

**Time Estimate:**

Staff requests approximately three minutes for presentation and an additional five minutes to address any questions that the Council may have.

**Background:**

At the July 9, 2012, City Council meeting, Councilman Chris Talkington brought for discussion the Fourth of July, specifically, noise disturbances associated with illegal fireworks and the City's fireworks ordinance. I have prepared a memo providing a brief historical perspective of the Fourth of July as it relates to the Police Department, strategies to address illegal fireworks and noise disturbances in the future, and a recommendation to amend the current fireworks ordinance. The memo is attached hereto for your review.

**Approval Process:**

None at this time.

**Budget Impact:**

If the Police Department moves forward with a stronger stance on illegal fireworks with stepped up enforcement, overtime funds will need to be used. This will affect the Patrol Division's overtime line item.

**Regulatory Impact:**

At a later date, an amended fireworks ordinance will be presented to the Council for consideration.

**Conclusion:**

Based upon the information provided for discussion, Staff recommends that the City Council consider amending the current fireworks ordinance in order to more effectively deal with illegal fireworks in our community, provide stronger enforcement, and create an environment for safer Independence Day celebrations.

**Attachments:**

1. Memorandum from Captain Barnhart to the City Council

AB:aed



# TWIN FALLS POLICE DEPARTMENT

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 P.O. BOX 3027  
 TWIN FALLS, ID 83303-3027

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## MEMORANDUM

**TO:** City Council

**FROM:** Captain Anthony Barnhart

**SUBJECT:** Fourth of July / Fireworks Ordinance

**DATE:** July 26, 2012

At the City Council meeting held on July 9, 2012, Councilman Chris Talkington brought for discussion the Fourth of July, specifically, noise disturbances associated with illegal fireworks and the City’s fireworks ordinance.

In this memo I would like to provide a brief historical perspective of the Fourth of July as it relates to the Police Department, along with information about the City’s fireworks ordinance and a proposed amendment to that ordinance. Additionally, I would like to outline some possible strategies for addressing illegal fireworks and noise disturbances for future Independence Day celebrations in our community.

Historically, the Police Department stays busy over the Fourth of July with calls for service. Noise disturbances are the primary calls received during this time period. Below is a snapshot of noise disturbance calls received on July 4<sup>th</sup> and 5<sup>th</sup>.

<u>Year</u>	<u>Number of Calls</u>
2008	38
2009	54
2010	35
2011	30
2012	51 (The Fire Department responded to five brush fires associated with fireworks in 2012.)

Keep in mind that these are not the only calls for service the Patrol Division handles during this time; these are only the noise disturbance calls. In the past, the Police Department has taken a fairly lenient stance with illegal fireworks in our community for a few different reasons. The primary reason is time constraints. Officers would be overwhelmed with enforcement actions and the workload associated with enforcing every illegal firework they came across.

*“People Serving People”*

**BRIAN PIKE**  
 CHIEF OF POLICE  
 (208) 735-7210

**MATT HICKS**  
 CAPTAIN  
 ADMIN. SERVICES  
 (208) 735-7204

**BRYAN KREAR**  
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 COMMUNICATIONS  
 (208) 735-7263

Memo to City Council  
RE: Fourth of July / Fireworks Ordinance  
Page Two  
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Typically, Officers are dispatched to or come in contact with people using illegal fireworks. The individuals are ordered to stop their illegal fireworks activity. A second response with the same individuals will generally result in some type of enforcement action.

Over the past several years, the Police Department has witnessed an increase in citizens of our community bringing in illegal fireworks. These fireworks are larger and more extravagant than in years past and commonly look like the ones that professional pyrotechnics use. I believe the cause of this is a loophole in the state statute which allows the sale of all types of fireworks. This code can be found in Title 39 Chapter 26 (6) which states *an exception is provided for the importation, storage, and sale of fireworks for export from this state*. Fireworks vendors in neighboring counties sell all types of fireworks. Vendors require that people purchasing the fireworks sign an acknowledgement that the fireworks being purchased will be taken out of state or not used in this state; all this is done with a wink and a nod. Subsequently, these fireworks make their way back into our community where they are set off. A Twin Falls County and City ordinance outlaws this practice, which is why you don't see them sold within our City.

