

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
Monday, April 1, 2013
 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 a request to approve the accounts payable for March 19 to April 1, 2013. 2. Consideration of a request to approve the March 4, 2013, City Council Minutes.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Swearing in ceremony for two new Twin Falls Police Department Officers. Request for Mayor Lanting to administer the Oath of Office to Shawn Bybee and David Cushing Presentation of a Level III Crime Scene Investigator Certificate to Community Service Officer Joan Lang. 2. Consideration of a request to select Remotec, Inc., as a sole source supplier for the acquisition of a Hybrid Radio System and Power Supply Kit for use on the Twin Falls Police Bomb Squad ANDROS F6A ROBOT. 3. Public input and/or items from the City Manager and City Council. 4. Executive Session 67-2345(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.	Action/ Presentation Action Action	Brian Pike Greg Lanting Bryan Krear Dan Lewin
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. 1. Request for the Vacation of 50' x 293' dedicated public right of way, aka Desert Rose Drive located north of Ramblin Rose Way in the City's Area of Impact, c/o Rocky and LeAnn Hagan, Robert Dickerson. (app. 2544)	PH	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.*

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, March 4, 2013
 City Council Chambers
 305 3rd Avenue East -Twin Falls, Idaho

4:00 P.M.

Adjourn to Executive Session:

Executive Session 67-2345(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

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 a request to approve the accounts payable for February 26 – March 4, 2013, total: \$1,203,722.93. March 1, 2013, Payroll, total: \$121,469.07 Fire Payroll, total: \$50,331.23 2. Consideration of a request to approve the February 11 and February 18, 2013, City Council Minutes.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan Leila Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to reappoint Jason Derricott to serve a second three year term and Gerardo "Tato" Munoz and Nikki Boyd to a three year term on the Planning & Zoning Commission. 2. Consideration of a request to reappoint Tennille Adams, Tony Brand, and Carl Legg to serve a three year term on the Parks & Recreation Commission. 3. Consideration of a request to accept a portion of Lot 1 Block 1 of Morrison Subdivision from Halene and Neal Morrison. 4. Consideration of a request to receive the Citizens Committee's infrastructure report on the recommendation for improvements to the City's waste water treatment facility and sewer collection lines; and, Consideration and possible action on Ordinance 3048, an ordinance calling for a special revenue bond election for the purposes of submitting to the qualified electors of the City of Twin Falls the question of the issuance of up to \$38,000,000 in revenue bonds for the purpose of providing for the acquisition, construction and improvement of wastewater collection and treatment facilities, and other related improvements, equipment, items and costs. 5. Public input and/or items from the City Manager and City Council.	Action Action Action Action	Rene'e V. Carraway, Dennis Bowyer Troy Vitek Travis Rothweiler
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. 1. Consideration of a request to reconsider conditions placed on an amendment to the WS& V R-6 PRO PUD Agreement #263, approved October 22, 2012.	PH	Rene'e V. Carraway
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.*

4:00 P.M.

Present: Don Hall, Suzanne Hawkins, Greg Lanting via telephone at 5:00 P.M., Jim Munn, Rebecca Mills Sojka, Chris Talkington
Absent: Shawn Barigar
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Zoning & Development Manager Rene'e V. Carraway, Assistant City Engineer Troy Vitek, Parks & Recreation Director Dennis Bowyer, Deputy City Clerk/Recording Secretary Leila Sanchez

Adjourn to Executive Session:

Executive Session 67-2345(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

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

MOTION:

Councilperson Talkington made a motion to adjourn to Executive Session 67-2345(1)(f) as per cited in City Code. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

MOTION:

Councilperson Talkington made an amendment to add Executive Session 67-2345(1)(e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

MOTION:

Councilperson Hawkins made the motion to adjourn to Executive Session 67-2345 (1)(f) and 67-2345(1)(e), as per cited in City Code. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Adjourned to Executive Session at 4:10 P.M.

Reconvened at 5:00 P.M.

5:00 P.M.

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

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATIONS: None

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for February 26 – March 4, 2013, total: \$1,203,722.93.
March 1, 2013, Payroll, total: \$121,469.07
Fire Payroll, total: \$50,331.23
March 4, 2013, Prepay, total: \$100.00
2. Consideration of a request to approve the February 11 and February 18, 2013, City Council Minutes.

MOTION:

Councilperson Munn made a motion to approve the Consent Calendar as presented. 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.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to reappoint Jason Derricott to serve a second three year term and Gerardo "Tato" Munoz and Nikki Boyd to a three year term on the Planning & Zoning Commission.

Zoning & Development Manager Rene'e V. Carraway explained the request.

On February 19, 2013, a selection committee consisting of Mayor Greg Lanting, Councilperson Rebecca Mills Sojka, Councilperson Suzanne Hawkins, and Vice-Chair Lee DeVore of the Planning & Zoning Commission interviewed five applicants. The selection committee submits the following recommendations: Re-appoint Jason Derricott to his 2nd three (3) year term on the Commission and appoint Gerardo "Tato" Munoz and Nikki Boyd to a three (3) year term on the Commission.

Councilperson discussion followed.

Councilperson Talkington made a recommendation to the Councilpersons who served on the committee to provide assurance that with the nominations the Planning & Zoning Commission will have an equal or a broad representation of all aspects of the economics of the Commission.

Mayor Lanting explained that he selected the top two candidates. Nikki Boyd is involved in building and real estate and Gerardo "Tato" Munoz is in the banking industry.

Zoning & Development Manager Carraway explained that Commission members currently serving are in construction, real estate, semi-retired, retired, and employed by KMVT, and are varied in ages.

MOTION:

Councilperson Hawkins made a motion to approve to reappoint Jason Derricott to serve a second three year term and appoint Gerardo "Tato" Munoz and Nikki Boyd to a three year term on the Planning & Zoning Commission. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Consideration of a request to reappoint Tennille Adams, Tony Brand, and Carl Legg to serve a three year term on the Parks & Recreation Commission.

Parks & Recreation Director Bowyer explained the request.

Mayor Greg Lanting, Liaison Shawn Barigar, Chairman Kevin Dane and Dennis Bowyer have reviewed the requests for reappointments.

The Mayor and staff recommend that the City Council reappoint Tennille Adams, Tony Brand, and Carl Legg to the Parks & Recreation Commission.

MOTION:

Councilperson Talkington made a motion to reappoint Tennille Adams, Tony Brand, and Carl Legg to serve a three year term on the Parks & Recreation Commission. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Consideration of a request to accept a portion of Lot 1 Block 1 of Morrison Subdivision from Halene and Neal Morrison.

Assistant City Engineer Vitek explained the request.

The City has pressure sewer mains that bisect the parcel which is located in the fills slope of Addison Avenue. The Morrisons have agreed to dedicate the parcel to the City of Twin Falls which is located adjacent to the Rock Creek Lift Station. This parcel offers no benefit to the Morrisons and is occupied by City utilities.

Staff recommends that the Council approve the request as presented.

Council discussion followed.

MOTION:

Councilperson Talkington made a motion to accept a portion of Lot 1 Block 1 of Morrison Subdivision from Halene and Neal Morrison, subject to the condition of a clean title. 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.

4. Consideration of a request to receive the Citizens Committee's infrastructure report on the recommendation for improvements to the City's waste water treatment facility and sewer collection lines; and, Consideration and possible action on Ordinance 3048, an ordinance calling for a special revenue bond election for the purposes of submitting to the qualified electors of the City of Twin Falls the question of the issuance of up to \$38,000,000 in revenue bonds for the purpose of providing for the acquisition, construction and improvement of wastewater collection and treatment facilities, and other related improvements, equipment, items and costs.

City Manager Rothweiler explained the request.

Co-Chairs Lori Ward and Chris Reid are present to make presentation.

A revised Ordinance was handed out to Council.

Council discussion followed.

Co-Chair Chris Reid explained that on January 11, 2013, thirty-seven members of the community with diversified backgrounds were gathered together for the purposes of advising the members of the City Council on how to fund improvements needed for the City's waste water treatment plant and collection systems. Over the course of nearly two months, members of the committee learned about the current condition of the City's waste water treatment plant and collection system, capital funding options provided for in the Idaho Code, and modern and innovative waste water technologies.

Co-Chair Lori Ward explained that presentations were made to the committee on the technical and financial aspects of the waste water treatment plant improvements. The committee members were asked to provide guidance to the City Council on specific questions. Their collective, unanimous responses are:

1. **Do you recommend the City make improvements to the waste water system at this time?**

Response: Yes.

2. **How do you propose the City fund the improvements?**

Response: Revenue Bond.

3. **How much do you recommend the City spend on the improvements? (Which Phase)?**

Response: \$38 million to cover Phase 1 of the City's waste water treatment plant master plan and areas of the City's collection system.

4. **If a revenue bond is selected as the funding vehicle of choice, what term does the committee recommend (15, 20, 25 years)?**

Response: 20-year, "wrapped" issuance.

5. **If a revenue bond is selected, when do you recommend the City hold the election? May or November?**

Response: May 2013

6. **Do you believe the recommended project scope and proposed technology is in the long-term and best interest of the City and its growth plans?**

Response: Yes

If the bond passes, a residential customer will see a \$5.21 per month increase to the sewer portion of the utility bill to cover the new debt. Industrial users would pay their proportionate share, which amounts to an average increase of 27% for the City's industrial customers.

Council discussion followed.