Some of the terminology used in our City ordinance is outdated and is too explicit in naming specific types of fireworks. An example of the ordinance being outdated is its common reference to the Director of Public Safety. The Director of Public Safety position was eliminated in the early 1990s. The majority of the ordinance was adopted between 1984 and 1987.

The Hazardous Devices Unit (Bomb Squad) of the Police Department has reviewed the ordinance and has recommended amendments that would simplify the terminology and would address the hours for the use of safe and sane fireworks. The amendments will be sent to the City Attorney for review and will be presented to you for your consideration. We do feel that the current fines, which were amended in 2001, are applicable and sufficient.

In the larger picture, this issue is really a community problem rather than an enforcement problem. As you know, the City contributes a sizeable amount of money to the fireworks show each year. Part of the reason for the contribution is to give the citizens of our community an opportunity to see larger pyrotechnics without having to purchase illegal fireworks and setting them off themselves. However, a large segment of our population chooses each year to purchase illegal fireworks in neighboring counties and setting them off in our City. The people that do this are not limited to one segment of our population. It spans all demographics of our community.

From an enforcement standpoint, the Police Department could, in the future, initiate a broad media campaign educating the public regarding local ordinances. Part of that educational message could be that the Police will take stronger enforcement actions with those people found to be setting off, or in

Memo to City Council  
RE: Fourth of July / Fireworks Ordinance  
Page Three  
July 26, 2012

possession of the type of fireworks described in our ordinance. Because of past history with the number of illegal fireworks that are used by our citizens, we would have to schedule a number of Officers to work overtime to take on such an enforcement effort. Typically, when an Officer is able to cite a citizen for illegal fireworks, they also seize the remaining illegal fireworks that the citizen possesses. Those seized fireworks must then be logged into evidence and stored in the fireworks bunker for later destruction by our Hazardous Devices Unit.

Lastly, Vice Mayor Hall has agreed to join me in approaching neighboring counties and asking them to tighten their ordinances associated with the sale and possession of unsafe fireworks.

The Police Department is dedicated to working with our community to ensure a safe Independence Day celebration. If you have any further questions, please don't hesitate to contact me.

Respectfully submitted,



ANTHONY BARNHART  
Captain, Patrol Division

AB:aed



**Date:** Monday, August 13, 2012

**To:** Honorable Mayor and City Council

**From:** Lorie Race, CFO

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**Request:** Continued discussion to consider an increase to the sanitation rates.

**Time Estimate:** 5 minutes for staff recap, plus additional time for Council questions and discussion.

**Background:** During the budget process, we discussed the need to increase water rates 3% and sewer rates 2%. Those have been built into the 2012-2013 budget. The 2013 budget also includes a \$150,000 subsidy in sanitation, thereby limiting the needed increase from 11.8% to only 6.24%, or \$1.02 per month per household.

**Approval Process:** Idaho Code Section 63-1311A states if an entity is proposing to increase an existing fee by an amount that exceeds a 105% of the last fee collected, then that entity must hold a public hearing to allow public comment. **The public hearing was held on August 6, 2012.**

**Budget Impact:** The Fiscal Year 2012-2013 budget contains the anticipated revenues that would be generated by increasing water rates 3%, sewer rates 2% and sanitation rates by 6.24%.

**Regulatory Impact:** None.

**Conclusion:** Staff recommends moving forward with the proposed rate increase to the monthly sanitation fees as presented in the 2013 budget.