- Cost of \$5.21 per residential user
- Tested technology of the IFAS and IBBR technology
- Consequences of not moving forward with waste water treatment plant improvements
- Chobani's Development Agreement relating to a flat rate cost
- Industrial User City of Kimberly
- CH2M Hill overhead costs for maintaining improvements
- Why proposing a May election

- Possible prepayment of bond
- Cost to purchase waste water capacity

City Manager Rothweiler explained that the cost per residential owner of \$5.21 is based on actual use and is not a flat rate.

Shawn Moffitt, CH2M Hill, explained that the technology of IFAS has been used since 1980 and currently 600 plants are using the technology.

Bill Leaf, CH2M Hill, explained that the IFAS and NBBR technology has been proven and IFAS will fit within the existing infrastructure.

City Manager Rothweiler explained that staff participated in the selection process of the IFAS and NBBR technology and found the technology to be most effective treatment and cost friendly. Staff will request that CH2M Hill provide a list of references.

The waste water treatment plant is at capacity. If improvements are not made, the city cannot provide service to residential or commercial businesses. Building permits will be issued to those who hold a will serve letter. He explained the importance of remaining compliant with the City's NPDES permit.

In 2003, it was recognized that the City may possibly be running out of water in the community. The lack of water drove the City to not compete in wet industry. The Facility Plan, crafted in 2008, shows that the City can gain an additional one million gallons of capacity by making additional \$3,000,000 expenditure. The \$3,000,000 expenditure was paid for by Chobani. The City negotiated with the State and captured the Sunnybrook Springs rights. It allowed the City the opportunity to take advantage of the agricultural sector.

The City of Kimberly is an industrial user and will pay their proportionate costs.

Shawn Moffitt, CH2M Hill, explained that the improvements would add electrical costs to the plant but he does not foresee a significant increase in operational costs.

City Manager Rothweiler explained that discussions have been made with Chobani relating to the flat rate for waste water as indicated in their Development Agreement. If Chobani chooses to maintain their flat rate, they will pay \$300,000 more this year than they would if they paid per volume unit.

Chris Reid explained that the Committee recommended to hold a revenue bond election in May for the following reasons: Interest rates on a \$38,000,000 bond could increase within a six month period, because of an upcoming election the committee did not want this to become a political issue, and if the revenue bond is passed the process can take up to three years.

City Manager Rothweiler stated that the City cannot prepay the bond and explained the payment process of the debt. The cost of purchasing capacity at the waste water treatment facility is a mathematical driven process based on BOD and TSS, which are measured in pounds. The City accesses a cost for pounds and a cost for flow, which is a uniform rate that is assessed. He continued to discuss the benefits to the city.

Councilperson Talkington made a motion to suspend the rules and place Ordinance No. 3048, entitled:

AN ORDINANCE PROVIDING FOR THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER COLLECTION AND TREATMENT FACILITIES OF THE CITY OF TWIN FALLS, IDAHO; CALLING FOR A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF INCURRING AN INDEBTEDNESS AND ISSUING THE REVENUE BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$38,000,000 TO PAY ALL OR PART OF THE COST THEREOF; ESTABLISHING THE DATE AND TIME OF ELECTION; APPROVING A FORM OF BALLOT AND PROVIDING FOR NOTICE OF THE SPECIAL BOND ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

on first reading by title only.

The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Deputy City Clerk Sanchez read the ordinance title.

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

Recess at 6:16 P.M.
Reconvened at 6:26 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None

Acting Mayor Hall reconvened the meeting and explained the public hearing process.

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

1. Consideration of a request to reconsider conditions placed on an amendment to the WS& V R-6 PRO PUD Agreement #263, approved October 22, 2012.

Zoning & Development Manager Carraway explained the request using overhead projections. She also gave a history on the property by reviewing the details of the staff report.

The City Council is being asked to reconsider their approval of this request from their October 22, 2012, meeting. Staff and the Planning & Zoning Commission recommended that the request be approved as it was at that October 22, 2012, meeting.

Doug Vollmer, applicant, stated that submitted in the PUD process were photographs and site plans of what was envisioned for the project. This included pictures of apartment complexes, office buildings, assisted living, and other various things found in this type of project. In the PUD Agreement some uses require a Special Use Permit, such as apartment complexes and there are some uses that are outright permitted. He does not want to come back through the amendment process each time he has a project on one of the lots that is not outright permitted. For instance, he can have one office building of 14,000 sq. ft. or 16,000 sq. ft. per lot and if he wanted to make two 7,000 sq. ft. or 8,000 sq. ft. office buildings on one lot, he is required to go back through the PUD Amendment process. Right now he does not have to go through the amendment process if he puts in one 14,000 sq. ft or 16,000 sq. ft. office building or an assisted living center. If he were to build two assisted living centers on one lot, he is required to come back through the amendment process, which makes the process redundant. The PUD Amendment is presented to the Planning & Zoning Commission for a public hearing, and then to the City Council for a public hearing.

There is concern from the public that the apartment complex will be low income housing and they want to see what is being proposed. He stated that if he wants to put in a single apartment complex, he is required to go back through Planning & Zoning Commission for a Special Use Permit. He is requesting that he be required to obtain a Special Use Permit if he chooses to do another 50 or 60 unit apartment complex. A Special Use Permit requires a public hearing before the Planning & Zoning Commission. If the Commission approves or disapproves the recommendation, either party can make an appeal to the City Council.

In addition to the original PUD, discussion was made on landscaping and what is envisioned for the project. Staff has the ability to review the proposal and state whether it meets the spirit of the PUD Agreement. The applicant can change the proposal or appeal it to Planning & Zoning Commission and the City Council. Apartment complexes are sensitive, therefore, he did not fight the fact that he is required to go through the Special Use Permit process. He stated that he thought this was understood with staff members prior to the meeting in October. He stated that at the last minute the whole scenario fell apart and he was unable to reiterate to the Council what he wants to do. He stated he was confused and felt so were other council members.

Council discussion followed.

Councilperson Talkington asked the applicant what the difference is between the concept of the Master Development Plan and what is being proposed.

Doug Vollmer stated that he thought he had a project that would allow him to move forward with more than one building on one lot without having to go through the PUD Amendment process, with the exception of apartment complexes.

Acting Mayor Hall opened up the public testimony portion of the hearing.

J.D.May, 2029 Stadium Blvd., representing homeowners at Fieldstone Subd. and his daughter Anne Heider, spoke against the request. He stated that Doug Vollmer's request is the reconsideration of the October 22, 2012, decision of the City Council. The reason appears to be confusion and possible misunderstanding. It is his understanding that when one disagrees with the decision of

the City Council that there is an appeal above that, which is judicial review in district court. In any case there ought to be some new evidence or a change of circumstance that would require the City Council to reconsider a decision that was made four months ago that the people have relied on for that period of time. Legally, there should not be a reconsideration of the request. There should have been a judicial review in district court, and the decision of the City Council should stand. The Planning & Zoning Commission understood the applicant's request on the consideration on the amendment for the entire 20 acres and discussed it at length. If approval had been made for the 20 acres there could be 240 units of residences allowed and up to 60 six-plexes. The Council considered a \$33,000,000 bond because capacity in sewer system has been met. The City cannot attract industry or allow for future development and yet the proposed project runs a risk of having units going in.

The Planning & Zoning Commission and City Council have made it clear to limit the applicant's development of multi-family units to only five acres of the project.

Erika Willsy, 1242 Silvercreek Way, spoke against the request. She stated the following concerns: Ineffective notification process of property owners within 300', excessive development in the area, roads need to be addressed, and the need for fences between schools and developments.

Gerardo Munoz, 1410 Aspenwood Drive, stated that by changing the decision made by the City Council due process has not correctly been followed. He is in favor of the current process that is in place in which the applicant is required to go before the Planning & Zoning Commission and City Council for a public hearing.

Mark Lambert, 1036 Skyline Drive, spoke against the request. He stated that he serves on the Xavier School Board and his children attend the school. He made it clear that he is not speaking on behalf of the Xavier School Board. He stated that whatever is developed in the project will affect the Xavier School. He stated his concerns of excessive traffic and different types of industry.

The public testimony portion of the hearing was closed.

Doug Vollmer stated that multi-family is economic driven and currently the feasibility studies in the community say that Twin Falls can handle 150 individual multi-family apartment units, in which 60 individual multi-family apartment units have been approved. The feasibility study is considered when a lender is looking at financing an apartment complex.

Doug Vollmer stated that the Fieldstone Subdivision is related to his project because of what Brad Wills is planning for the property.

Zoning & Development Manager Carraway stated that she has not received the final plans for the Fieldstone Professional PUD & Subdivision. On overhead projection she showed an amendment that came through as an R-2 several years ago. The developer came back through the public hearing process and made some changes for property along proposed future Cheney and then down Fieldstream Way. The property has a professional overlay and some cottage type single family housing. She stated that she has not received a final agreement at this time. The ordinance that was approved for the property was a zoning action. The zoning was approved as R-2 and an R-4 PRO PUD on a portion of the platted Fieldstone residential subdivision property.

Doug Vollmer stated that to the east of his project is a change from an R-2 project to R-2 or R-4 PUD with Professional Overlay, in which the tone of that will change. The residents present at the meeting are to the east of the location. The residents' impact is minimal with the exception of the person who spoke on traffic. There will be three outlets out of the project. On the west side of the R-6, Creekside will go out to Pole Line Road as projects continue on. There will be an outlet out of Pole Line Road, and an outlet to Cheney and Grandview, which will relieve traffic on College Road. The four way stop sign on Grandview Drive and College Road creates a problem. The PUD he submitted shows all of the uses for the project, required landscaping, and elevations. He stated this is the sixth or eighth public hearing and it is the first time the public has shown up. The project is advertised in the newspaper and property owners within 300' feet are notified.

Council discussion followed.

Councilperson Munn asked what would be required from Mr. Vollmer in the event that he would consider the development of another multi-unit structure in the other four lots.

Zoning & Development Manager Carraway referred to Mr. Vollmer's letter which states; "Multiple buildings are allowed on one lot for the purpose of a residential development under one ownership for Lot 1, Block 1 of the PUD or by Special Use permit for any other Lot within the PUD" and stated staff is concerned that this would allow for a Special Use Permit only and would not require an amendment to the PUD. She clarified that the property is zoned R-6 PUD. R-6 is a residential zoning designation, which allows one building per lot. On overhead projection she showed that when the development plan comes through in an R-6 zoning, one building is

allowed per lot. Any type of development on any one of the lots would take an amendment so it would be easily identified as to what that development would be. R-6 is also limited in land uses. Some of the examples that were submitted through the PUD in 2010 were diagrams of the Locust Grove PUD, in which the property is commercially zoned. There are different kinds of development allowances that were provided for and as far as showing what the development may look like, the diagrams are acceptable, but under a PUD it is required to have a complete Master Development Plan identifying the specific development project. From staff's perspective the concern is not the 85% residential that the amendment allows, but the fact is that there is no further public process before the City Council.

Councilperson Hawkins asked staff to address the waste water issue and the applicant's will serve letter.

City Manager Rothweiler stated that will serve letters can be requested to be modified as long as the pipe in the ground is not changed. The pipes have to support the loadings. Modeling is done by an engineering firm out of the area. Doug Vollmer has not received the modeling results as of yet.

Councilperson Mills Sojka stated that she understood that a PUD Zoning is a zoning district unto itself. Once a PUD is approved it stays with the parcel. An approved PUD does not have to go through the public process if it fits within the limits of the PUD zone. A deviation from the PUD zone requires the applicant to apply for an amendment which would require public hearings before the Commission and the City Council and would require public notification before both public hearings.

Zoning & Development Manager Carraway answered in the affirmative. She explained the legal aspects of a PUD zone. The PUD Zoning is a zoning district unto itself. If there is a PUD that is zoned R-4, it can't be deviated from those uses to allow a commercial building.

Councilperson Munn asked that as the PUD Agreement is written and approved, if Mr. Vollmer would be required to go back through the process if he wants to develop in the other lots. Mr. Vollmer is requesting to amend 4. A. and 4. B. to allow him not to have to go back through the process except for multi-unit apartment complexes.

Zoning & Development Manager Carraway explained that it's not the fact that Mr. Vollmer would like to have more multi-family residential. In an R-6 zone a single lot may have one building under the PUD he would be able to put a single apartment building on each single lot. In discussions with the Field Stream Apartment Complex, they were looking at platting the property and in order to be compliant with the PUD, the applicant would have to address some access issues and site improvements through the subdivision platting. As this was an Amendment, the Council agreed that they could put all the buildings on one lot under the identified plan. This satisfied the PUD land uses and landscaping and development requirements.

Doug Vollmer stated in 2010, he debated with staff and thought it was understood that this would not be in the PUD Agreement.

Zoning & Development Manager Carraway responded stating it has been consistently presented what would not be allowed under the current zoning and that neither staff nor the Commission supported the project without a complete Master Development Plan for each phase of the development.

Acting Mayor Hall closed the public hearing.

Deliberations.

Councilperson Mills Sojka stated that whether there was a disagreement between the city staff and the applicant, the 2010 PUD Agreement was signed by both the applicant and the Mayor. In reviewing the September 25, 2012, Planning & Zoning Commission meeting minutes, and being present at the meeting, Commissioner Gray asked about the amendment applying to the entire acreage and clarified it. The Commission had discussion as to whether the amendment should apply to all 20 acres or should it come back through the Commission and the Council as an amendment. The Commission unanimously agreed with staff recommendations that it should go through the process of a zoning amendment. In the October 22, 2012, City Council minutes, Councilperson Barigar is recorded as asking if the applicant disagreed with staff's recommendations. The applicant responded by stating yes they disagreed and would prefer the recommendations would be applied to the entire 20 acres. No new information has been presented by the applicant that should reverse a decision that was made four months ago.

Councilperson Talkington made a motion to reconsider the conditions of the Amendment of WS& V R-6 PRO PUD Agreement #263, approved October 22, 2012.

Councilperson Talkington asked if the motion was made correctly.

City Attorney Wonderlich stated that the motion should be made in the affirmative to approve the request of the applicant or deny the request of the applicant.

MOTION:

Councilperson Munn made a motion to grant the request made by the applicant. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted against the motion. Failed 6 to 0.

V. ADJOURNMENT: The meeting adjourned 7:24 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



Date: Monday, April 1, 2013, Council Meeting
To: Honorable Mayor and City Council
From: Chief Brian Pike and Captain Bryan Krear,
Twin Falls Police Department

Request:

Swearing in ceremony for two new Twin Falls Police Department Officers. It is requested that Mayor Greg Lanting administer the Oath of Office to **Shawn Bybee** and **David Cushing**.

Captain Krear will be presenting **Community Service Officer Joan Lang** with her Level III Crime Scene Investigator Certificate.

Time Estimate:

The presentation will take approximately ten minutes.

Background:

The Twin Falls Police Department hired two new full-time Police Officers on March 4, 2013.

Shawn Bybee was born in Twin Falls, Idaho. He was raised in Jerome and graduated from Jerome High School.

Shawn joined the United States Marine Corps after graduating from high school and served with Apache Company 3rd Light Armored Reconnaissance Battalion stationed in 29 Palms, California. In September of 2007, Shawn was deployed to Iraq for eight months.

After the end of his enlistment in 2010, Shawn married Mycah Powell and moved to Denver, Colorado. While in Denver, Shawn attended Metropolitan State University.

After two years, Shawn moved his wife and family back to Twin Falls to seek a career in law enforcement and to pursue his education.

David Cushing was born in Richmond, Virginia. He grew up in Caldwell, Idaho, and graduated from Vallivue High School.

Prior to his employment with our Department, David attended Boise State University for the past four years in his pursuit of a Bachelor's degree in Criminal Justice. He played on the Boise State football team for three and one-half years.

On February 1, 2013, **Community Service Officer (CSO) Joan Lang** was awarded her Level III Crime Scene Investigator Certificate. CSO Lang serves in the Criminal Investigation Division as a Property and Evidence Technician. CSO Lang holds a Level II Crime Scene Investigator Certification and has completed 352.75 hours of training specific to crime scene investigation.

Agenda Item for April 1, 2013
From Chief Brian Pike and Captain Bryan Krear
Page Two

Through her personal commitment to better herself through training, CSO Lang has helped the Twin Falls Police Department in achieving its goal of being the best Police Department in the State of Idaho.

Approval Process:

N/A

Budget Impact:

This will not impact the budget.

Regulatory Impact:

N/A

Conclusion:

Chief Pike would like to have the Twin Falls Police Department's two newest Police Officers sworn in before the City Council, with Mayor Greg Lanting administering the Oath of Office on April 1, 2013.

Captain Krear would like to recognize CSO Joan Lang before the City Council for her accomplishment in obtaining her Level III Crime Scene Investigator Certificate.

Attachments:

1. Level III Crime Scene Investigator Certificate – CSO Joan Lang

aed

Twin Falls Police Department

hereby awards the

Level III Crime Scene Investigator Certificate

to

Property and Evidence Community Service Officer

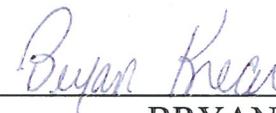
Joan Lang

Criminal Investigation Division

*For having fulfilled the requirements of this certificate as set forth by the City of Twin Falls
on the first day of February, 2013*



BRIAN PIKE
Chief of Police



BRYAN KREAR
Captain, Criminal Investigation Division



Date: Monday, April 1, 2013, Council Meeting
To: Honorable Mayor and City Council
From: Staff Sergeant Dan Lewin, Twin Falls Police Department

Request:

Consideration of a request to select Remotec, Inc. as a sole source supplier for the acquisition of a Hybrid Radio System and Power Supply Kit for use on the Twin Falls Police Bomb Squad ANDROS F6A ROBOT.

Time Estimate:

The staff presentation will take approximately five minutes. Following the presentation, staff anticipates some time will be needed to answer any questions the Council may have.

Background:

The Twin Falls Police Bomb Squad has an Andros F6A hazardous duty robot manufactured by Remotec, Inc. which was purchased over ten years ago through the Homeland Security Grant Program.

The Idaho Department of Homeland Security has awarded grant funding to pay the cost of upgrading the Twin Falls Police Bomb Squad robot with a wireless radio system and power supply kit for communication and control.

Remotec, Inc. is the sole manufacturer of the Andros line of robots and purchasing the wireless system from the same manufacturer would be advantageous due to the compatibility of equipment, components, accessories, replacement parts or service.

At the March 11, 2013, City Council Meeting, Council approved Resolution 1900, declaring that Remotec, Inc. shall be the sole source of a Hybrid Radio System and Power Supply Kit for the Twin Falls Police Bomb Squad's Andros F6A hazardous duty robot and that notice of sole source procurement shall be published in the Times-News at least fourteen (14) calendar days prior to the award of the contract.