**Attachments:** Utility Rate Resolution for fiscal year 2012-2013.

**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	\$357.00
Duplexes, per dwelling unit	\$284.00
Mobile Home Parks, per dwelling unit	\$211.00
Apartments, per dwelling unit	\$284.00

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

Flow, per 1,000 gallons	\$2.376
Biological Oxygen Demand (BOD), per pound	\$.9445
Total Suspended Solids (TSS), per pound	\$.95893

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 \$15.934 for the use of the collection and treatment system, and \$.419 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 \$12.917 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 \$1.557 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 \$15.934 for use of the collection and treatment system, and \$1.029 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 \$15.934 for use of the collection and treatment system, and \$2.262 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 \$15.934 for use Resolution No.

of the collection and treatment systems, and \$1.054 per 1,000 gallons of metered water used each month.

Elementary schools shall pay \$.251 per pupil per month during the school year, but not less than \$15.934 per month. Other schools shall pay \$0.455 per pupil per month during the school year, but not less than \$15.934. 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 \$15.934 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	\$ .419
Biological Oxygen Demand (BOD), per pound	\$ .186
Total Suspended Solids (TSS), per pound	\$ .182

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 \$15.934 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 \$724.70:

Flow, per 1,000 gallons	\$.419
Biological Oxygen Demand (BOD), per pound	\$.186
Total Suspended Solids (TSS), per pound	\$.182

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	\$404.00
1 inch, radio-read	\$583.00
1 ½ inch, radio-read	\$895.00
2 inch, radio-read	\$925.00
4 inch, radio-read	\$4,663.00

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	\$1,097.00
6 inch	\$1,242.00
8 inch	\$1,658.00
10 inch	\$2,344.00
12 inch	\$3,620.00

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	\$630.00
1 inch radio read	\$634.00
1 ½ inch	\$676.00
2 inch	\$735.00
4 inch	\$856.00

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 \$10.121, 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	\$1.607
151,000 to 10,000,000	\$.726
10,001,000 and above	\$.552

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 \$5.88 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 \$0.001866067 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 \$0.001586157 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 \$0.001866067 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 \$ 17.36 per month, unless qualified for the "one-can" rate, which shall be \$9.18 per month. Effective October 1, 2005 the "one-can" rate will not be offered to any additional customer; however, the 76 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 \$17.36 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, 2012. 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,

August 13, 2012  
August 13, 2012

\_\_\_\_\_  
Mayor Greg Lanting

ATTEST:

\_\_\_\_\_  
Deputy City Clerk



Date: Monday, August 13, 2012  
To: Honorable Mayor and City Council  
From: Travis Rothweiler, City Manager

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**Request:**

Continued discussion of the Preliminary Budget for Fiscal Year 2012-2013.

**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:**

The purpose of this agenda is to continue discussion of the Preliminary Budget for Fiscal Year 2012-2013.

On August 6, the Council adopted a preliminary budget maximum amount of \$50,254,478, and set August 20, 2012, at 6:00 P.M. as the date and time for the public budget hearing.

The FY 2013 budget was developed from the conversations with Twin Falls citizens, City Council members, input from department leaders, review of the City's strategic plan, and the City's long-term plan. Budget concepts and funding strategies grew out of many internal conversations, public informational listening sessions and planning meetings. Four primary focus areas were developed. Those areas are: *limit tax collections and corresponding revenues to no more than the statutory maximum allowance and no more than \$1,000,000 of the City's current foregone balance; develop a sustainable, competitive compensation strategy; develop funding solutions to make improvements to our infrastructure systems; and continue to pursue innovative strategies and find more efficient outcomes.*

Limit Tax Collections and Corresponding Revenues – As discussed throughout the City Manager's Budget Message, the recommended budget is balanced with a state statutorily 3% increase. It does not require the use of any of the City's foregone balance, which is \$1,479,700.

Develop a Sustainable Compensation Strategy – This budget includes funding to adjust the City's salary table by 8%, makes adjustments to assist with wage compression in all departments including public safety, and provides an across-the-board adjustment of 2.5% for all employees who meet minimum job performance standards. An 8% adjustment to the salary table does not constitute an 8% compensation adjustment for all employees. Employees that are below market wage for their position will receive the larger increases, while those above the market wage will receive little to no adjustment associated with moving the salary table. Health insurance benefit levels have been adjusted slightly.