In accordance with Idaho Code §67-2808(2), Notice of the above described source procurement was published in the Times-News on March 14, 2013, with continued publication through March 27, 2013.

Staff requests that Council approve the acquisition of the Hybrid Radio System and Power Supply Kit for the Bomb Squad's Andros F6A hazardous duty robot from Remotec, Inc.

The cost of the Hybrid Radio System and Power Supply Kit from Remotec, Inc. is quoted at \$43,825.00. The Idaho Department of Homeland Security has approved the acquisition of this equipment and has approved grant funding to pay for the equipment.

Approval Process:

Idaho Code §67-2808(2) provides that the Council may declare that there is only one (1) vendor if there is only one (1) vendor for the personal property to be acquired. For purposes of this

subsection (2), only one (1) vendor shall refer to situations where there is only one (1) source reasonably available and shall include, but not be limited to, the following situations:

- (i) Where property is required to respond to a life-threatening situation or a situation which is immediately detrimental to the public welfare or property;
 - (ii) Where the compatibility of equipment, components, accessories, computer software, replacement parts or service is the paramount consideration;
 - (iii) Where a sole supplier's item is needed for trial use or testing;
 - (iv) The purchase of mass-produced movies, videos, books or other copyrighted materials;
 - (v) The purchase of property for which it is determined there is no functional equivalent;
 - (vi) The purchase of public utility services;
 - (vii) The purchase of products, merchandise or trademarked goods for resale at a political subdivision facility; or
 - (viii) Where competitive solicitation is impractical, disadvantageous or unreasonable under the circumstances.
- (b) Upon making the declaration that there is only one (1) vendor for personal property, unless the property is required for a life-threatening situation or a situation that is immediately detrimental to the public welfare or property, notice of a sole source procurement shall be published in the official newspaper of the political subdivision at least fourteen (14) calendar days prior to the award of the contract.

Budget Impact:

There is no significant budget impact associated with the Council's approval of this request. Grant funding has been awarded to purchase the system in the amount of 43,825.00

Regulatory Impact:

Approval of the request will allow the City to proceed with the acquisition of a Hybrid Radio System and Power Supply Kit from Remotec, Inc.

Conclusion:

Staff recommends that Council approve the acquisition of the Hybrid Radio System and Power Supply Kit from Remotec, Inc., in the amount of \$43,825.00 to be paid for through the Department of Homeland Security Grant Program.

Attachments:

1. Draft Resolution declaring Remotec, Inc. as a sole source vendor for Hybrid Radio System and Power Supply Kit for Bomb Squad robot
2. Sole source letter – Remotec, Inc.
3. Quote #Q-8914a from Remotec, Inc. for Hybrid Radio System and Power Supply Upgrade Kit

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING A SOLE SOURCE SUPPLIER FOR PURCHASE OF A HYBRID RADIO AND POWER SUPPLY KIT FOR USE ON REMOTEC ANDROS F6A ROBOT.

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

WHEREAS, the Twin Falls Police Bomb Squad has a Andros F6A hazardous duty robot manufactured by Remotec, Inc. which was purchased in 2002 through the Department of Homeland Security Grant Program; and;

WHEREAS, the Twin Falls Police Bomb Squad has been awarded funds through the Department of Homeland Security Grant Program to upgrade the Andros F6A hazardous duty robot with a radio system and power supply unit to provide a wireless mode of communication and control, and;

WHEREAS, The City has investigated sources for radio systems and power supply kits for use on the Remotec Andros F6A robot and has discovered that Remotec, Inc. is the sole manufacturer and distributor of the Andros line of hazardous duty robots and all accessories, spare/replacement parts, including the Hybrid Radio System and Power Supply Kit for use on the Twin Falls Police Bomb Squad's Andros F6A robot which is the paramount consideration for the property to be acquired.

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

Section 1: The Twin Falls City Council hereby declares that Remotec, Inc. shall be the sole source of a Hybrid Radio System and Power Supply Kit for the Twin Falls Police Bomb squad's Andros F6A hazardous duty robot.

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

PASSED BY THE CITY COUNCIL
SIGNED BY THE MAYOR

, 2013.
, 2013.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Northrop Grumman Corporation Information Systems

Remotec
353 JD Yarnell Parkway
Clinton, TN 37716
(865) 483-0228
(865) 483-1436 Fax

Dan Lewin
Twin Falls PD

February 27, 2013

Dear Mr. Lewin,

This letter is to inform you that REMOTEC, Inc., the World Leader in EOD robots, is the sole manufacturer and distributor of the ANDROS line of hazardous duty mobile robots and all accessories, spare/replacement parts, service, or related training. This applies to Q-8914a for a Hybrid Radio and Power Supply Kit, for use on Twin Falls PD Andros F6a serial # 5387-001. REMOTEC's ANDROS F6A robot is one of the most popular units with Police Departments, Fire Departments, SWAT teams, HazMat teams and government agencies in the United States and throughout the world. The ANDROS F6A is used by the FBI Hazardous Devices School in the Robot Course and Basic Course of instruction. Our new COFDM 5 watt Hybrid Radio System (Part Number C2456-8440-XXXXXX) is a patent pending Radio System designed and produced by Remotec exclusively for Mobile robotic platforms and unmanned ground vehicle systems. Some of the benefits and features of the Hybrid Radio include the following:

1. The video receiver uses diversity technology and has 2 independent receivers and antennas.
2. The video frequency modulation is coded OFDM that has proprietary coding that is specifically designed for ground mobile robotics applications.
What is OFDM? OFDM spreads the data to be transmitted over a large number of carriers. The carriers have common, precisely-chosen frequency spacing. This choice of carrier spacing ensures the orthogonality (the "O" of OFDM) of the carriers.
3. It is also specifically designed to deal with Deep Rayleigh fading that occurs in an urban environment.
4. The Hybrid Radio is a "Plug and Play" communications link designed specifically for the Andros robot. The Andros line of robots is designed in a way that allows the operator to choose on scene between 3 different modes of communication... 100 meter tether, 300 meter fiber optics, or the Hybrid Radio system.

Please contact me if I can provide any additional information on the Hybrid Radio and its capabilities.

Sincerely,
Royce Hollman
Customer Support and Training Manager
Remotec
353 JD Yarnell Pkwy
Clinton, TN 37716
865-483-1492 Office
865-483-1436 Fax
royce.hollman@ngc.com



Public Meeting: **MONDAY, APRIL 01, 2013**

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Department

ITEM IV-1

Request:

Request for the Vacation of 50' x 293' dedicated public right of way, aka Desert Rose Drive located north of Ramblin Rose Way in the City's Area of Impact. c/o Rocky and LeAnn Hagan, Robert Dickerson. (app. 2544)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately ten (10) minutes.

Background:

Applicant:	Status: Surrounding Property owners	Size: 50'(+/-) x 315.5 – Approximately 15,775 sq ft
Rocky and LeeAnn Hagan; 3344 East 4050 North, Ramblin Rose Way Robert Dickerson 3348 East 4050 North, Ramblin Rose Way.	Current Zoning: Right of way surrounded by SUI zoned property in Area of Impact	Requested Zoning: Vacation of undeveloped public right-of-way
	Comprehensive Plan: Rural Residential	Lot Count: N/A - RoW
	Existing Land Use: Undeveloped Right-of-Way	Proposed Land Use: Vacate for use as private property
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: SUI Area of Impact; Agricultural	East: SUI Area of Impact; Residential
	South: SUI Area of Impact ; Residential	West: SUI Area of Impact; Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-4, 10-8-4, 10-12-1 through 4, 10-16-1 & 2	

Approval Process:

The Commission shall hold a public hearing and make recommendations on all petitions for vacation of an existing subdivision, plat or part thereof inside or within one mile of the boundaries of the City, or within the City "area of impact", and notice of said public hearing shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of the public hearing to all property owners within three hundred feet (300') of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) consecutive weeks in the official newspaper of the City, the last of which shall not be less than seven (7) days prior to the date of said hearing.

The Council, prior to approving, modifying or denying the vacation, shall conduct a public hearing using the same notice and hearing procedures as the Commission. Whenever public rights of way or lands are vacated, the Council shall provide adjacent property owners with a Quit Claim Deed for the vacated rights of way in such proportions as are prescribed by law.

Budget Impact:

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

Regulatory Impact:

A recommendation of approval by the City Council will allow the applicants to proceed to the Board of County Commissioners with their request. Approval of this request would allow for ownership of the undeveloped public road to be transferred to the adjacent property owners.

History:

Desert Rose Drive was not built during construction of the surrounding subdivision which took place in the summer 2006 - fall 2007. Final acceptance of the subdivision improvements by the City of Twin Falls took place in July of 2007.

Analysis:

This is a request to vacate a platted and dedicated portion of public roadway called Desert Rose Drive located in the Wild Rose Estates Subdivision. Wild Rose Estates was platted and recorded in June 2006. However, the roadway was never developed during the construction of the improvements in the Subdivision; therefore it was never accepted by the Highway District. As the right-of-way is undeveloped and the City has no plans to improve the roadway the adjacent property owners are requesting to vacate the property.

Originally, Desert Rose Drive was platted in order to gain access to the undeveloped property to the north, which is owned by Ken Mulberry. As per code in the event development occurs; access to this property will be required via an alternative route as yet to be determined. This satisfies the need to provide access to the "land locked" parcel to the north of the undeveloped Desert Rose Drive.