Develop Funding Solutions for Infrastructure Systems – The recommended budget for FY 2013 provides increased funding for maintenance and planning activities in the City's Street, Water and Waste Water funds.

Streets Fund – We are recommending increased funding for road maintenance activities from \$930,101 to \$995,000, which represents an increase of \$64,899 or 6.9%. When compared to the appropriation provided in FY 2011, the City has increased the amount of funding it provides to these road maintenance activities by \$445,000, from \$550,000 or by 81%.

Water Fund – We are recommending increased funding levels for both line maintenance and system planning activities. In the Water Fund, we are recommending funding for the Facility Plan Update (\$250,000), engineering design for the Wills Booster Station (\$100,000) and Perrine Point pressurized irrigation station (\$25,000), and upgrades to water mainlines (\$330,000).

Waste Water Fund – We are recommending funding for the Auger Falls effluent project (\$450,000), the Facility Plan Update (\$250,000), routine capital maintenance activities at the waste water treatment plant (\$260,000), and upgrades to sewer mainlines (\$350,000).

Continue to Pursue Innovative Strategies and Find More Effective Outcomes – In our continued pursuit of excellence, we will continue to review our processes beyond the budget conversations. This budget allocates funding to implement the City's new strategic planning objectives, update water and waste water facility master plans, and update development and implement a performance measurement and management system as developed by the International City Management Association's Center for Performance Measurement.

### 2013 Fiscal Year Budget Summary & Overview

Each year, it is the City's goal to provide citizens, businesses and visitors with the highest quality services while minimizing needs for additional revenues. The FY 2013 budget continues to hold the line on new costs with only essential expansion of services to meet the operational needs of the community.

Preparing any fiscal year budget requires close scrutiny of department tasks. The goals and plans discussed in this budget represent a balance of the needs and expectations with available resources. Costs are minimized and the efforts to economize continue. Further increases in services and service levels will require additional sources of revenue. When preparing this budget, we found ourselves emphasizing the same points as in previous budgets. To some it could appear simply as rhetoric. Yet we continue to highlight the same things as we have for the past several years, such as securing appropriate funding to maintain city assets and infrastructure, and ensuring appropriate compensation to our employees.

The total recommended net budget for FY 2013 is \$49,254,478, an increase of \$3,460,436, or 7.56% compared to the 2012 fiscal year adopted net budget of \$45,794,042.

Of the total recommended FY 2013 budget, \$29,536,459 is from the Government Funds and \$19,718,019 is in the non-tax supported funds. In 2012, the City appropriated \$27,857,006 in the Government Fund and \$17,937,036 in the non-tax supported funds.

A total of \$1,183,950 of "cash reserves" is being used to complete one-time capital intensive projects:

- \$560,000 for Street Fund reserves for street projects on Eastland Drive and Cheney Drive
- \$187,000 in Library Fund reserves for a bookmobile and compact shelving
- \$392,000 in Impact Fees for a traffic signal – to be determined after warrant analysis completed
- \$33,800 in Seizures/Restitution Fund for a dual purpose canine, firearms for narcotic detectives, and GPS licenses
- \$11,150 in Park Development Fund reserves for improvements at Harrison Park, Northridge Park, and Centennial Trail

Like years past, this is a fiscally conservative budget. By maintaining an equitable, competitive tax rate, funds will cover essential staffing, operating costs and capital needs. When compared to FY 2012, the recommended budget for FY 2013 has some noteworthy changes. Those changes are the following:

- Total personnel cost will increase from \$18,921,280 in FY 12 to \$20,244,333, or by \$1,323,053 or 6.99%. The recommended FY 2013 budget implements the first of a two-phase plan designed to create a more competitive compensation model. The first phase moves the City's salary table 8%, provides comp-ratio

adjustments to address compression organization-wide, and provides an average performance-based adjustment of 2.5% to competent or better employees.

- Overall operating costs are projected to increase from \$14,056,413 to \$14,809,316 or by \$752,903 or 5.36%. Most significant increases are anticipated electrical costs and contracted services at the City's waste water treatment plant to cover increased operating costs.