We have received letters from the following utility companies: Intermountain Gas, Qwest/Centurylink, Cable One; Twin Falls Canal Company, with the only exception being Idaho Power Company. Each utility company agrees to the vacation with the condition of a 15' utility easement be placed on the vacated roadway which will front onto Ramblin Rose Way (aka 4050 North).

The typical procedure of a vacation is that the area vacated is split evenly between the adjacent property owners. The vacation process requires a public hearing before the Planning and Zoning Commission. After receiving a recommendation from the Commission, the City Council holds an additional public hearing. As this property is within the City's Area of Impact the City Council will make a recommendation on the request. Upon a recommendation by the City Council this request will automatically be scheduled to be heard by the Board of County Commissioners at an additional public hearing. Although the public road was not developed it still comes under the Highway District jurisdiction, therefore, upon a decision by the Board of County Commissioners this request will be scheduled before the Twin Falls Highway District.

On February 26, 2013 the Commission held a public hearing on this request. There were only two persons who spoke, both of which were legal counsel representing the Hagan's & Lance LeBaron, respectively. The Commission unanimously recommended approval of the request, as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to receiving a letter of approval from Idaho Power, and any conditions that may be placed on their approval.
3. Subject to a fifteen foot (15') wide utility easement being recorded for the area of the vacated roadway that fronts Ramblin Rose Way (aka 4050 North)

RECEIVED

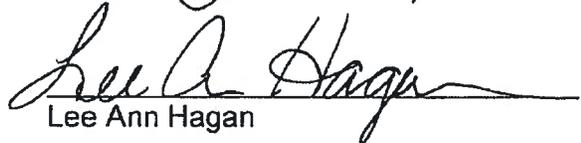
JAN 28 2013

CITY OF TWIN FALLS
BUILDING DEPT.

The undersigned, being the record owners of a house and real property located at 3344 E 4050 N, Twin Falls, Idaho 83301, hereby consent to the vacation of that portion of Desert Rose Drive, Twin Falls, Idaho, that is adjacent to the properties described as Lot 7 in Block 1 (also known as 3344 E 4050 N, Twin Falls, Idaho 83301), and Lot 1 in Block 5 (also known as 3348 E 4050 N, Twin Falls, Idaho 83301), both of which lots are located in Wild Rose Estates Subdivision No. 2, Twin Falls County, Idaho, according to the official plat thereof recorded in Book 20 of Plats, page 34, records of said County Recorder.

DATED this 25th day of January, 2013.

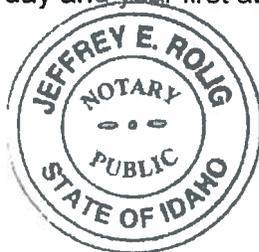

Rocky B. Hagan


Lee Ann Hagan

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 25th day of January, 2013, before me, a Notary Public in and for said State personally appeared ROCKY B. HAGAN and LEE ANN HAGAN, husband and wife, known or identified to me to be the persons who executed the foregoing instrument, and acknowledged to me that they executed the same.

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



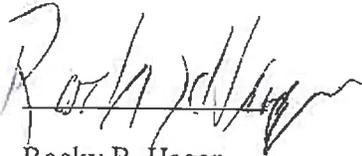

NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, Idaho
Commission Expires: 2.6.18

Staff concurs with the Commission's recommendation.

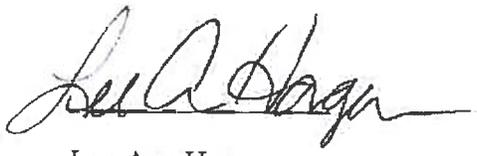
Attachments:

1. Letter of Request from adjacent property owners
2. Zoning - Vicinity Map
3. Site Map
4. Wild Rose Estates Subdivision
5. February 26, 2013 P&Z minutes
6. Photo

I wish to vacate the portion of Desert Rose Drive, Twin Falls, ID that is adjacent to the properties described as; Lot 7 in Block 1 of Wild Estates Subdivision No. 2, Twin Falls County, Idaho, recorded in Book 20 of Plats, page 34, records of Twin Falls County, Idaho also described as 3344 E 4050 N, Twin Falls, ID 83301, Lot 1 in Block 5 of Wild Estates Subdivision No. 2, Twin Falls County, Idaho, recorded in Book 20 of Plats, page 34, records of Twin Falls County, Idaho also described as 3348 E 4050 N, Twin Falls, ID 83301 and the attached exhibit A commonly known as RP10S18E061201A.



Rocky B. Hagan

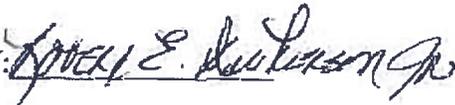


Lee Ann Hagan

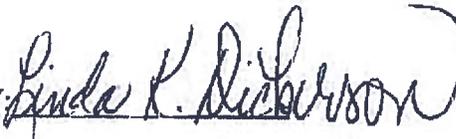
Kenneth Mulberry

Jennifer Mulberry

The Dickerson Trust

BY: 

Robert E. Dickerson, Jr., Trustee

BY: 

Linda K. Dickerson, Trustee

UTILITY EASEMENT
(General Utilities)

THIS UTILITY EASEMENT is made and entered into this day 3rd of January, 2013 by and between, **The Dickerson Trust**, hereinafter called the Grantor, and **Idaho Power Company, CableOne, Qwest/Century Link and Intermountain Gas**, hereinafter referred to as Grantees: **WITNESSETH:** That, for and in consideration of the sum of TEN DOLLARS (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor hereby grants unto the Grantee, its successors and assigns, forever, a **perpetual utility easement for utility purposes that the Grantee may deem necessary**, granting unto said Grantee full and free right and authority to install, construct, operate, maintain, repair, replace and reconstruct said utilities as Grantee may deem necessary over, across, through, in and under that certain parcel of land described as: **The East 15 feet of Desert Rose Drive located in Wild Rose Estates Subdivision No. 2., Twin Falls County Idaho**, recorded as Instrument No. 2006-013757, official records of Twin Falls County, Idaho.

IN WITNESS WHEREOF, GRANTOR, has caused this Utility Easement to be executed in their name, this 3rd day January of 2013

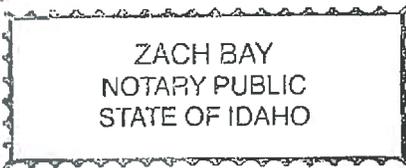
The Dickerson Trust

BY: *Robert E. Dickerson Jr.*
Robert E. Dickerson, Jr., Trustee

BY: *Linda K. Dickerson*
Linda K. Dickerson, Trustee

STATE OF IDAHO)
) ss.
COUNTY OF Twin Falls)

On this 3rd day of January, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert E. Dickerson, Jr. and Linda K. Dickerson, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same as such Trustees.



[Signature]
Notary Public
Residing at: Twin Falls, ID
Commission Expires: 8-15-2017

12/18/12

City of Twin Falls
City Council
Twin Falls, Idaho

Re: Road abandonment-Wild Rose Subdivision

To Whom it May Concern:

We, the undersigned, are the owners of the property that lies directly north of where the roadway is that runs between the Lance LeBaron property and the property owned by Bob Dickerson. We concur with Lance and Bob's request to have the road vacated. In regard to our property that abuts the roadway easement, the city needs to know that we have other land that is contiguous to said property and that in the event we sell, or develop, any of the property located at the north end of Wild Rose Subdivision that we will provide road access for any such property across the other property that we own. We are fully supportive of the abandonment of the roadway.

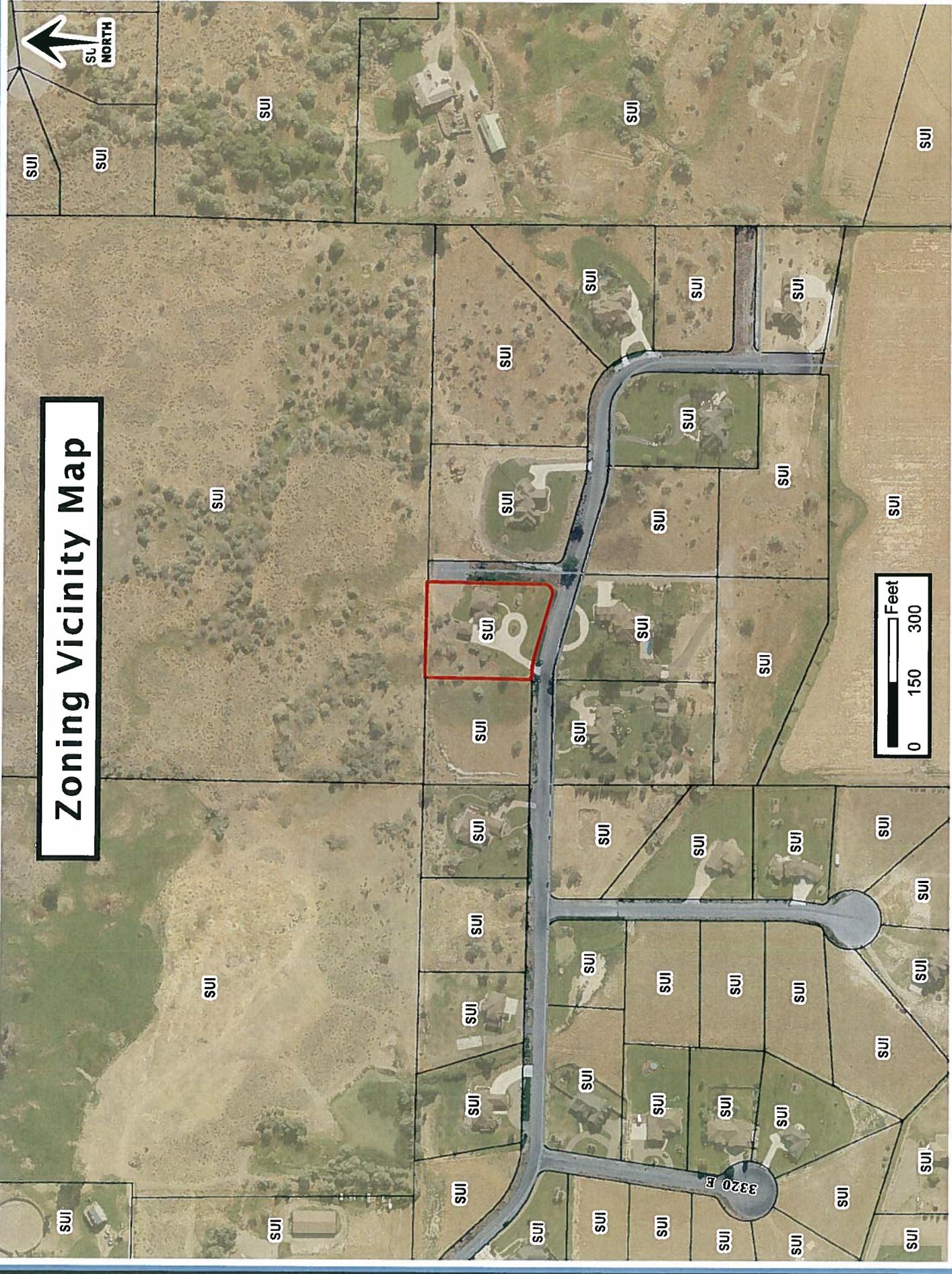
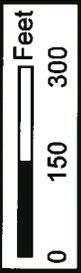
Currently we have no plans to sell or develop the property, that lies north of the Wild Rose Subdivision, as our intent is to keep all of this property intact, at least for the foreseeable future. You are free to contact us if you have any questions or concerns.

Sincerely yours,


KEN MULBERRY


JENNIFER MULBERRY

Zoning Vicinity Map



Site Map



WILD ROSE ESTATES

SUBDIVISION NO. 2

LOCATED IN
IN A PORTION OF
NW 1/4 SE 4, SECTION 6,
TOWNSHIP 10 SOUTH, RANGE 18 EAST,
BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO
2006

Health Certificate

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED BASED ON THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. BUYER IS ADVISED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE SINCE BEEN DEVELOPED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET THE OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

DISTRICT HEALTH DEPARTMENT, REFS
DATE: 5/1/2006

NOTE: SEE SURVEY INSTRUMENT #757669 & #812401 FOR SECTION BREAKDOWN.

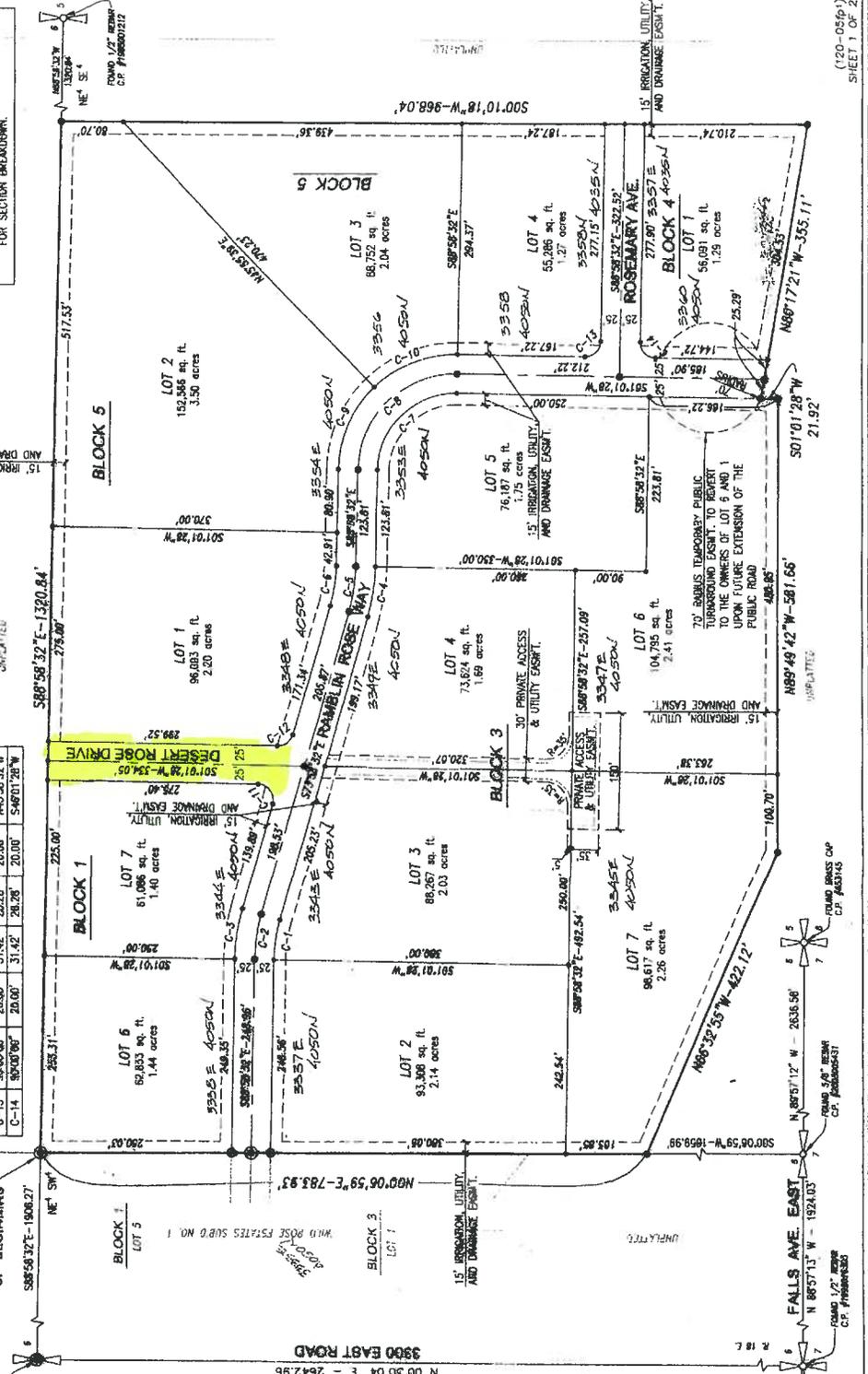
LEGEND

- PROPERTY BOUNDARY LINE
- ROAD CENTER LINE
- LOT LINE
- EASEMENT LINE
- SET 1/2" X 24" REBAR & CAP (LS 1000)
- SET 5/8" X 30" REBAR & CAP (LS 1000)
- FOUND 5/8" REBAR & CAP (LS 1000)

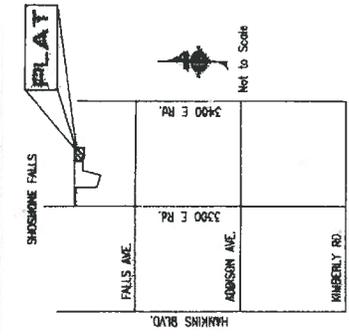
CURVE TABLE

CURVE	DELTA	RADIUS	ARC LENGTH	CHORD	TANGENT	L.C.B.
C-1	15°00'00"	200.00'	52.36'	52.21'	26.33'	N81°28'32"W
C-2	15°00'00"	225.00'	58.90'	58.74'	29.62'	N81°28'32"W
C-3	15°00'00"	250.00'	65.45'	65.28'	32.91'	N81°28'32"W
C-4	15°00'00"	250.00'	65.45'	65.28'	32.91'	N81°28'32"W
C-5	15°00'00"	225.00'	58.90'	58.74'	29.62'	N81°28'32"W
C-6	15°00'00"	200.00'	52.36'	52.21'	26.33'	N81°28'32"W
C-7	90°00'00"	100.00'	157.08'	141.42'	100.00'	N43°56'32"W
C-8	90°00'00"	125.00'	198.35'	178.78'	125.00'	N43°56'32"W
C-9	44°54'11"	150.00'	117.58'	114.57'	61.98'	N68°31'26"W
C-10	40°55'46"	150.00'	118.05'	115.04'	62.26'	N63°31'26"W
C-11	35°28'00"	200.00'	98.65'	97.33'	58.53'	N53°13'26"E
C-12	35°28'00"	200.00'	98.16'	97.35'	58.28'	N53°28'32"E
C-13	30°00'00"	250.00'	81.42'	80.25'	50.00'	N43°56'32"W
C-14	30°00'00"	250.00'	81.42'	80.25'	50.00'	S49°01'28"W

REAL POINT OF BEGINNING



VICINITY SKETCH



SCALE ON SHEET



QUESTION 4 (b)

The vacating of the roadway will, if anything, increase the value of the two adjoining properties since the owners will not have any restrictions on their use of the roadway area. The vacating of the roadway will have no effect on the property to the north, the Mulberry property, as it is currently vacant land and the Mulberry's have no intention to use it for development or residential purposes. The vacating would also have no effect on the other properties in the subdivision as the values of the other properties would remain the same.