Total funding for capital improvements and acquisitions are scheduled to increase from \$8,664,568 to \$9,983,101, or by \$1,318,533 or 15.22%.

The proposed budget has been set for public hearing on August 20, 2012, which is designed to allow citizens the opportunity to provide comments regarding the proposed budget. Also on August 20, 2012, the City Council is scheduled to adopt the budget for the FY 2012-2013 fiscal year.

#### Property Tax Overview & Analysis

For FY 2013, the total taxable value of the City is estimated to be \$2,153,635,346, a decrease of \$161,346,869 or 7% FY 2012's total taxable value was \$2,314,982,215. The decrease over this period of time is a direct result of the lowering of property values in the community.

The estimated tax rate for FY 2013 is 0.007659298 or \$7.66/\$1,000 in taxable value. The tax rate is a multiplier. The tax rate is a product of government spending and the total market value. If government spending increases at a higher rate than the total taxable value, the tax rate increases. If the opposite holds true and the total taxable value grows faster than government spending, the tax rate decreases.

The City of Twin Falls relies on property taxes to raise 56.2% of the net revenue needed to support municipal operations in the Government-Type Funds. The FY 2013 budget incorporates the revenues received from the statutorily allowed three-percent (3%) and new construction value into the revenue stream. It does not require the use of any portion of the City's foregone balance, which is \$1,479,700.

We anticipate total property tax collections for FY 2013 will be \$16,600,943, which is an increase of \$576,187. Of the increase, \$480,743 is derived from the statutory 3% adjustment and \$95,444 from the new construction value. In the 2012 fiscal year, we budgeted to collect \$16,024,756. As illustrated, the largest single source of revenue in the Government-Type Funds is derived from property tax collections.

#### Water Fund – Revenues and Expenditures

The Water Fund supports the following water-related activities: water supply, water distribution, pressurized irrigation, and utility billing. To support each of these functions in FY 2013, we are recommending total system expenditures in the amount of \$9,101,223, an increase of \$395,893 or 4.6% when compared to the total allocation of \$8,705,330 in FY 2012. The FY 2013 recommended budget for the Water Fund calls for a 3% rate increase. The annual cost of the recommended increase to the average water user, defined as a user who consumes 18,000 gallons per month, is \$12.52, or \$1.04 per month.

#### Sewer Fund – Revenues and Expenditures

The Sewer Fund is used to support all waste water services provided by the City of Twin Falls, namely waste water collections and waste water treatment. For FY 2013, the recommended budget calls for the collection of \$7,330,492 in total waste water revenues, which is an increase of \$1,148,792 when compared to FY 2012 Sewer Fund budgeted revenues of \$6,181,701.

For FY 2013, staff is requesting a rate adjustment of 2%, which equals an average increase of \$4.54 annually, or \$0.38 per month, for an "average" user. Like the water fund, we are projecting limited growth in the number of new waste water accounts.

### Sanitation Fund – Revenues and Expenditures

The City's Sanitation Fund supports the City's sanitation and recycling program. The service is provided by PSI and the terms are established by contract. In 2011, and at the recommendation of a citizen's committee, the City added a curb-side, single stream, incentive-based recycling program to its solid waste handling program. To spark interest and participation and slowly incorporate the increased cost of the program, the City Council elected to subsidize the incentive-based recycling program. We have continued this practice for each of the past two fiscal years.

We are recommending the City Council continue the rate subsidy of \$150,000. With the subsidy, the City will need to increase the rate by 6.24%, or \$1.02 per resident per month. Participation in the City's recycling exceeded expectations and was one of the highest rated services offered by the City. Additionally, PSI, the City's contracted solid waste and recycling provider, has requested an increase of 3.5%. This is the first request for an increase since FY 2010.

#### **Approval Process:**

Not Applicable at this time. This is a discussion.

#### **Budget Impact:**

This is the City Manager's recommended budget for the 2012-2013 Fiscal Year.

#### **Regulatory Impact:**

No regulations impact the discussion or budgetary process at this time.

#### **Attachments:**

1. None.