MINUTES
Twin Falls City Planning & Zoning
Commission
February 26, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Jason Derricott Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka Suzanne Hawkins

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Derricott
Frank
Grey
Jacobson

ABSENT:

Ihler
Sharp

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. City of Twin Falls Strategic Plan Presentation c/o City Manager Rothweiler and Mike Williams
2. Request for consideration for the placement of a canopy or covering at a food service establishment providing for an outdoor seating area on property located at 705 Blue Lakes Boulevard North, c/o Sizzler Restaurant #650 (app 2555)

IV. PUBLIC HEARING ITEMS:

1. Request for the Vacation of 50' x 293' dedicated public right of way, aka Desert Rose Drive located north of Ramblin Rose Way in the City's Area of Impact c/o Ken Mulberry, Robert E. Dickerson, Jr. & Rocky B. & LeeAnn Hagan (app. 2544)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **February 12, 2013**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

MOTION:

Commissioner DeVore made a motion to approve the consent calendar as presented. Commissioner Frank seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. City of Twin Falls Strategic Plan Presentation c/o City Manager Rothweiler and Mike Williams

STAFF PRESENTATION:

City Manager Rothweiler stated the City has been undergoing a process to develop a City Strategic Plan and that the staff has been working with a local company. The representative for this company has a history as a City Manager and is from this area. As a City we don't focus on profit, but the goal is to provide services to the community. There are several services that we provide and each one is required to function like an independent company. The ability for the city to align and move in one direction to achieve the goals set forth. The strategic plan helps define the path towards achieving the goals. The long term vision will drive the fiscal priorities and those things will be included in the strategic plan. We want to make sure that we internally we are structurally aligned so we can be affective as a team. The time line shows the goals and requires many partnerships. The plan is fairly ambitious and if the vision of the City is to be realized it will require public partnership, and non-profit facilities and other private sector groups. Accountability, transparency and a vision for the City. There are departments with goals and objectives driven by budget and assessment. Performance management to evaluate the department and find ways to improve internally. There have been numerous meetings and public input has been gathered throughout the process. The Community Vision was created from these meetings.

City Manager Rothweiler stated there would be a public meeting to introduce the Strategic Plan to the public in April.

Discussion ensued between City Manager Rothweiler and the Commission. The Commission thanked City Manager Rothweiler for the presentation.

2. Request for consideration for the placement of a canopy or covering at a food service establishment providing for an outdoor seating area on property located at 705 Blue Lakes Boulevard North c/o Sizzler Restaurant #650 (app 2555)

APPLICANT PRESENTATION:

Buster Menchue, representing the applicant, stated they are here to be able to move forward with their building permit. The plan is to provide an outdoor seating area for customers to gather while waiting to be seated inside the restaurant.

STAFF PRESENTATION:

Planner I Spendlove stated that the property is located in C-1 Zoning District and the request is to add an outdoor bench seating area. This area will be at the front door and will provide a place for customers to gather while waiting for service. The building is at the required 35' front yard setback. The request is to allow the seating area to encroach into the 35' front yard setback. City Code 10-4-8.3(D)1 allows for outdoor patio or seating including associated canopies and coverings within the setback if it does not exceed the property line setback of 20' or encroach into the minimum required arterial landscaping. Any outdoor patio or seating area proposed within a required setback must be approved the Planning & Zoning Commission.

Planner I Spendlove stated upon conclusion the applicant are requesting the Planning & Zoning Commissions approval to construct an outdoor seating area with a metal canopy structure within the front setback of their food service establishment. The existing building meets the 35' front yard setback requirement and the proposed outdoor seating area would encroach into this 35' front yard setback but will not be closer than 20' from the property line setback. In addition, the patio area will be connected to the main structure and will require a building permit. It will be considered a permanent accessory structure within 10' of the main building. Should the Commission approve the request, as presented, staff recommends the following conditions:

1. Subject to amendments as required by Buiding, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the applicant obtaining a building permit for construction of the exterior improvements submitted with building permit application #13-37 including the proposed outdoor patio seating and metal covering.

COMMISSION QUESTIONS/COMMENTS:

- Commissioner Frank asked if for clarification as to whether or not this area will be in the arterial landscaping area.
- Planner I Spendlove stated no it will not encroach into this area.
- Commissioner Frank asked the applicant if food will be served in this area or if it is just a waiting area for customers.
- Mr. Menchue stated no it is for an overflow or gathering area for the customers.
- Commissioner Woods asked if there is any concerns with traffic interference if this is approved to be in the setback.
- Planner I Spendlove stated no it will not be a sight obstruction or create any traffic interference.

PUBLIC HEARING: OPEN & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS:

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the applicant obtaining a building permit for construction of the exterior improvements submitted with building permit application #13-37 including the proposed outdoor patio seating and metal covering.

IV. PUBLIC HEARING ITEMS

1. Request for the Vacation of 50' x 293' dedicated public right of way, aka Desert Rose Drive located north of Ramblin Rose Way in the City's Area of Impact c/o Ken Mulberry, Robert E. Dickerson, Jr. & Rocky B. & LeeAnn Hagan (app. 2544)

APPLICANT PRESENTATION:

Lance LeBaron stated that about 4 years ago he submitted for building permit and recently after closing on the house the property was surveyed and found the house was too close to the undeveloped dedicated right-of-way. Because of this a vacation of this road is being requested. The road was not put in at the time of development but was designed to provide access to the property to the north of the lot, for any future development.

The property owner to the north, Ken Mulberry, has no desire to develop at this time, and stated that if he chooses to develop he would provide access. He is not sure there are any other ways to resolve this issue, without vacating the road.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Bohrn clarified with the applicant that the property to the north would not be landlocked if this vacation were approved.
- Mr. LeBaron stated that is correct and explained again that the property owner of the acreage to the north has stated if he decided to develop he would provide access to the property. Everyone is willing to vacate the road.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibit on the overhead and reviewed the history of the property. The road that was not improved at the time of development and has not been accepted by the Twin Falls Highway District, the final acceptance of the plat occurred in July of 2007. The request is to vacate a platted road and a dedicate portion of what is called Desert Rose Drive, located in the Wild Rose Estates Subdivision. As the right-of-way is undeveloped and the City has no plans to improve the roadway the adjacent property owners are requesting to vacate the property. Originally it was platted in order to provide access to the property to the north, that is owned by Ken Mulberry. An agreement has been reached where by in the case were development occurs access to the property to the north will be gained via an alternative route to the east of Wild Rose Estates from 3400 Road East. This agreement satisfies the concern for access. Letters have been received from the

following utility companies: Intermountain Gas, Cableone, Quest/Centurylink, & the Twin Falls Canal Company, each of these entities have agreed to the vacation with the condition that a 15' utility easement be maintained across the vacated roadway that fronts Rambling Rose Way. Idaho Power has not responded to the request. Typically if the vacation is approved the land is split evenly between the adjacent property owners, however in this case the property owners to the east Mr. & Mrs. Dickerson have provided a notarized copy of a 15' public utility easement to be placed on the proposed vacated roadway closest to their current westerly property line.

The vacation process requires a public hearing process with the Planning & Zoning Commission making a recommendation to the City Council. A public hearing will be scheduled for City Council at which time a recommendation will be made by City Council to the Twin Falls Board of County Commissioners who make the final decision, for this vacation because it is in the Area of Impact.

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

1. Subject to amendments as required by Building, Engineering, Fire & Zoning Officials ensure compliance with all applicable City Code requirements and standards.
2. Subject to receiving a letter of approval from Idaho Power, and any conditions that may be placed on their approval.
3. Subject to a fifteen foot (15') wide utility easement being recorded for the area of the vacated roadway that fronts Ramblin Rose Way (aka 4050 North)

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Woods asked about the agreement with the owners to east and north if it is transferable. He is asking because future property owner may not want to provide access.
- City Attorney explained that the property will be sold with access or it won't be developed, because in order for development to occur access has to be provided.

PUBLIC HEARING: OPENED

- Jeff Rolig, representing Mr. & Mrs. Hagan, the individuals that purchased the home. He stated the reason this issue was discovered was when the Mr. & Mrs. Hagan, new property owners began to plant trees and were informed by the neighbor that a roadway is planned where the trees were being planted. At one point on the property the roadway is platted approximately one foot from the house. The problem was discussed without resolution, a lawsuit is pending. This request is really to bail out the builder. His clients are not applicants, but because they are the owners of the property they had to give consent for this process to move forward. Mr. Rolig state he spoke with the

adjacent property owner's to the east and neither party are aware of the recorded easement mentioned in the staff report for a 15' public utility easement. Typically when a roadway is vacated the land is deeded and split evenly between the adjoining property owners.

- Planner I Spendlove clarified the 15' easement for the utilities would be for property along the front of the two parcels and the vacated road between the two parcels. The document referred to by Mr. Rolig is attached in the staff report as attachment #9.
- Jeff Stoker, representing Lance LeBaron, stated this situation evolved from a combination of errors. The home ended up close to the easement and everyone thought it was correctly located. It wasn't until the property was sold that this problem was discovered. The situation can be rectified with this vacation approval. There has not been any suggestion that anyone is wanting to develop the roadway. All of the property owners involved have all agreed they don't want the road developed. Approval of this vacation would be a benefit to everyone involved.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. LeBaron stated that he would never build a house in the wrong location on purpose. He has been working to resolve this issue and he asked that the Commission recommend approval.
- City Attorney stated that the ordinance vacating the right of way would deed one half of the road to the property owners on each side of the road.

DELIBERATIONS FOLLOWED:

- Commissioner Frank stated this request, as presented, on how to deal with this request is fairly straight forward.
- City Attorney explained that this will be a recommendation to City Council, City Council will then make a recommendation to County and they will make a recommendation to the Twin Falls Highway District who makes the final approval.

MOTION:

Commissioner Frank made a motion to recommend approval of the request to the City Council, as presented. Commissioner Woods seconded the motion. All members present voted in favor of the motion. (Commissioner Bohrn abstained from the vote.)

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

1. Subject to amendments as required by Building, Engineering, Fire & Zoning Officials ensure compliance with all applicable City Code requirements and standards.
2. Subject to receiving a letter of approval from Idaho Power, and any conditions that may be placed on their approval.
3. Subject to a fifteen foot (15') wide utility easement being recorded for the area of the vacated roadway that fronts Ramblin Rose Way (aka 4050 North)

PUBLIC HEARING BEFORE THE CITY COUNCIL IS
SCHEDULED APRIL 1, 2013

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

- Zoning & Development Manager Carraway stated she would like to thank Commissioner Jacobson & Commissioner Bohrn for their service. There will be a recommendation to the City Council for the two new Commissioners and reappointment of Commissioner Derricott.
- Commissioner Frank stated he would like to thank Commissioner Bohrn for the many years of dedicated service.
- City Council Mill Sojka stated she would like to thank the Commissioners for their service also.

VI. UPCOMING MEETINGS:

Planning & Zoning Commission Work Session is scheduled for **March 7, 2013**
Planning & Zoning Commission Public Meeting is scheduled for **March 12, 2012**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:15 pm

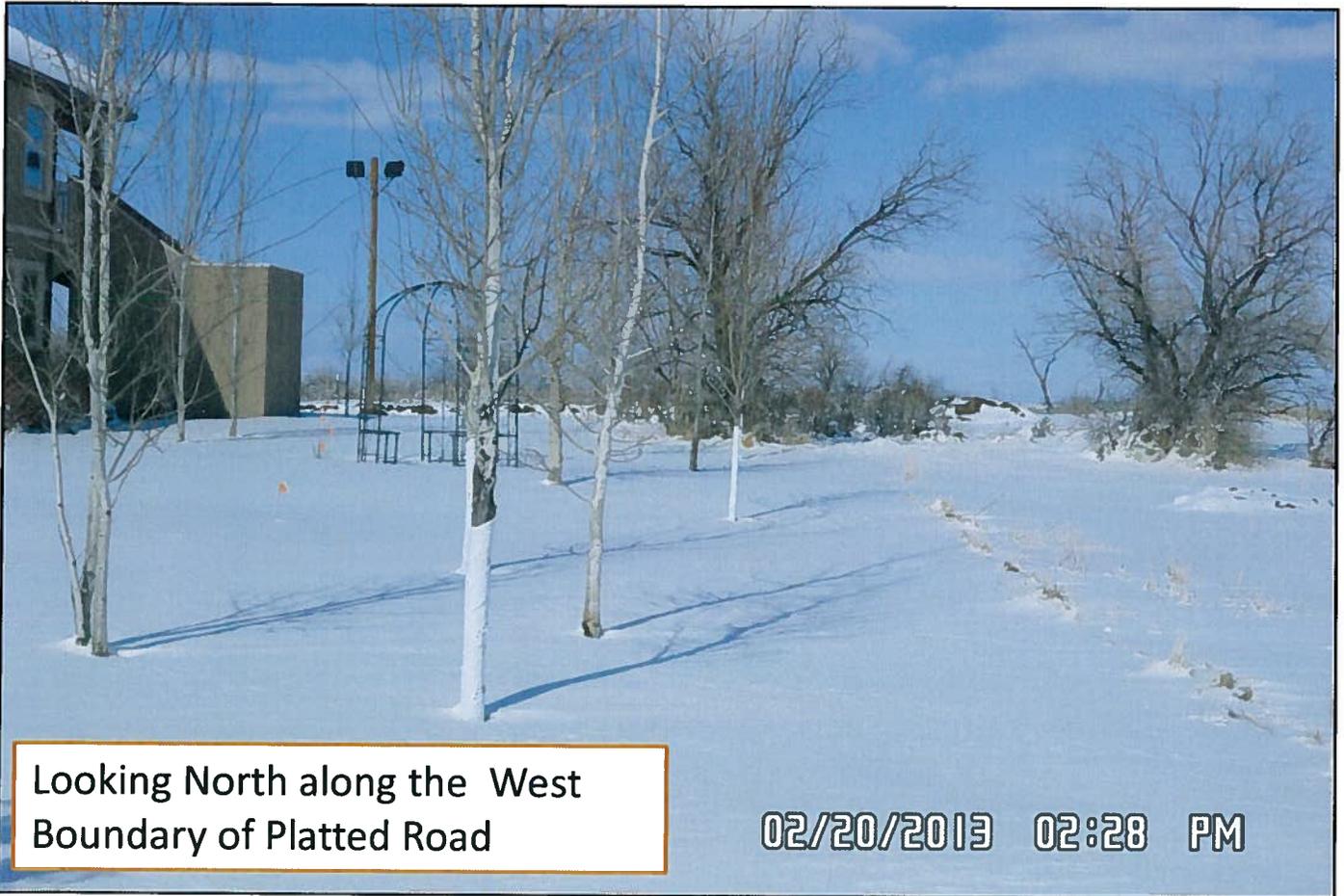
Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



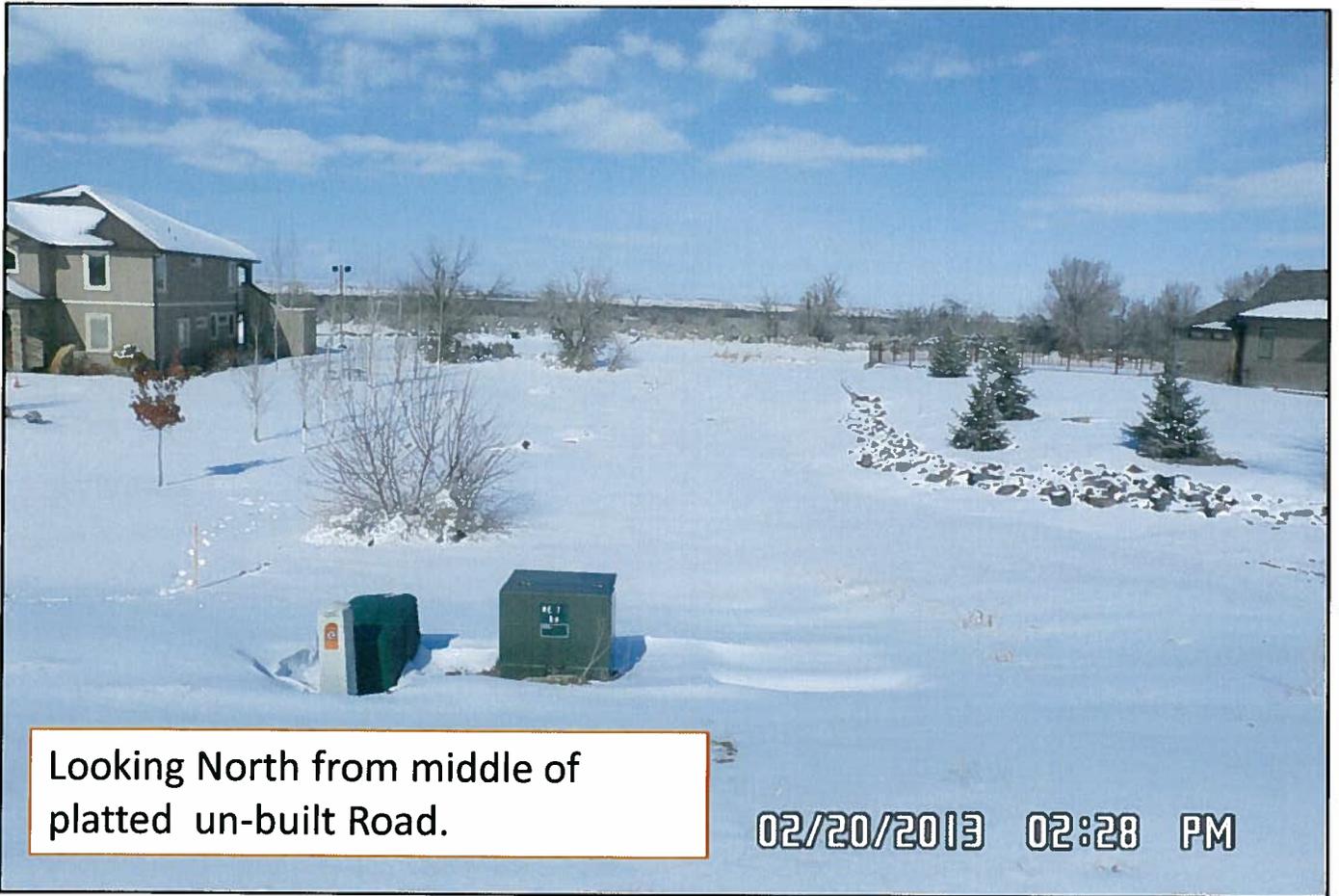
Looking North from Current Road

02/20/2013 02:26 PM



Looking North along the West Boundary of Platted Road

02/20/2013 02:28 PM



Looking North from middle of
platted un-built Road.

02/20/2013 02:28 PM